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# YAKAMA NATION HOUSING AUTHORITY

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## **ELIGIBILITY, ADMISSIONS AND OCCUPANCY POLICIES**

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### **Yakama Nation Housing Authority**

P. O. Box 156  
611 S. Camas Avenue  
Wapato, WA 98951  
(509) 877-6171

*Adopted by YN LEEH CA No. 083-2000 (September 29, 2000)  
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# YAKAMA NATION HOUSING AUTHORITY ELIGIBILITY, ADMISSIONS AND OCCUPANCY POLICIES

## Chapter 1 PURPOSE AND SCOPE

- 100.1 Purpose.** These Eligibility, Admissions and Occupancy Policies (these “Policies”) have been adopted by the Yakama Nation Housing Authority (“YNHA”) Board of Commissioners (the “Board”) to provide direction to the staff of YNHA to follow in administering YNHA’s rental housing, Mutual Help and other programs. This includes determining eligibility, selecting from among eligible applicants, and applying and enforcing standards for continued occupancy.
- 100.2 Scope.** Unless otherwise stated in these Policies or provided by Resolution of the Board, these Policies apply to all YNHA housing programs, including the Low-Income Rental Program, Low-Income Elderly Rental Program, Tax Credit Rental Program, Mutual Help Program, Homeownership Home Repair Program, and Emergency Housing Program. Some of these programs also have program specific policies that must be applied in conjunction with these general Policies.
- A. Low-Income Rental Program. This program provides affordable housing for qualified, Low-Income families. This program offers single-family detached homes (2 bedroom, 3 bedroom and 4 bedroom) on a month-to-month rental basis.
  - B. Low-Income Elderly Rental Program. This program provides affordable housing for qualified, Low-Income, Elderly Families on a month-to-month rental basis (e.g., Wanity Park and Foster Retirement Center).
  - C. Tax Credit Rental Program. YNHA is the General Partner in several Low-Income Tax Credit Partnerships, which were formed to renovate and construct affordable rental housing for qualified Very Low-Income families. In general, YNHA manages these units under the same policies as its Low-Income Rental Program and Low-Income Elderly Rental Program, except that the Tax Credit Rental Program units are subject to particular rules and requirements of the Low-Income Housing Tax Credit program as administered by the Washington State Housing Finance Commission.
  - D. Mutual Help Program. YNHA operates and manages homeownership units that were built under the Mutual Help Homeownership (“Mutual Help”) Program of the 1937 Housing Act. Some Mutual Help homes were built on cluster sites on Tribal land; others were built on scattered sites on individual trust allotments. YNHA leases the land and owns the home during the term of the lease. Each homebuyer has a Mutual Help and Occupancy Agreement (“MHOA”), a type of

lease-to-purchase agreement, with YNHA. When the homebuyer fulfills his or her obligations under the MHOA, YNHA conveys the home to the homebuyer.

- E. Lease-Purchase Program. This program is for lease-purchase units that were not constructed with funds under the 1937 Housing Act (e.g., not Mutual Help homes). The YNHA Lease-Purchase Agreement describes program requirements. Lease-Purchase units may be built with funds under NAHASDA, or with a combination of other private or public funds. Rental units that have been converted to homeownership units also may be covered by this program.
- F. Homeowner Home Repair Program. This program addresses the needs of eligible, Low-Income Families who own homes on or near the Yakama Reservation by funding repairs to their homes, with emphasis on correcting life safety hazards, energy efficiency, sustainability, and cost effectiveness. The overall purpose of this program is to preserve affordable housing on or near the Yakama Reservation. *See also* the YNHA Homeowner Home Repair Program Policies and Procedures.
- G. Elder Home Repair Program. This program addresses the needs of Elderly Families and Disabled Families by providing one-time grants to pay the costs of repairing and rehabilitating homes owned by the families to remove identified health and safety hazards and to make their homes safe, healthy and accessible. *See also* the YNHA Elder Home Repair Program Policy.
- H. Emergency Housing Program. This program provides emergency, temporary housing assistance to Yakama Tribal member households who are in immediate need of shelter because they are homeless (defined to include persons living in unsafe conditions for reasons of domestic violence) or are nearly homeless without financial assistance. *See also* the YNHA Emergency Housing Assistance Program Policy.
- I. Veteran's Supportive Housing (HUD-VASH) Program. This program provides housing and supportive services to qualified veterans at Pahto Village and other YNHA properties. Participants are referred by the U.S. Department of Veterans Affairs ("VA") and must participate in VA case management. *See* the YNHA Veteran's Supportive Housing Program Eligibility, Admissions & Occupancy Policies.
- J. Cháyanin Wapúta Supportive Services Housing Program. This program provides housing and supportive services at Pahto Village. Participants must be homeless or chronically homeless, *See* the YNHA Cháyanin Wapúta Supportive Services Housing Program Eligibility, Admissions & Occupancy Policies.

## Chapter 2 AUTHORITY, ADMINISTRATION & APPLICABLE LAWS

- 200.1 Authority.** The Board has authority to adopt this Policy under Resolution T-94-77 (June 21, 1977), as amended, and is responsible to ensure that any policies that are adopted are appropriate for YNHA. This Policy and any amendments to this Policy shall be effective only upon adoption by Resolution of the Board.
- 200.2 Delegation of Authority.** The Board delegates the responsibility for the administration and monitoring of this Policy to the YNHA Executive Director. The Executive Director may delegate one or more of his/her duties to a YNHA staff member who is competent to perform those duties, provided the delegation is in writing.
- 200.3 Implementation.** The Executive Director will ensure that any procedures or forms that are developed to implement this Policy conform to this Policy. Work performed this Policy shall be at all times in the best interests of the YNHA and in accord with other YNHA policies and applicable laws. Personnel using this Policy are responsible for being familiar with its content.
- 2.004 Applicable Laws.** This Policy shall comply with all applicable laws including, without limitation, the Revised Code of the Confederated Tribes and Bands of the Yakama Nation (“RYC”), as amended, the Native American Housing and Self-Determination Act of 1996 (Pub. Law 104-330), as amended (“NAHASDA”), Section 504 of the Rehabilitation Act of 1973 (Pub. Law 93-112), as amended, and applicable regulations promulgated by the United States Department of Housing and Urban Development (“HUD”) under those statutes. The YNHA Executive Director will periodically review this policy and recommend amendments as necessary to comply with applicable laws, or for other purposes.
- 200.5 Sovereign Immunity.** YNHA hereby expressly affirms its tribal sovereign immunity to suit in any jurisdiction or tribunal and does not waive, alter, or otherwise diminish that sovereign immunity by adopting or implementing this Policy or any other standard, document, or law referenced herein. To the extent any provision of this Policy or other referenced standard, document, or law is inconsistent with the sovereign immunity of the YNHA or the Yakama Nation, such provision is not adopted by this Policy and is declared void, unenforceable, and severable from the remainder of this Policy.
- 200.6 Prior Policies.** This Policy supersedes all prior policies and communications on each covered subject. This Policy is a tool to assist YNHA personnel, and it does not create a contract or promise specific treatment in specific situations. The Board reserves the right to change, cancel or interpret any YNHA policies at its sole discretion and without prior notice.
- 200.7 Other Policies.** Other YNHA Policies may apply and should be consulted and implemented in concert with this Policy.

