
YAKAMA NATION HOUSING AUTHORITY

**VETERANS ADMINISTRATION
SUPPORTIVE HOUSING PROGRAM
– HUD-VASH –**

A Supportive Services Housing Program

**ELIGIBILITY, ADMISSIONS
AND OCCUPANCY POLICIES**

Yakama Nation Housing Authority

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**Chapter 1
PURPOSE AND SCOPE**

100.1 Purpose. These Veterans Administration Supportive Housing Program Eligibility, Admissions and Occupancy Policies (Policies) have been adopted by the Yakama Nation Housing Authority (YNHA) Board of Commissioners (Board) to provide direction to the staff of the Veterans Administration Supportive Housing Program (Program) to follow in administering housing and supportive services within the Program. This includes determining eligibility, admitting eligible applicants, coordinating resources for case management and supportive employment, and enforcing standards of conduct for continued occupancy and participation in the Program.

The Veterans Administration Supportive Housing Program provides project-based rental assistance and supportive services to Native American veterans who are Homeless or At Risk of Homelessness, living on or near a reservation or other Indian areas. This Program is funded the Tribal HUD-VA Supportive Housing program (Tribal HUD-VASH), which is administered by the U.S. Department of Housing and Urban Development (HUD). Tenant-based rental assistance also may be provided under this Program.

100.2 Scope. These Policies apply to the Veterans Administration Supportive Housing Program and are applied in conjunction with the YNHA Eligibility, Admissions and Occupancy Policies. To the extent that these Policies may be inconsistent with the YNHA Eligibility, Admissions and Occupancy Policies, these Policies will govern the administration of this Program.

**Chapter 2
AUTHORITY, ADMINISTRATION & APPLICABLE LAWS**

200.1 Authority. The Board has the authority to adopt these Policies and is responsible to ensure that any policies are appropriate for YNHA. These Policies and any amendments to these Policies are 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 these Policies to the YNHA Executive Director, who may delegate

his/her duties to a YNHA staff member, such as a Director and/or Resident Manager of the Veterans Supportive Housing Program, who is competent to perform those duties, provided the delegation is in writing.

200.3 Implementation: The YNHA Executive Director will ensure that any procedures or forms that are developed to implement these Policies conform to these Policies. Work performed under these Policies shall be at all times in the best interests of the YNHA and in accord with other applicable YNHA policies and applicable laws. Personnel using these Policies are responsible for being familiar with its content, as well as the content of all other applicable YNHA policies.

200.4 Applicable Laws. These Policies shall comply with all applicable laws, including, the Native American Housing and Self-Determination Act of 1996 (Pub. Law 104-330) as amended (NAHASDA), Indian Housing Block Grant (IHBG) regulations of the U.S. Department of Housing and Urban Development (HUD), 24 C.F.R Part 1000, and all other federal laws and regulations that apply to the IHBG program. Specific program requirements and guidance are found in the HUD Federal Register notice, “Implementation of the Tribal HUD-VA Supportive Housing Program,” (80 Fed Reg. 63822, October 21, 2015) (Implementation Notice); NAHASDA Guidance No. 2016-04R, “Tribal HUD-VASH Rental Assistance Payment (RAP) Contract Requirements” (June 22, 2016); and NAHASDA Guidance No. 2016-05, “Tribal HUD-VASH Record Keeping at Initial Occupancy” (October 14, 2016). Other laws that apply include the Revised Code of the Confederated Tribes and Bands of the Yakama Nation (RYC), as amended, and Section 504 of the Rehabilitation Act of 1973 (Pub. Law 93-112) as amended. The YNHA Executive Director or his designee will regularly review these Policies 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 these Policies or any standard, document or law referenced herein. To the extent any provision of these Policies or any referenced standard, document or law is inconsistent with the sovereign immunity of the YNHA or the Yakama Nation, such provision is not adopted by these Policies and is declared void, unenforceable and severable from the remainder of these Policies.

200.6 Non-Discrimination Policy. YNHA does not discriminate against persons on the basis of disability in the admission or access to its federally-assisted programs or activities. YNHA provides reasonable accommodations to qualified persons with disabilities as required by applicable law. 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 to the nature of the program or an undue financial and administrative burden. It will not always be possible to provide the exact modification of the request, but YNHA will work with the tenant to determine a reasonable accommodation.

