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YAKAMA NATION HOUSING AUTHORITY

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**WEATHERIZATION PROGRAM  
POLICY**

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**Yakama Nation Housing Authority**

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# YAKAMA NATION HOUSING AUTHORITY WEATHERIZATION PROGRAM POLICY

## Chapter 1 PURPOSE AND SCOPE

- 100.1 Purpose:** This Weatherization Program Policy (this “Policy”) has been adopted by the Yakama Nation Housing Authority (“YNHA”) Board of Commissioners (the “Board”) to provide guidelines for the Weatherization Program, which serves to increase the energy efficiency of dwellings owned or occupied by low-income Indian families within the Yakama Reservation and to improve health and safety.
- 100.2 Scope:** This policy applies to all persons and properties served by the YNHA Weatherization Program, which may include privately owned residences or properties owned, operated, managed, and/or leased by YNHA. The Weatherization Program receives funding under certain grant agreements with state and federal agencies, and this Policy must be read and applied in concert with the grant agreements, manuals, and other relevant documents.

## Chapter 2 AUTHORITY, ADMINISTRATION AND 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.
- 200.4 Applicable Laws.** This Policy shall comply with all applicable laws including, without limitation, the Revised Law and Order 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”), and applicable laws and regulations administered by the U.S. Department of Energy (“DOE”), including 10 CFR Part 600, 10 CFR Part 440 and other policies and procedures as DOE may prescribe. The YNHA Executive Director will periodically review this policy and recommend amendments as necessary to comply with applicable laws, or for other purposes. If a particular Grant Agreement is inconsistent with this Policy and cannot be modified through negotiations, then the Board will decide whether to decline the grant or approve an exception to this Policy and accept the grant, consistent with applicable law

**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. This includes, without limitation, the YNHA Eligibility, Admissions, and Occupancy Policies, the YNHA Procurement Policies, and the YNHA Renovation and Rehabilitation Policy.

### Chapter 3 DEFINITIONS

**300.1 Client** means a household that meets income eligibility guidelines for the funding being used to provide the service.

**300.2 Indian** means a member of a federally-recognized Indian tribe, and includes an enrolled member of the Yakama Nation.

**300.3 Grant Agreement(s)** means the grant agreements between YNHA and federal and/or state agencies, under which YNHA receives funding for its Weatherization Program, such as a Grant Agreement for Program Administration and Delivery of Weatherization Plus Health Services to Assist Low-Income households, administered by the Washington State Department of Commerce (“Commerce”),

and/or a Low Income Energy Efficiency Grant Agreement administered by the Bonneville Power Administration (“BPA”),

**300.4 Wx Manual** means the Commerce Weatherization Manual for Managing the Low-Income Weatherization Program, current version, as applicable.

**300.5 Weatherization Program** means the YNHA Weatherization Program.

## Chapter 4 ELIGIBILITY

**400.1 Persons served.** YNHA provides Weatherization Services to eligible low-income Indian families, primarily on the Yakama Reservation and within YNHA’s customary service delivery area in accordance with its Grant Agreements. YNHA develops and operates programs and delivers goods, services, and/or benefits in a manner that is culturally relevant and particularly suited to and/or particularly located for access by members of the Yakama Nation in accordance with Yakama Tribal laws and YNHA policies.

**400.2 Income eligibility criteria.**

1. Eligibility. When only Grant Agreement funds are used on a project, Clients must be income eligible in accordance with income eligibility guidelines of the particular funding program. For example, Commerce uses the HHS Low-Income Home Energy Assistance Program (“LIHEAP”) guidelines. *see* Wx Manual Section 1.2. Updates of both the HHS Poverty Guidelines and State Median Income Estimates are published each winter in the Federal Register.
2. Combined funds. When Grant Agreement funds are combined with another funding source, such as NAHASDA, YNHA will make sure the Client is income eligible in accordance with both HHS and the other funding source. For example, to be eligible for projects funded under NAHASDA, Clients must have an Annual Income that does not exceed 80% of Median Family Income, with certain exclusions from income, as allowed by applicable law. *See* YNHA Eligibility, Admissions, and Occupancy Policies.
3. Documentation. Client files must include documentation of all income considered for determining eligibility. *See* Wx Manual and YNHA Eligibility, Admissions, and Occupancy Policies and, as applicable.

**400.3 Eligible Residences.** Eligible applicants must be owners or tenants of single family homes, manufactured homes, multi-family homes, apartments, or mobile

homes, as defined in the Wx Manual. If the household is renting, the owner of the building must sign a property owner agreement and it must be on file with YNHA before weatherization work begins. Housing owned and operated by YNHA and Tax Credit housing is eligible under this program.