## Chapter 3 DEFINITIONS

**300.1 Annual Income** means the Annual Income of each member of the household as reported under the Census long-form for the most recent available decennial Census and is used to determine eligibility for YNHA programs.

A. Income includes:

1. Wages, salaries, tips, commissions, etc.
2. Self-employment income.
3. Farm self-employment income.
4. Interest, dividends, net rental income (except as provided in subparagraph B.4 below), or income from estates or trusts.
5. Social security or railroad retirement.
6. Supplemental Security Income, Temporary Assistance to Needy Families, or other public assistance or public welfare programs.
7. Retirement, survivor, or disability pensions.
8. Any other sources of income received regularly, including Veteran's payments (except as provided in subparagraph 2.c below) unemployment compensation, worker's compensation, and alimony.

B. Income does not include:

1. Any amounts not actually received by the family.
2. Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (attributable to underpayments of benefits due for one or more prior months, limited to the first 9 months following the month in which such amount is received).
3. Any amounts received by any member of the family as disability compensation under chapter 11 of title 38, United States Code, or dependency and indemnity compensation under chapter 13 of such title. This relates to amounts received from the Department of Veterans Affairs by a family for service-related disabilities of a member of the family and survivor benefits.

4. Consistent with PL 986-64 and PL 93-134, interests of individual Indians in trust or restricted lands, and interests in per capita that derive from trust or restricted lands, shall not be considered a resource, and up to \$2,000 per year of income received by individual Indians that is derived from trust lands and interests shall not be considered income, in determining eligibility for assistance under federally assisted programs. Generally, per capita interests for which the person receives a Form 1000-Misc., such as Indian gaming distributions, must be included as Annual Income.
  5. Lump sum or periodic payments received by an individual Indian pursuant to the Settlement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.* These payments are statutorily excluded pursuant to the Claims Resolution Act of 2010 (Pub. L. 111-291). This exclusion will apply for a period of one year after receipt of payment. Once a payment is received, that payment is not counted as income or as a resource for a period of one year from the time of receipt of that payment. Payments may not be counted as a part of an individual's income for purposes of determining initial eligibility, ongoing eligibility, or level of assistance.
  6. Other lump sum per capita payments, such as from the proceeds of an agreement between the United States and an Indian tribe settling the tribe's claims that the United States mismanaged monetary assets and natural resources held in trust for the benefit of the tribe by the Secretary of the Interior.
  7. Other federally mandated exclusions from income, as periodically published in the Federal Register by the U.S. Department of Housing and Urban Development ("HUD").
- C. Special rules apply to the income types to be included or excluded when determining eligibility for the Tax Credit Rental Program. *See* the Washington State Housing Commission ("WSHFC") Tax Credit Compliance Procedures Manual, Chapter 5, and Appendix N, HUD Handbook 4350.3, referenced therein.

**300.2 Adjusted Income** means the Annual Income that remains after adjusting for certain factors and is used to establish the monthly payment: The following income is excluded in calculating adjusted income:

- A. Youths, Students, and Persons with Disabilities: \$1,000 for each member of the family residing in the household (other than head of the household or the spouse of the head of household), who is
  1. Less than 18 years of age; or
  2. 18 years of age or older and a person with disabilities or a full-time student.

- B. Elderly and Disabled Families: \$1,000 for an Elderly Family or Disabled Family.
- C. Medical and Attendant expenses: The amount by which three percent (3%) of the annual income of the family is exceeded by the aggregate of
  - 1. Out-of-pocket, documented medical expenses, in the case of an Elderly Family or Disabled Family; and
  - 2. Reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with a disability, to the extent necessary to enable any member of the family (including a member who is a person with a disability) to be employed.
- D. Childcare Expenses: Out-of pocket, documented childcare expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education.
- E. Earned Income of Minors: The amount of any earned income of any member of the family who is less than eighteen (18) years of age.
- F. Travel Expenses: Expenses for extensive travel (in excess of sixty-five (65) miles per week), for employment-related or education-related purposes, not to exceed \$40 per family per week or \$2,080 per household per year
- G. Tenant Empowerment Program: Earned income from participation in the Tenant Empowerment Program.

**300.3 Criminal Activity** means unlawful activity that YNHA determines threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, or by persons residing in the immediate vicinity of the premises, or that YNHA determines threatens the health or safety of any employee, contractor, or agent of YNHA.

**300.4 Criminal Street Gang** means an ongoing formal or informal organization, association or group of three (3) or more persons having as one (1) of its primary activities the commission of one (1) or more criminal acts, having a common name or identifying sign, color, or symbol and whose members or associates individually or collectively engage in or have been engaged in a pattern of criminal street gang activity

**300.5 Criminal Street Gang Activity** means the commission of or solicitation, conspiracy or attempt to commit two or more criminal offenses (or what would be a criminal offense if an adult) involving violence, illegal drugs, firearms, burglary, vehicle theft malicious harassment, intimidation, coercion, or malicious mischief, on separate occasions within a three (3) year period.

**300.6 Descendant** means a lineal descendant of a member of a federally-recognized Indian tribe.

- 300.7 Disability** means, subject to certain exclusions, a physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment, consistent with the definition of “handicap” under Section 504 of the Rehabilitation Act of 1973.
- 300.8 Disabled Family** means a family whose family composition includes a person with a disability, and includes a person with a disability living alone or living with one or more persons who are essential to his or her care or well-being.
- 300.9 Drug-Related Criminal Activity** means the illegal manufacture, sale, distribution, use of, or possession with intent to manufacture, sell, distribute, or use, a controlled substance, as defined in the Controlled Substances Act, 21 U.S.C. § 802.
- 300.10 Elderly Person** means a person who is at least 55 years of age..
- 300.11 Elderly Family** means a family whose head (responsible person), or his or her spouse, or whose sole member is an Elderly Person. This includes two or more elderly persons living together.
- 300.12 Extended Family** means a family that extends beyond the nuclear family of husband, wife and children, to include grandparents, aunts, uncles, and other relatives.
- 300.13 Family** means one or more persons, with or without children, such as an Elderly Family, a Near-Elderly Family, or a Disabled Family.
- 300.14 Federally-Recognized Indian Tribe** means a tribal entity on the current list of “Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs,” as published in the *Federal Register*, and includes the Yakama Nation.
- 300.15 Formula Area** means the geographic area in which YNHA may expend Indian Housing Block Grant (“IHBG”) funds to provide housing services, and includes the Yakama Reservation and off-Reservation Yakama trust lands; the Counties of Klickitat, Grant, Yakima and Skamania; the Towns of Wenatchee and Ellensburg (all within the State of Washington); and the Community of Celilo Village in the State of Oregon.
- 300.16 HUD** means the United States Department of Housing and Urban Development.
- 300.17 Indian** means as defined in NAHASDA, any person who is a member of a federally-recognized Indian tribe. As used in this Policy, the terms Indian and Native American are interchangeable, and mean an enrolled tribal member.
- 300.18 Indian Area** means the area within which the YNHA operates affordable housing programs or is authorized by the Yakama Nation to operate affordable housing programs.