200.7 Prior Policies. These Policies supersede all prior policies and communications on each covered subject. These Policies are a tool to assist the Program staff, and do not create a contract or promise of specific treatment in specific situations. The Board may change, cancel or interpret any YNHA policies at its sole discretion and without prior notice.

200.8 Other Policies. Other YNHA policies may apply and should be consulted and implemented in concert with these Policies.

Chapter 3 DEFINITIONS

300.1 Annual Income and Adjusted Income have the same meanings as in the YNHA Eligibility, Admissions and Occupancy Policies.

300.2 Homeless Individual, for purposes of these Policies, is defined in Section 103(a) of the McKinney-Vento Homeless Assistance Act, 42 U.S. Code 11302(a), and includes:

1. An individual who lacks a fixed, regular and adequate night-time residence; or
2. An individual with a primary nighttime residence that is a public or private placed not designed for or ordinarily used as a regular sleeping accommodation for human beings (e.g., living on the streets, in a car, or an abandoned building); or
3. An individual living in a supervised homeless shelter designed to provide temporary living arrangements (including motels paid for by government programs); or
4. An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; or
5. An individual who will imminently lose his or her housing, including housing owned, rented, or shared with others, within 14 days, as evidenced by a court order resulting from an eviction action, insufficient resources, or credible evidence indicating that the owner or renter will not allow the individual to stay for more than 14 days.

300.3 At Risk of Homelessness, for purposes of these Policies, is defined in Section 401(1) of the McKinney-Vento Homeless Assistance Act, 42 U.S. Code 113060(1) and includes an individual who has insufficient resources immediately available to attain housing stability; and who meets one of the following criteria:

1. Has moved frequently because of economic reasons; or
2. Is living in the home of another because of economic hardship; or

3. has been notified that his or her right to occupy current housing will be terminated; or
4. Lives in a hotel or motel; or
5. Lives in severely overcrowded housing; or
6. Is exiting an institution; or
7. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

300.4 Project-based rental assistance is rental assistance tied to a specific housing unit or units. Under this program, YNHA provides project based rental assistance to veterans in Eligible Housing (as defined below) which is operated and managed by YNHA. YNHA must submit specific information to HUD about the units in advance. Currently YNHA has project based rental assistance units at Pahto Village in Wapato, Washington.

300.5 Tenant-based rental assistance is rental assistance tied to a specific tenant or household. YNHA may make units available for tenant-based rental assistance from Eligible Housing operated and managed by YNHA.

300.6 Eligible Housing means housing that meets applicable local housing codes and quality standards in accordance with section 207(a)(2) of NAHASDA, and which is located on or near an Indian reservation, or within NAHASDA-authorized Indian areas (or units developed to house Homeless veterans on the grounds of a VA facility). NOTE: Housing that qualifies as Formula Current Assisted Stock (FCAS) under the IHBG program is not Eligible Housing; some Low-Income Housing Tax Credit rental properties qualify as FCAS.

300.7 Rental Assistance Payment (RAP) Contract means a contract with the owner of a rental housing unit in which a Veteran will reside. A RAP Contract is not required when YNHA owns the unit. *See* NAHASDA Guidance No. 2016-04R, “Tribal HUD-VASH Rental Assistance Payment (RAP) Contract Requirements” (June 22, 2016);

300.8 Case Management, for purposes of this Program, is provided by the U.S. Department of Veterans Affairs (VA) and is a specialized component of healthcare management that emphasizes a collaborative process to identify and meet the needs of an individual patient for health care options and services. The VA evaluates a clinical need for Case Management based on the presence of a disabling condition.

300.9 Disabling Condition includes a disabling physical or mental condition, or substance use that contributes significantly to the individual’s housing status. HUD defines a disabling condition as a diagnosable substance abuse disorder, a serious mental illness,

developmental disability, or chronic physical illness or disability. A disabling condition limits an individual's ability to work or perform one or more activities of daily living.

300.10 Disability is defined as 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.

300.11 Veteran is defined as a person who was separated from active duty in the armed forces with an honorable discharge or under honorable conditions.