**400.4 Ineligible Residences.** Under the Wx Manual, the following residences are ineligible for the Program.

1. Owner-occupied residences that are being offered for sale.
2. Renter-occupied residences that are being offered for sale, unless it can be demonstrated that the residence will continue to be occupied by eligible tenants, and weatherization work performed is not incorporated into the sale price.
3. Homes previously weatherized, unless written justification for re-weatherization is documented as required in the Wx Manual. A home may not be re-weatherized with DOE funding unless the dwelling unit has been damaged by fire, flood, or act of nature and repair of the damage to the weatherization materials is not paid for by insurance, or unless the service is to provide eligible low-cost/no-cost weatherization materials.

## Chapter 5 SERVICES

**500.1 Program Requirements.** The Weatherization Program generally conducts all weatherization services in compliance with Commerce requirements as stated in the Washington State Low-Income Weatherization Assistance Plan for the current year, as applicable; the Washington State Policies and Procedures Manual for Managing the Low-Income Weatherization Assistance Program, as amended, as applicable; and the Washington State Specifications for the Low-Income Weatherization Program. If another grant, such as the BPA grant, has different program requirements, then YNHA will comply with those requirements for work performed under that grant,

**500.2 Planning.** The Weatherization Program develops a YNHA Weatherization Project Plan in coordination with the Commerce Tribal Liaison for Weatherization. Weatherization services are provided in accordance with that plan, the Grant Agreement, Wx Manual, and other program requirements.

**500.3 Weatherization Services.** Weatherization services under the Commerce Grant are based upon the house-as-a-system approach integrating advanced weatherization technologies into service delivery. The actual services that are provided to a Client depend on the assessment of the home, available funding, and

other relevant factors. Services that may be provided include an energy audit, a visual assessment, assessment of electric base load measures (water heaters, refrigerators, compact fluorescent light bulbs, lighting fixtures, and space heaters), diagnostic tests, energy-related health and safety assessment, consumer conservation education, appropriate low-cost measures, and applicable weatherization-related repairs.

## Chapter 6 ADMINISTRATION

- 600.1 Funding.** The Grant Agreements are reimbursement grants, and the Weatherization Program coordinates with the YNHA Accounting Program to submit monthly Requests for Reimbursement to Commerce and/or BPA. Another source of funding is the Indian Housing Block Grant under NAHASDA.
- 600.2 Monitoring.** Commerce performs monitoring according to the YNHA Project Plan, and schedules monitoring visits, which include site inspections and desk monitoring. Commerce also coordinates with the Weatherization Program no less often than annually to review the progress of the Grant Agreement, as included in the Project Plan. BPA may also perform monitoring in accordance with its Grant Agreement. The Weatherization Program performs ongoing self-evaluation to assess costs and benefits.
- 600.3 Hiring.** Consistent with 25 U.S.C. 450e (b), YNHA gives preference in its hiring and employment for the Weatherization Program to members of Yakama Nation or federally-recognized tribes, who have met all requirements for that position, including, state-mandated certifications, as applicable, and as may be provided by Tribal laws and YNHA policies. All Audits and Inspections must be conducted by a person certified as a Building Analyst by the Building Performance Institute (BPI).
- 600.4 Procurement.** YNHA follows its established procurement policies and procedures in accordance with OMB Circulars A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments, for purchases funded under the Grant Agreement.
- 600.5 Training.** Grants may include Training and Technical Assistance funding for various weatherization training opportunities over the course of the contract. The goal is to increase the YNHA weatherization program and technical capacity to provide weatherization services to Indian families in their service area. Generally, training and Technical Assistance funds may be used for travel, per diem, and lodging for this training and Auditor/Inspector BPI certification may be paid from this training fund. YNHA will comply with the specific terms of the applicable Grant Agreement.

**600.6 Reports.** The Weatherization Program complies with Commerce’s “real time” monitoring protocol and provides regular reports to Commerce and a final report that describes the accomplishments based on measurable objectives, as described in the Grant Agreement. The Program complies with BPA monitoring requirements in the Grant Agreement with BPA.

## Chapter 7 DUE PROCESS

**700.1 Disputes.** Should a dispute arise under this Policy, the YNHA Grievance Policy and Procedures will be applied consistent with the Grant Agreement, Wx Manual and any other specific requirements. A copy of the YNHA Grievance Policy and Procedures is available from the YNHA Receptionist at the YNHA Housing Office.