- 300.19 Indian Family** means a family in which the head of household, or sole member, is Indian.
- 300.20 Low-Income Family** means a family whose Annual Income does not exceed 80% of Median Family Income, with certain exclusions from income, as allowed by applicable law.
- 300.21 Median Family Income** means the higher of national or local area median family income on an annual basis, as determined by HUD, for the applicable Indian Area.
- 300.22 Useful Life** means the period determined in accordance with the YNHA Useful Life Policy and NAHASDA during which time a residence assisted with NAHASDA funds will be occupied only by a low-income family. For specific provisions, consult the YNHA Useful Life Policy.
- 300.23 Very-Low-Income Family** means a Low-Income Family whose Annual Income does not exceed the income thresholds established for a particular Low-Income Tax Credit project and/or unit. For example, the regulatory agreement for a particular project may specify percentages of the units that must be rented to families with an Annual Income that does not exceed 60%, 50%, 40% or 30% of Median Family Income.
- 300.24 Veteran** means a person who was separated from active duty in the armed forces, with an honorable discharge or under honorable conditions, as verified by a Form DD-214.
- 300.25 Yakama Nation** means the Confederated Tribes and Bands of the Yakama Nation. YNHA was established by Resolution of the Yakama Tribal Council and is the Tribally-Designated Housing Entity of the Yakama Nation, on whose behalf YNHA receives funds under the IHBG program.

## Chapter 4 ELIGIBILITY STANDARDS

- 400.1 All Programs.** All applicants for YNHA housing programs must meet the following eligibility requirements:
- A. Qualify as an Indian family, or qualify for an exception under paragraph 400.3.  
*Note:* The applicant's spouse and other members of the household are not required to be Indian; however, a non-Indian may not sign as head of household or homebuyer.
  - B. Have an Annual Income that meets the income eligibility standards for participation in the program for which the applicant applies, or qualify for an exception under paragraph 400.5.

- C. Be eighteen (18) years of age or older, or at least 16 years of age with a court order documenting status as an emancipated minor.
- D. Provide a complete and documented application, which may include Tribal enrollment cards, Certificates of Degree of Indian Blood (“CDIB”), Social Security cards (for family members six (6) years of age or older), driver’s license, birth certificates, pay stubs, bank statements, Social Security award letter, TANF award letter, pension benefit statements, custodial parent verification (such as a Court order) and such other information and documentation as YNHA may require to determine eligibility and calculate payments.
- E. Sign all forms (every occupant eighteen (18) years of age or older), including Consent for Release of Information to YNHA and HUD Form 9886.
- F. Agree to use the housing as their principal residence.
- G. Agree to comply with relevant public assistance program requirements, such as Temporary Assistance to Needy Families, Work First, and the Federal Emergency Management Act.
- H. Be able and willing to meet all financial and other obligations of participation in the program, including but not limited to being responsible to pay administrative fees, qualifying and paying for utilities, keeping up required maintenance, completing any required pre-occupancy orientation program, and any other YNHA requirements. YNHA may require applicants to document that they qualify for a service account by submitting documentation from a utility provider.

**400.2 Program Specific Requirements.**

- A. Low-Income Elderly Rental Program. To be eligible for admission into the Low-Income Elderly Rental Program (e.g., Wanity Park and Foster Retirement Center), an applicant must be an Elderly Family, as defined in these Policies.
- B. Tax Credit Rental Program. To meet funding and regulatory requirements, Tax Credit units generally must be rented to Very-Low-Income Families. To be eligible for an available unit, the applicant must have an Annual Income that does not exceed the applicable income level for the building or unit. Special rules may apply in calculating income for eligibility purposes (*see* subparagraph 300.1.C).
- C. Mutual Help Program. To be eligible for the Mutual Help Program, applicants must:
  - 1. Agree to participate and fully cooperate in any required homebuyer counseling and/or training.

2. For a Mutual Help unit on a scattered site (individual allotment), applicants must present acceptable proof of land ownership (Deed to Restricted Indian Land, Certified Title Status Report). Successors who do not own the land may enter into an MHOA, but may be subject to a claim by the landowners to the house upon conveyance.
- D. Homeowner Home Repair Program. Applicants must present acceptable proof of land ownership as described in subparagraph 400.2.C.1., and also must enter into an agreement to ensure that the dwelling remains affordable housing for the affordability period. *See also* the YNHA Homeowner Home Repair Program Policy and the YNHA Useful Life Policy.
  - E. Lease-Purchase Program. The YNHA Lease-Purchase Agreement describes program requirements, which include land title, a lease, homebuyer payments, insurance, and other requirements. Participants must agree to participate and fully cooperate in any required homebuyer counseling and/or training.
  - F. Elder Home Repair Program. Applicant must be an Elderly Person or a Disabled Family. Elderly Applicant must present acceptable proof of land ownership as described in subparagraph 400.2.C.1, and also must enter into an agreement to ensure that the dwelling remains affordable housing for its “useful life.” *See also* the YNHA Elder Home Repair Program Policy and the YNHA Useful Life Policy.
  - G. Emergency Housing Program. The household must be determined to be Homeless or Nearly Homeless and provide the necessarily documentation. *See also* the YNHA Emergency Housing Assistance Program Policies.
  - H. Veteran’s Supportive Housing (HUD-VASH) Program. Participants are referred by the U.S. Department of Veterans Affairs. *See* the YNHA Veteran’s Supportive Housing Program Eligibility, Admissions & Occupancy Policies.
  - I. Cháyanin Wapíita Supportive Services Housing Program. Participants must be homeless or chronically homeless, *See* the YNHA Cháyanin Wapíita Supportive Services Housing Program Eligibility, Admissions & Occupancy Policies.