300.12 Federally Recognized Tribe is defined as 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.

300.13 Yakama Nation is defined as the Confederated Tribes and Bands of the Yakama Nation. Yakama Nation Housing Authority was established by the Resolution of the Yakama Tribal Council and is a Tribally-Designated Housing Entity of the Yakama Nation on whose behalf the YNHA receives funding.

300.14 Indian is defined as any person who is a member of a federally-recognized tribe.

300.15 Permanent Supportive Service Housing means community-based housing with no definite length of stay that has supportive services for homeless persons and special needs populations to live as independently as possible. The supportive services may be provided by the organization managing the housing or coordinated by the applicant and provided by other public or private service agencies.

300.16 Live-in Aide means a person who resides with a person with a Disability and who is determined to be essential to the care and well-being of the person, is not obligated for the support of the person, and would not be living in the unit except to provide the necessary supportive services.

Chapter 4 ELIGIBILITY STANDARDS

400.1 Screening for Eligibility.

- A. To be eligible for the Veterans Supportive Housing Program, the individual must first be screened by the VA for the following eligibility requirements:
 - 1. Eligible for VA health care; and
 - 2. Homeless or At Risk of Homelessness; and

3. Has a clinical need for Case Management services; and
4. Agrees to participate in VA Case Management.

The VA prioritizes eligible individuals based on their level of need for Case Management. After completing its screening process, the VA refers those with the greatest need to YNHA first for rental assistance.

B. All individuals the VA refers to YNHA are screened by YNHA for the following eligibility requirements:

1. “Indian” under NAHASDA and these Policies; and
2. Eighteen years of age or older; and
3. Income-eligible under NAHASDA (i.e., having an annual household income that does not exceed 80% of area median income for the Indian area). YNHA follows the YNHA Eligibility, Admissions and Occupancy Policies in calculating income; and
4. A determination, based on a background check, that neither the individual nor any household member is registered as a lifetime sex offender (Tier III offense) under any State or Tribal sex offender registration program.

C. The following sections of the YNHA Eligibility, Admissions and Occupancy Policies, do not apply to the screening of a Veteran for eligibility under this Program:

1. Section 400.3, “Essential Families and Law Enforcement Officers.” *See also* Implementation Notice.
2. Section 400.4, “Disqualifying Factors,” except for A.6 (registered sex offenders).
3. Sections 400.5, “Income Eligibility,” paragraphs B. “Non-Low-Income Families,” C. “Ten Percent Rule,” and D. “Limitations on Assistance.”

D. At time of the Veteran’s initial move-in, the same screening criteria apply to all members of the Veteran’s household; however, in the event that new household members are added after the initial move-in, then those new household members are subject to the general eligibility standards in the YNHA Eligibility, Admissions and Occupancy Policies.

E. The HUD Implementation Policy states that sobriety or testing for substance abuse must not be required to obtain or sustain tenancy. *See* “Implementation of the Tribal HUD-VA Supportive Housing Program,” (80 Fed Reg. 63822,

October 21, 2015). Therefore, no Veteran will be denied tenancy based on a refusal to submit to a drug or alcohol test, or based on the results of the test.

400.2 Required documentation

A. YNHA must obtain and keep on file copies of the following documents:

1. Records of referral and eligibility determination.
2. For all household members, Social Security cards or other original documents issued by a federal state or tribal government agency, that contain the name of the individual, the Social Security Number (SSN), and other identifying information. A Certificate of Discharge from Active Duty (DD214) or the VA-verified Application for Health Benefits (10-10EZ) will be accepted to show SSN and for proof-of-age purpose.
3. Tribal enrollment card for purposes of documenting eligibility as Indian.
4. Driver's License, state ID card, or a photo identification card issued by the VA.
5. Birth certificate, unless proof-of-age is otherwise documented.
6. Such other additional household demographic, personal, and rental information as HUD requires to be collected, kept on file, and reported to HUD on a HUD-50058 form revised by HUD for the Tribal HUD-VASH program. *See* NAHASDA Guidance No. 2016-05, "Tribal HUD-VASH Record Keeping at Initial Occupancy" (October 14, 2016).
7. All signed forms, including Consent for Release of Information to YNHA and HUD Form 9886.
8. Agreement to use the housing as their primary residence.
9. Consent to drug and alcohol testing (not a requirement for tenancy).