### **400.3 Essential Families and Law Enforcement Officers.**

- A. Essential Families. In unusual cases, YNHA may decide to provide housing assistance pursuant to NAHASDA for a family (Indian or non-Indian) on the Reservation or within the Indian Area, if the YNHA determines that the presence of that family on the Yakama Reservation or in the Indian Area is essential to the well-being of Indian families, and the need for housing for the family cannot reasonably be met without such assistance. Examples of essential families include teachers, health care providers, and other professionals whose services are needed in the community. The Executive Director will make such a determination on a

case-by-case basis based on relevant documentation.

- B. Law Enforcement Officers. YNHA may provide housing or housing assistance through affordable housing activities assisted with grant amounts under NAHASDA for a law enforcement officer on the Yakama Reservation or in the Indian Area, if
1. The officer is employed on a full-time basis by the Yakama Nation or another unit of government (federal, state, county, local or tribal) and is sworn to uphold, and make arrests for, violations of federal, state, county, or tribal law; and
  2. YNHA determines that the presence of the officer on the Yakama Reservation or in the Indian Area may deter crime.

For units in the Tax Credit Rental Program, a Common Area Unit may be occupied by a security officer if it is reasonably required by the development. For a definition of a Common Area Unit, see WSHFC Tax Credit Compliance Procedures Manual, Chapter 2.

#### **400.4 Disqualifying Factors.**

- A. The YNHA will disqualify an applicant for any YNHA program if it is determined during the application or verification process that the applicant or a household member:
1. Abandoned a YNHA unit or was terminated from a YNHA unit within the last three (3) years.
  2. Has been convicted of three (3) or more violent or drug-related felonies.
  3. Has been convicted of a felony and sentenced or released from prison within the last five (5) years, provided that a person may be considered after three (3) years if he or she is complying with probation requirements and either attending school or gainfully employed.
  4. Owes an unpaid debt to YNHA for any reason, and does not repay the debt or sign a Payback Agreement.
  5. Caused or permitted damages of over \$500 in repair charges, cleaning, or painting on YNHA property within the last five (5) years, and does not pay for the damages or sign a Payback Agreement.
  6. Has engaged in Criminal Activity involving acts or threats of physical violence to persons or property (includes attempted burglary), or Drug-related Criminal Activity;

7. Is required by law to register as a sex offender.
  8. Tests positive on a drug or alcohol test (refusal to test or to retest within 24 hours is treated as a positive result); provided that the applicant may reapply within six (6) months;
  9. Has engaged, or is engaging, in other conduct that the YNHA determines poses a threat to the health, safety, or peaceful enjoyment of their premises by other housing program residents, or other persons residing in the immediate vicinity. This includes current illegal drug use. It also may include disturbance of the peace, failure to maintain the home, unlawful activity including criminal gang-related activity, or other similar conduct.
- B. If head of household is not disqualified, but a member of the household is disqualified, then the application may still be considered if the disqualified person is removed from the application; however, it may change the preferences and priorities that that apply to the application (see paragraph 600.4) An applicant who owes an unpaid debt to YNHA may sign a Payback Agreement or have the application moved to the bottom of the YNHA Waiting List until the debt is paid in full.
- C. Disqualification under this section may not be based on rumor and innuendo, but must be supported by documented evidence, such as by reports, letters, memoranda, and records of interviews with reliable sources (e.g., landlords, employers, court records, police departments).
- D. Disqualification based on criminal convictions will be based on information from law enforcement agencies (such as police departments, state repositories for criminal history records, or information from the National Crime Information Center). Criminal history information will be used only for the purpose of determining eligibility (or continued eligibility) for YNHA housing, and will not be disclosed to any person except YNHA upper level managers, authorized agents, and staff who have a job-related need for access to the information. For judicial eviction proceedings, disclosures may be made to the extent necessary.
- E. If the YNHA determines at any time that any person in the household has made a false or fraudulent statement in the application documents, that shall be grounds for immediate disqualification of the application, and shall also subject that person to the penalties provided by law (U.S. Code, Title 18, Section 1001).
- F. Under certain limited circumstances, the Executive Director may waive a disqualifying factor, if the request for waiver is made in writing, with supporting documentation. A decision to waive a disqualifying factor will be based on the nature and severity of an offense and the surrounding facts and circumstances and will be documented by the Executive Director.

#### **400.5 Income Eligibility**

- A. Low-Income Requirement. Except as otherwise provided in these Policies, participation in YNHA programs is limited to Low-Income Indian Families.
  
- B. Non-Low-Income Families. A family that is not a Low-Income Family may receive housing assistance under the following conditions:
  - 1. The family was a Low-Income Family at the following times:
    - a. At the initial occupancy of a rental unit (subject to any specific Tax Credit Program requirements);
    - b. At the time the Mutual Help and Occupancy Agreement was signed;
    - c. At the time of purchase of existing housing.
  - 2. The family received a Mutual Help unit through a transfer of the unit from a family member or household member.
  - 3. The family is determined to be an essential family in accordance with subparagraph 400.3.A.
  - 4. Subject to subparagraphs 400.5.C. and D., there is a need for housing for the family that cannot reasonably be met without such assistance. This includes law enforcement officers under subparagraph 400.3.B. who do not qualify as a Low-Income Family.
  
- C. Ten Percent Rule. YNHA may use up to 10% of the amount planned to be expended in any program year for families whose Annual Income falls within 80% to 100% of Median Family Income without the approval of HUD. HUD approval is required in order for YNHA to use over 10% of the amount planned to be expended in any program year for non Low-Income families or to assist any family with Annual Income of over 100% of the Median Family Income. HUD approval will be obtained by submitting a proposal to operate a model housing activity in the Indian Housing Plan or by an amendment to the Indian Housing Plan. *Note:* The Ten Percent rule does not apply to families described in subparagraphs 400.5.B.1., B.2. or B.3.
  
- D. Limitations on Assistance. Except for families described in subparagraphs 400.5.B.1., B.2 and B.3, families who are not Low-Income families may not be provided the same benefits as are provided to Low-Income Families. The amount of assistance a family that is not a Low-Income Family may receive is determined as follows:

1. The rent (including homebuyer payments under a lease purchase agreement) to be paid by a non Low-Income Family cannot be less than: (Income of non Low-Income Family/Income of family at 80 percent of median income) × (Rental payment of family at 80 percent of median income), but need not exceed the fair market rent or value of the unit.
2. Other assistance (including down payment assistance, to a non Low-Income Family) may not exceed: (Income of family at 80 percent of median income/Income of non low-income family) × (Present value of the assistance provided to family at 80 percent of median income).

## Chapter 5 VERIFICATION AND NOTIFICATION

**500.1 Verification.** YNHA verifies information from applicant families to confirm that they meet program and income eligibility requirements and that they qualify for preference points or priorities, and to determine the appropriate-sized unit and the amount of rent to be charged. YNHA also verifies information supplied by current tenants as necessary for recertification or to confirm or document a change.

- A. Applicants and current participants must provide any documents that YNHA may need to verify income and eligibility information. YNHA may verify any information concerning an application or a change, and may request whatever documentation is needed to verify such information, consistent with reasonable expectations of privacy.
- B. Applicants and participants must disclose complete and accurate Social Security numbers for the applicant and each member of the household. For newborns, Social Security numbers may be provided within six (6) months after occupancy. Verification is a Social Security card. Other documents that may be requested include a driver's license, a Medicaid or Medicare card, an identification card issued by an insurance company, benefit award letters, retirement benefit letters, life insurance policies or court records.
- C. Applicants must be enrolled tribal members and must provide copies of their tribal enrollment cards for purposes of eligibility. All applicants and household members also must provide copies of enrollment cards or Certificates of Degree if Indian Blood (CDIB) for purposes of Indian and/or Tribal preference under paragraph 600.4 of this Policy..
- D. Applicants and household members over age eighteen (18) must sign forms to authorize release of pertinent information about their application to the YNHA. This will include HUD Form 9886. To the extent relevant, this also may include a signed medical release for medical provider(s).

- E. YNHA staff will obtain and document in the file independent third-party verification of income and/or expenses by directly contacting the individual income/expense sources supplied by the family. YNHA will verify the following factors, or document in the file why third-party verification was not available:
  - 1. Reported family annual income.
  - 2. Value of assets.
  - 3. Expenses related to deductions from annual income
  - 4. Other factors that affect the determination of adjusted income or income-based assistance.
  
- F. Verification may be obtained from federal (BIA, FBI, FTA, INS, etc.), state and local agencies, employers, credit bureaus, and other relevant sources of information about earned income, unemployment compensation, welfare benefits, social security benefits, pensions, child support, medical expenses, and other such information. Third party verification may be done by mail, telephone, email or fax, but should always be documented by YNHA staff in writing.
  
- G. If third-party verification cannot be obtained, the YNHA may accept an affidavit describing sources and estimated amounts of income certified by the applicant, his/her employment, or in the case of a re-examination, by the homebuyer. This method is a last resort and YNHA staff must document why third-party verification was not available.
  
- H. All verification entries are to be made in ink or typed. Corrections or changes may be made by lining through the original entry and entering the correct data. Any and all changes are to be dated and initialed by the person recording the change and the reason for such change must be noted.

**500.2 Establishing the Monthly Payment.** YNHA establishes a monthly payment based on the adjusted income of the family. Under NAHASDA, the rental or homebuyer payment of the low-income family may not exceed 30 percent of the family's adjusted income. In appropriate circumstances, YNHA may consider adopting an annual payment schedule that accommodates wide fluctuations in required monthly payments due to seasonal conditions, provided the schedule does not cause the payment to exceed 30% of the family's adjusted income.

**500.3 Notification.** Following verification of an application, YNHA notifies the applicant promptly, in writing, of its eligibility determination and that he/she has ten (10) calendar days to accept the offer.

- A. If the applicant is determined to be eligible for the housing program and
  - 1. If there is an appropriate-sized unit available, then YNHA notifies the applicant of the steps that need to be taken to accept the offer of housing.

2. If there is no appropriate unit available, then YNHA notifies the applicant that his or her name will be placed on the Waiting List. The notification advises the applicant to update the application every six (6) months, and does not specify the applicant's position on the Waiting List.
- B. If the applicant is determined not to be eligible for the housing program, then YNHA notifies the applicant of the adverse decision, the reason for the decision, and the applicant's right to file a grievance if the applicant disagrees with the decision.
- C. YNHA may review or revisit its initial eligibility determination at any time, and should reconsider the determination if there is any information tending to suggest that the applicant and/or his or her household is no longer eligible for the housing program.

**500.4 Available Units.** Notifications of available units are sent out as soon as the YNHA Maintenance Department notifies the Occupancy Department that the unit is available for occupancy. Eligibility to participate in a housing program is determined at the time the unit becomes available and when the rental agreement or lease-purchase agreement is signed.

**500.5 Rejection or No Response.** If an applicant is notified that he or she has been selected for a unit, is given ten (10) calendar days to accept the offer, and rejects the offer, or fails to contact YNHA or to accept the offer on or before the deadline, then the applicant's name will be moved to the bottom of the Waiting List. YNHA will take into consideration requests of applicants to be placed at certain locations, but the offer may be at a different location than requested. An applicant whose name is moved to the bottom of the Waiting List three (3) times will not be considered for a YNHA unit for six months from the missed deadline or the date the applicant rejected the offer.

## Chapter 6 APPLICATIONS AND WAITING LISTS

**600.1 Submitting an Application.** Application forms for YNHA housing programs are available from the receptionist at the YNHA Housing Office. Any person or family may submit an application for a YNHA housing program. Applicants shall identify the program or programs for which they are applying on the application.

**600.2 Initial Screening.** After receiving a completed application, YNHA staff will review and verify the application to determine whether the applicant is eligible for the program or programs for which the applicant applied. If the applicant is eligible, but there is no appropriate-sized unit available, then the applicant's name is added to the Waiting List for the program.

**600.3 Tribal Preference.** As stated in the Indian Housing Plan, YNHA gives preference to enrolled members of the Yakama Nation for housing or housing assistance provided with funds under NAHASDA.

**600.4 Waiting Lists.** YNHA maintains five separate waiting lists:

1. Rental Preference List (for the Low-Income Rental Program and the Tax Credit Rental Program);
2. Senior Citizen List (for the Elderly Low-Income Rental Program);
3. Disabled List (to give priority for accessible units);
4. Homebuyer List (for the Mutual Help Program and the Lease-Purchase Program), and
5. Pahto Village List (for the Chayanin Wapiita Program).

Persons wanting to be considered for more than one program should request to be listed on the Waiting List for each program. There are no waiting lists for the Homeowner Home Repair Program, the Elder Home Repair Program, or the HUD-VASH Program. Veterans referred for housing under the HUD-VASH program have priority for the first available YNHA rental unit.

A. Preferences. YNHA uses a preference point system to rank applications. The position of any application on a Waiting List will depend upon the number of points that has been assigned to that application, and other pending applications, as follows:

Head of Household –	
Enrolled Yakama	6 points
Enrolled other Indian	4 points
Other Enrolled Yakama Household Member	3 points
Other Yakama Descendant	3 points
Other Indian Descendant	3 points
Elderly person (60 years of age or older)	2 points
Near-elderly person (55 to 59 years of age)	1 point
Veteran (not HUD-VASH)	1 point

In calculating points, there shall be only one head of household per family. If only one adult is enrolled Yakama or Yakama Descendant, he/she is the head of household. Enrolled Yakama elder veterans have the highest preference—9 total points.

Update preferences – An applicant who updates his/her application every six (6) months will receive one extra preference point for each time he/she updates the application.