400.3 Disqualifying Factors. YNHA will not deny assistance to an otherwise eligible Veteran who has been referred by the VA and has met the YNHA screening requirements, and who has provided the necessary documentation, on any grounds other than preferences based on Tribal membership, as described in these Policies. YNHA will not deny assistance based on criminal history (aside from sex offender registration) or substance abuse.

Chapter 5 SELECTION

- 500.1 Yakama Tribal Preference.** YNHA gives preference to enrolled members of the Yakama Nation for participation in the Veterans Supportive Housing Program. This means that YNHA will provide assistance to Yakama Tribal members before members of other Indian tribes. After serving Yakama Tribal members, if there are remaining grant funds available, YNHA will serve members of other Indian tribes who are referred by the VA under this Program, until all grant funds under this program have been fully spent.
- 500.2 No Waiting List.** YNHA does not maintain a waiting list for the HUD-VASH program. Participation in this program is on a first-come, first-served basis, based on the referrals received from the VA Case Manager. Section 600.4 “Waiting Lists,” of the YNHA Eligibility, Admissions and Occupancy Policies does not apply to this Program.

Chapter 6 UNIT ASSIGNMENTS

- 600.1 Project-based rental assistance.** Project-based rental assistance must be offered in the form of the next available project-based unit of an appropriate size for the Veteran household. Tenant-Based Rental Assistance must be provided with an initial search term of 120 days from the date such assistance is offered. Chapter 7 “Unit Assignments” of the YNHA Eligibility, Admissions and Occupancy Policies applies to this Program.

Chapter 7 LEASES

- 700.1 Signed Lease.** As a condition of initial occupancy and before assuming occupancy, each individual determined eligible for the Veterans Supportive Housing Program, and who is offered housing under this program, must enter into a written, signed Lease with YNHA, and any other signed documents that YNHA may require. Applicants can only occupy the unit after the Executive Director signs the Lease on behalf of YNHA. By signing the Lease, the applicant represents that the information in the Lease is true when signed.
- 700.2 Term of Lease.** Each Lease must be for a period of one year, unless YNHA determines that a shorter initial lease term would approve housing opportunities for the Veteran or is the prevailing local market practice. During the term of the Lease, the rent may not be increased. *See Tribal HUD-VASH Rental Assistance Payment (RAP) Contract Requirements*” (June 22, 2016).
- 700.3 Form of Lease.** YNHA will use a form of lease that complies with Section 208 of NAHASDA, which requires that leases contain no unreasonable terms and conditions,

that YNHA will maintain the housing in compliance with applicable housing codes and quality standards, and that YNHA will provide the tenant with adequate written notice of termination of the Lease in accordance with applicable laws.

- A. All Leases must state that YNHA will not terminate the tenancy during the term of the Lease except for serious or repeated violation of the terms or conditions of the Lease, violation of applicable Federal, State, Tribal or local law, or for other good cause.
- B. All Leases shall state that YNHA may terminate the tenancy for any activity, engaged in by the resident, any member of the household of the resident, or any guest, that
 - 1. Threatens the health or safety of, or right to peaceful enjoyment of the premises by other residents or employees of the owner or manager of the housing;
 - 2. Threatens the health or safety of, or right to peaceful enjoyment of their premises by persons residing in the immediate vicinity; or
 - 3. Is criminal activity (including drug-related criminal activity) on or off the premises. (*See also* the YNHA Zero Tolerance Policy.)

Chapter 8 RENTS

800.1 Rent Amounts. YNHA determines the rents for units assisted under this program, and must submit a justification to HUD as to how rents are determined. Rents may be determined by bedroom size based on the local fair market value (FMR), market conditions, and/or unit operating costs, and may include utilities. Rents may not exceed 110% of FMR, without prior approval from HUD (for example, in order to address a request for reasonable accommodation). The rent established for units in this Program at Pahto Village is \$500 per month. YNHA will follow HUD requirements in establishing rents for any other properties that may be designated for this program.