EXAMPLE: A two-person family with one enrolled Yakama who is a veteran and an elder, and whose spouse is enrolled Yakama and an elder, would receive 14 total points. Yakama HOH (6) + Veteran (1) + Elder (2) // Other Yakama Household Member (3) = 12 points.

EXAMPLE: A five-person family with one enrolled other Indian and one enrolled Yakama, and three children, two of whom are enrolled Yakama, would receive 9 points. Yakama HOH (6) // + other enrolled Yakama household member (3) = 9 points.

EXAMPLE: A two-person family with one enrolled other Indian who is a veteran, whose spouse is a Yakama descendant, would receive 6 total points. Yakama Descendant HOH (5) // + Veteran (1) = 6 points. If the applicant updates the application every six (6) months for a year, the family receives 2 additional points for a total of 8 points.

- B. Priorities. The following priorities are applied, in this order, to applications which are in the same position on the Waiting List (*i.e.*, after the preferences are applied):
1. Disabled Families, for units that accommodate the disability (*i.e.*, mobility, hearing, or vision impaired). Current tenants have priority over new applicants for those units.
  2. Elderly Families.
  3. Families with children.
  4. Families with at least one household member who has a consistent job with regular pay..
- C. First on the List. If after taking into consideration the above preferences and priorities, there are two or more families in the same position, the family whose application was completed and lodged on the Waiting List at the earlier date and/or time has priority.
- D. Exceptions. In specific cases, the Waiting List does not apply, such as when an MHOA designates a successor as the next occupant. In unusual circumstances, the Waiting List may be waived, such as when YNHA temporarily assigns a unit for a specified period of time to a family in the case of emergency. For all rental units that are not assigned from the Waiting List, the Executive Director must make the final decision and must document the reasons for that decision.

- E. Updates. Applicants should update their applications every six (6) months in order to ensure that they remain on the Waiting List. In addition, applicants are required to notify YNHA of any of the following changes:
1. Change of contact information. Applicants must notify YNHA in writing of changed mailing addresses or phone numbers.
  2. Change in family size or composition. Applicants must notify YNHA of any births, deaths, marriages, divorces, family member moving in, moving out, etc., that may change the family composition. If a child is added to the household through a change in custody arrangements, then the custodial parent must provide supporting documentation that the child resides with the custodial parent. Additional household members over age eighteen (18) must sign all application forms in order for the application to remain current.
  3. Changes to income. Applicants must notify YNHA in writing, with documentation, of changes to household income, in writing (no verbal notifications), within one month of the change indicating the date of the change. No retroactive changes to income will be made.
  4. Changes related to preferences or priorities. The YNHA does not assume responsibility for giving preferences or priorities to any applicant who has not notified YNHA in writing of a change relating to the preference or priority.
- F. Purges. YNHA will purge its Waiting Lists on an annual basis, to maintain a list of active applicants. The primary goals in purging a Waiting List are to obtain current information on interested applicants and to remove applicants who are no longer interested in participating in the program. This minimizes delays in leasing units. The process for purging the list includes notifying all individuals on the Waiting List to respond to an inquiry by a deadline, and then closing applications for which there has been no response. Records must be retained for at least three (3) years.

## Chapter 7 UNIT ASSIGNMENTS

**700.1 Size of Unit.** YNHA determines the appropriate-sized unit for each applicant family. In order to prevent overcrowded conditions and wasted space, units are assigned in accordance with the following schedule:

Total Bedrooms	Total Occupants	
	Minimum	Maximum
1	1	2
2	2	5
3	4	7
4	6	9

**700.2 Additional considerations.**

- A. Every family member, regardless of age, is counted as a person.
- B. All occupants of the unit are treated as one family unit, regardless of whether they are related.
- C. At no time will any tenant be permitted to rent out a bedroom, storage shed, or any other part of the premises to another person.
- D. Units are assigned so that it is not necessary for persons of the opposite gender, other than spouses, to occupy the same bedroom.
- E. Children of the same gender may share a bedroom.
- F. YNHA will take into account imminent changes to family size due to births or adoptions; live-in attendants; children returning at school breaks; need for an additional bedroom for medical reasons; and (for homeownership) possible future growth of the family.
- G. YNHA will not provide additional bedroom space for non-household members such as adult children on active military duty, permanently institutionalized family members, or visitors.
- H. When the size of a rental unit is no longer suitable for the family, the family may be transferred to an appropriate-sized unit when such a unit becomes available.
- I. The Executive Director shall have the discretion to waive the minimum and maximum limits when determined necessary to make temporary use of vacant units or to house families in the case of emergency.

## Chapter 8 CONDITIONS OF OCCUPANCY

**800.1 Signed Agreement.** As a condition of initial occupancy, each applicant selected for a housing program must enter into a written, signed rental agreement, lease, or homeownership agreement with the YNHA and any other signed documents as YNHA may require. Applicants will not be allowed to occupy a unit unless and until the Executive Director signs the agreement on behalf of YNHA. When the applicant signs the agreement, he or she represents that the information in the agreement is true and accurate when signed.

**800.2 Drug Tests.**

a. YNHA has a zero-tolerance policy against drugs and alcohol in YNHA Housing. All tenants and other adults listed on the family composition for a unit in YNHA's residential housing programs (except for the HUD-VASH Program) must submit to drug and alcohol screening tests prior to signing the rental agreement, lease or homeownership agreement.

b. For purposes of this section, residential housing programs include the Low-Income Rental Program, the Low-Income Elderly Rental Program, the Tax Credit Rental Program, the Mutual Help Program, the Lease-Purchase Program, and any other residential, project-based programs that YNHA may offer.

c. YNHA staff will obtain a signed Consent Form for Alcohol and Drug Testing from each person to be tested, and will administer the tests. YNHA staff will ensure the confidentiality of the testing process and the test results for each individual tested. In the event of a positive result, YNHA will notify the testing subject, and refer the testing subject to the Yakama Nation Alcohol Program, Merit Resources, or another testing program, for further testing by a qualified laboratory. If the result comes back positive, YNHA staff will notify the applicant that the application for residential housing must be denied on the basis of a positive drug test result.

d. Applicants will be given the opportunity to be tested or retested at a qualified laboratory within twenty-four (24) hours at the applicants' own cost. If the applicant tests negative, YNHA will reimburse the applicant, based on a receipt showing the actual cost incurred.

e. If, after having been asked to submit to a drug test, an individual refuses the test, YNHA will treat the refusal as a positive test result.

**800.3 Orientation.** Prior to signing the rental agreement, lease or homeownership agreement with YNHA, the applicant shall be required to complete a pre-occupancy orientation to include financial counseling (i.e., budgeting), housekeeping, and home maintenance as a condition of participating in the program. Orientation shall include watching an

orientation video to illustrate YNHA's expectations for a clean house, basic maintenance (e.g., change filters, lawn care, etc.), paying rent on time, and other tenant responsibilities, as well tenant incentives and how YNHA can help them to be a successful tenant or homebuyer.

**800.4 Abandonment.** The Head of Household of a rental or homebuyer unit must occupy the unit as his or her primary residence, on a continuous basis. When a tenant or homebuyer has abandoned a unit, YNHA must retake possession of the unit in order to safeguard its housing stock. It shall be a term of every tenant and homebuyer agreement with YNHA that the absence of a tenant or homebuyer from his or her unit for more than five (5) continuous days will be treated as abandonment (i.e., having left the unit permanently with no intention to return), except when

- (a) The tenant or homebuyer has notified YNHA in writing of an anticipated absence of more than five (5) days and has obtained the signed, dated, written consent of the YNHA Executive Director to the absence; or
- (b) The homebuyer has a written, signed Sublease Agreement that has been approved by YNHA under the YNHA Mutual Help Sublease Policy.

YNHA will implement this provision by making it a term of each rental agreement, lease, homeownership agreement, MHOA, and any other agreement for occupancy of YNHA housing stock.

**800.5 Continued Occupancy.** The conditions of continued occupancy include, but are not limited to, staying in compliance with the agreement, including payments and required maintenance, making sure all occupants are authorized by YNHA as household members, cooperating with annual inspections, complying with YNHA policies, not threatening the health or safety of others, and providing YNHA with all required information at annual reexaminations, inspections, etc.

**800.6 Health and Safety.** Tenants are subject to immediate termination of tenancy if the tenant, any member of the household, a guest, or person under the tenant's control, engages in any of the following types of activity, whether or not the tenant is aware of it:

- A. Activity that threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents of the housing project, employees of YNHA, or other persons authorized by YNHA to be on the premises;
- B. Activity that threatens the health or safety of, or right to peaceful enjoyment of their premises by persons residing in the immediate vicinity of the premises; or
- C. Criminal activity, including Drug-related Criminal Activity, on or off the premises.

- D. Anyone in the household becomes subject to a registration requirement under any sex offender registration program.

**800.7 Zero Tolerance Policy against Crime.** YNHA has a Zero Tolerance Policy against Criminal Activity on Housing Authority premises. Tenants must assure that their household members and guests also do not engage in Drug-Related or other Criminal Activity, which are grounds for eviction, whether or not the tenant is aware of the activity. In carrying out this policy, YNHA will exercise discretion in deciding whether, and whom to evict, and may consider a wide range of factors, including the seriousness of the violation, the effect that eviction of the entire household would have on innocent household members, and whether the activity may be addressed by removing the offender from the premises, such as by removing a household member from the lease and/or the head of household obtaining a restraining order against an offending guest. References: HUD v. Rucker, 122 S. Ct. 1230 (March 26, 2002); HUD Notice: PIH 2002-9 (HA).

**800.8 Fleeing to Avoid Prosecution.** Tenants are subject to immediate termination of tenancy if the tenant is fleeing to avoid prosecution, custody or confinement under federal, state or tribal law, for committing, or attempting to commit, a crime which is a felony; or for violating a condition of probation or parole imposed under federal, state or tribal law.

**800.9 Fraud.** The furnishing of any false or misleading information to YNHA on an application, at reexamination, or otherwise, shall be cause for immediate termination and eviction. It shall also subject the person to the penalties provided by law (U.S. Code, Title 18, Section 1001).

**800.10 Re-examination of Income/Recertification.** The family income of each tenant or homebuyer is to be periodically re-examined and recertified as follows:

- A. The participating family must verify its income and family status, initially and upon any change in family income, and must cooperate with requests by YNHA to recertify. The schedule for re-certifications is as follows:
1. Low-Income Rental Program: Once every twelve (12) months.
  2. For Low-Income Elderly Program: Once every two (2) years.
  3. For Tax Credit Program: Once every (12) months.
  4. For Homebuyer programs: Once every two (2) years.
  5. For subleases: Once every twelve (12) months.
2. If a family fails to provide income information, YNHA may calculate the rent based on 80% of Median Family Income.

3. YNHA will strive to maintain at all times current income information in its occupancy files. The burden is on the tenant to report changes in income (hired, a raise, no longer employed) within thirty (30) days of the change.
4. If the family fails to report changes or to cooperate in verifying income, YNHA may conduct its own investigation to establish the monthly charge. YNHA will adjust the rent retroactively for any unreported increases in income, and will bill residents for all months in which a higher income existed but was not reported.

**800.11 Temporary Housing.** In case of emergency, if funding is not available under the YNHA Emergency Housing Assistance Program (including situations in which the family already has benefitted from that program), YNHA may provide temporary housing to an eligible family in appropriate circumstances.

- A. The applicant must submit a written request for temporary housing that documents an immediate need for housing due to an emergency. Examples of emergencies include:
  - families that are homeless due to fire, flood, or other natural disaster;
  - victims of domestic violence who need immediate assistance to relocate (must have documented referral by a social services agency);
  - other emergency situations that are temporary in nature as determined by YNHA.
- B. The applicant must complete an application for rental housing and must meet the eligibility requirements described in Chapter 4 of this Policy.
- C. The application will also be considered for other YNHA rental programs, and if the applicant is eligible for one or more of those programs, the applicant's name will be added to the Waiting List(s), in accordance with Chapter 6 of this Policy.
- D. All requests for temporary housing based on an emergency are subject to approval by the YNHA Executive Director. This includes a waiver of the Waiting List requirements under paragraph 600.4.D. of this Policy. If approved by the Executive Director, the applicant will be offered temporary housing in a YNHA rental unit. If the applicant refuses the unit that is offered, YNHA will have no further obligation.
- E. Before occupying the unit, the applicant must enter into a written, signed, temporary rental agreement with YNHA. The term of the temporary rental agreement will be sixty (60) days. The applicant will agree to vacate the unit at the end of the term.
- F. During the term of the temporary rental agreement, the family must actively seek other housing and must provide documentation of their search (such as lists of

landlords contacted, copies of applications submitted, and denial letters). YNHA will monitor this effort and will provide information about other housing programs in the community.

- G. If at any time during the term of the temporary rental agreement, the applicant is next on the Waiting List, YNHA will consider the applicant for regular placement in accordance with this Policy. If selected, the applicant must enter into a new rental agreement.
- H. If at the expiration of the temporary rental agreement, the emergency still exists and the tenant has made efforts to secure alternate housing, the tenant may submit a written request to the YNHA Executive Director to renew the temporary rental agreement for one additional term. The YNHA Executive Director has discretion whether to approve or deny the request. If the request is approved, then the tenant and YNHA will sign a rider to the temporary rental agreement with a specified term of up to sixty (60) days. If the request is not approved, then the tenant must vacate the unit.
- I. This temporary housing policy may be implemented by setting aside two or more rental units (with at least one unit having more than one bedroom) for use as temporary rental units, and the availability of temporary housing may be limited to those units.