800.2 Tenant Contribution. Tenants will be expected to contribute to the rental cost of their units, subject to the limitation under NAHASDA that a tenant under this program may not be required to contribute more than 30 percent of adjusted household income. Income and adjusted income are determined under the YNHA Eligibility, Admissions and Occupancy Policies. YNHA may establish a lesser tenant contribution, such as the payment of utilities. This program will pay the difference between the established rent and the contribution made by the tenant. IHBG funds may be used to cover any additional costs related to housing veterans and their families under this program, consistent with the Indian Housing Plan.

Chapter 9 CONDITIONS OF OCCUPANCY

- 900.1 Number of Occupants.** All units at Pahto Village are one bedroom with occupancy as one resident per unit with the consideration of married couples or partners sharing one unit. A tenant may request to have a Live-in Aide if necessary as a reasonable accommodation.
- 900.2 Orientation.** Prior to move-in, the resident will meet with the Resident Manager for orientation that will include a tour of the facilities, a discussion of expectations of residency, and introduction to available residents, followed by a meeting with the resident's case manager to begin the assessment of qualifying for supportive services and to start creating goals and a plan to achieve these goals.
- 900.3 Continued Occupancy.** Conditions of continued occupancy include, but are not limited to, staying in compliance with the Lease, including making required payments and general maintenance, obtaining authorization from YNHA for all occupants as residents, cooperating with regular inspections, complying with YNHA policies, and not threatening the health or safety of others.
- 900.4 Case Management.** Veterans who are appropriate candidates for this program need case management services in order to obtain and sustain independent community housing. Many veterans who need case management services have serious mental illness, substance use disorder history, or physical disability. Eligible candidates for the program are expected to participate in case management and utilize the supportive services, treatment recommendations and assistance needed to successfully maintain recovery and sustain housing in the community. Case Management is the heart of this program and is a requirement for participation in the Veterans Supportive Housing program.

Chapter 10 TERMINATIONS

- 1000.1 Lease Violations.** A tenant who violates the terms of his or her Lease with YNHA will be subject to termination of tenancy, in accordance with the terms of the Lease. Before determining whether to terminate assistance, YNHA must contact the VA to determine if ongoing Case Management services could mitigate the conditions that are leading to a potential termination. YNHA provides reasonable accommodations to persons with disabilities throughout the termination process.
- 1000.2 Sex Offenders.** It is grounds for immediate termination of tenancy if YNHA determines that anyone residing in the unit is subject to a lifetime sex offender registration requirement (Tier III) under any State or Tribal sex offender registration program; provided, that if the sex offender is a person other than the Veteran, then the Executive

Director may permit the Veteran to remain in the unit, on the condition that the Veteran removes the sex offender from the unit immediately.

1000.3 Crimes. 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 which is imposed under federal, state or tribal law.

1000.4 No Subletting. Tenants are prohibited from subleasing rental units to others and from taking in boarders or lodgers. Any person who resides or stays in a unit must first be determined by YNHA to be eligible to reside in YNHA housing, and must be listed on the family composition. A request for a Live-in Aide will be considered as a reasonable accommodation.

1000.5 Death of Tenant. For the purposes of this program, eligibility status for housing does not extend to a deceased Veteran's family. In the case of death of the tenant, any remaining residents will be asked to vacate the premises.

1000.6 Abandonment. A tenant who anticipates being absent from a unit for more than one week must notify the Resident Manager or Case Manager in writing of the absence and the return date. If a tenant is absent from a unit for more than thirty days without prior written notice to the Resident Manager or Case Manager, the tenant will be considered to have abandoned the unit. In the case of abandonment, YNHA will prepare the unit for new occupancy and store and dispose of a tenant's personal property in accordance with YNHA policies and applicable law.

1000.7 Zero Tolerance. YNHA has a Zero Tolerance Policy against Criminal Activity on YNHA premises. Tenants must assure that their household members and guests also do not engage in drug-related or other criminal activity. Section 800.7 "Zero Tolerance Policy Against Crime," of the YNHA Eligibility, Admissions and Occupancy Policy, applies to this Program.

Chapter 11 GRIEVANCES

1100.1 Filing a Grievance. 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, regulation or law that has resulted in loss or harm to the person with dispute. This includes disputes over eligibility determinations, waiting lists, written agreements, termination of tenancy or any other dispute. Copies of the Grievance Policy and Procedures may be obtained from the YNHA receptionist.