## Chapter 9 CHANGES TO OCCUPANCY

**900.1 Subleases.** Tenants are prohibited from subleasing rental units. Sublease of Mutual Help units is subject to the YNHA Mutual Help Sublease Policy.

**900.2 Transfers.**

- A. A current tenant may request a transfer to another rental unit on the basis of changed family size. The request for transfer will be supported by necessary documentation, including a re-certification. Except when the transfer is to accommodate a disability, a tenant must have a zero balance on his or her account(s) with YNHA in order to be eligible for transfer approval. YNHA will consider the transfer request as appropriate-sized units become available.
- B. A current tenant may also request a transfer to another rental unit on the basis that a member of the household has a disability that requires accessible features. YNHA complies with laws that provide for the accessibility of rental housing for qualified individuals with disabilities. Tenants without disabilities may reside in accessible units; however, if the accessible unit is needed for a Disabled Family

and a non-accessible unit is available, YNHA may transfer the non-Disabled Family into the non-accessible unit, consistent with the Rental Agreement and applicable laws.

**900.3 Death or Abandonment by Homebuyer.** Under the Mutual Help Program, YNHA has an MHOA with each Homebuyer. In case of death, mental incapacity, or abandonment (as applicable), YNHA will follow the terms of the MHOA to identify a successor. In case of death, money owed to YNHA may be the basis for a claim against the estate.

- A. A qualified successor to the MHOA may assume the benefits and obligations of the original homebuyer, including the balances of accounts with the YNHA, by entering into a signed assumption agreement with YNHA. Once that agreement is signed, the charges against the estate of the deceased homebuyer are assumed by the successor.
- B. If there is no qualified successor under the terms of the MHOA, then YNHA will terminate the Agreement and either select a subsequent homebuyer, or convert the unit to a Low-Income Rental unit. A subsequent homebuyer will enter into a new agreement and will not succeed to the benefits and obligations of the original homebuyer.
- C. Pending the identification of a successor, YNHA may rent or sublease the unit to any of the following in this order of priority: a prospective successor; the legal guardian of a deceased homebuyer's minor child or children residing in the unit; a family member of a deceased homebuyer who is otherwise eligible for the Low-Income Rental Program; or an applicant from the Waiting List for the Low-Income Rental program.

**900.4 Divorce of Homebuyer.**

- A. In any court proceeding for the divorce of the homebuyer, it is the policy of the YNHA as follows:
  - 1. The interest of the homebuyer in the Mutual Help and Occupancy Agreement with YNHA should be awarded to only one spouse.
  - 2. The homebuyer who is awarded custody (or the equivalent thereof under applicable law) of a minor child or children residing in the home at the time of divorce should have priority to be awarded the interest in the Mutual Help and Occupancy Agreement, provided the custodial parent is able to assume the obligations under the Agreement.
  - 3. If both divorcing parents will have custody of minor children, then YNHA may give preference to the vacating spouse for a rental unit, provided the vacating spouse is eligible under the YNHA Rental program.

- B. Unless otherwise provided by court order, both homebuyers shall continue to be responsible for all payments due and payable under the Mutual Help and Occupancy Agreement.

#### **900.5 Death of Tenant.**

- A. In the case of the death of a tenant, the Rental Agreement shall terminate, and any balances owed the YNHA will become charges against the estate.
- B. In selecting a new tenant, the YNHA may waive the Waiting List and give first priority to an elderly surviving spouse living in the unit, or to the legal guardian of the deceased tenant's minor child or children living in the unit, or to another adult household member listed on the family composition prior to the death, which person must then enter into a new Rental Agreement with YNHA.
- C. Unless YNHA executes a new Rental Agreement with an adult listed in subparagraph B of this section, any household members remaining in the unit after the death will be in unlawful detainer and subject to eviction.

**900.6 Divorce of Tenant.** In the case of a divorce, if the tenant decides to vacate the unit and leaves a spouse who is awarded custody (or the equivalent thereof under applicable law) of a minor child or children residing in the home at the time of divorce, then YNHA may waive the Waiting List and give first priority to the custodial parent to continue to reside in the unit, provided the custodial parent is eligible under the YNHA Rental program.

## **Chapter 10 PERSONS WITH DISABILITIES**

**1000.1 Non-Discrimination Policy.** YNHA does not discriminate against persons on the basis of disability in admission or access to its federally-assisted programs or activities, and YNHA provides reasonable accommodations to qualified persons with disabilities, as required by applicable law.

**1000.2 Notification.** During the application process, applicants are notified of the YNHA's non-discrimination policy and the name of the non-discrimination Coordinator.

**1000.3 Standards.** The same eligibility, selection and occupancy standards apply to a person with a disability as apply to a person without a disability; except that, if a standard has the effect of limiting the participation of a person with a disability, then YNHA will make reasonable modifications as required by applicable law.

**1000.4 Reasonable Accommodation.** YNHA will provide a reasonable accommodation to a person with a disability who requires an accessible feature or policy modification to accommodate his or her disability, unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. It

will not always be possible to provide the exact modification requested, but YNHA will work with the family to determine a reasonable accommodation.

**1000.5 Accessible Units.** Disabled Families will be given priority for units designed to accommodate the disability (i.e., mobility, hearing, or vision impaired) in the family. Current tenants will have priority over new applicants for those units. If there are no accessible units available, Disabled Families will be considered in the same order as non-Disabled families. If a non-accessible unit becomes available and a Disabled Family is next on the waiting list, then YNHA will consider whether the unit and/or common areas can be modified to accommodate the disability, without causing an undue financial and administrative burden or a fundamental alteration of the program. Structural modifications are not required if other methods are effective to provide accessibility.

**1000.6 Verification of Disability.** YNHA may verify a disability to the extent necessary to ensure that an applicant needs a reasonable accommodation or accessible housing, or that the applicant is qualified for a deduction in determining Adjusted Annual Income. YNHA may require medical documentation to verify the person's need for the accessible feature or policy modification, but YNHA will not require applicants to provide access to confidential medical records or specific medical details.

## Chapter 11 GRIEVANCES

**1100.1 Disputes.** The YNHA Grievance Policy and Procedures applies to any dispute brought by a person who applies for or participates in a YNHA program or service, with respect to an alleged violation by YNHA of a policy, contract, regulation, or law, that has resulted in loss or harm to the person with the dispute. This includes disputes over eligibility determinations, waiting lists, written Agreements, terminations of tenancy, or any other dispute. Copies of the YNHA Grievance Policy and Procedures may be obtained from the YNHA receptionist.