
YAKAMA NATION HOUSING AUTHORITY

**TENANT EMPOWERMENT
PROGRAM POLICY**

Yakama Nation Housing Authority

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

TABLE OF CONTENTS

Chapter 1. PURPOSE AND SCOPE	1
100.1 Purpose	1
100.2 Scope	1
Chapter 2. AUTHORITY, ADMINISTRATION AND APPLICABLE LAWS	1
200.1 Authority	1
200.2 Delegation of Authority	1
200.3 Implementation	1
200.4 Applicable Laws	1
200.5 Sovereign Immunity	2
200.6 Prior Policies	2
200.7 Other Policies	2
Chapter 3. DEFINITIONS	2
300.1 “Participant”	2
300.2 “Low-Income Indian Family”	2
300.3 Other terms	2
Chapter 4. PROGRAM ELIGIBILITY	2
400.1 Eligible Participants	2
400.2 General Requirements	2
400.3 Debts	3
400.4 Screening of Applications	3
400.5 Criminal Background Checks	3
Chapter 5. SELECTION	3
500.1 Applications	3
500.2 Work Availability	3
500.3 Selection	3
500.4 Payback Agreement	3
500.5 Documentation	3
500.6 Application Bank	4
500.7 Recordkeeping	4

Chapter 6. WORK	4
600.1 Type of Work	4
600.1.1 Examples	4
600.1.2 Other Work	4
600.2 Supervision	4
600.3 Equipment	5
600.4 Standards	5
 Chapter 7. PAYMENT	
700.1 Payment	5
700.2 Timesheets	5
700.3 Rent Credits	5
700.4 Withholding	5
700.5 Benefits	5
700.6 Volunteers	5
700.6.1 Stipends	6
700.7 Gift Cards	6
 Chapter 8. GRIEVANCES	6
800.1 Disputes	6

YAKAMA NATION HOUSING AUTHORITY TENANT EMPOWERMENT PROGRAM POLICY

Chapter 1 PURPOSE AND SCOPE

- 100.1 Purpose.** This Tenant Empowerment Program Policy (this “Policy”) has been adopted by the Yakama Nation Housing Authority (“YNHA”) Board of Commissioners (the “Board”) to provide direction for the implementation of the YNHA Tenant Empowerment Program.
- 100.2 Scope.** The YNHA Tenant Empowerment Program (this “Program”) provides work opportunities at YNHA offices and properties to tenants and homebuyers who agree to apply all or a part of their earnings to pay their rent or to bring their accounts current. This Program also provides work opportunities for tenants in the Veterans Supportive Housing and Pathway to Home Programs.

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 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 regulations under NAHASDA. 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. Without limitation, this may include the YNHA Pathway to Home Policy, the YNHA Veterans Supportive Housing Policy, and the YNHA Personnel Policy Manual.

Chapter 3 DEFINITIONS

300.1 “Participant” means a tenant or homebuyer, or a household member, currently residing in YNHA housing, who applies for and is accepted into the Program.

300.2 “Low-Income Indian Family” means a family in which the head of household is a member of a federally-recognized Indian tribe and the family’s Annual Income does not exceed 80% of Median Family Income, with certain exclusions from income, as allowed by applicable law.

300.3 Other terms not specifically defined in this policy are defined in the YNHA Eligibility, Admissions and Occupancy Policies.

Chapter 4 PROGRAM ELIGIBILITY

400.1 Eligible Participants. To be considered as an eligible Participant under this Program a person must be a member of a Low-Income Indian Family who is currently residing in housing operated and managed by YNHA.

400.2 General Requirements. Applicants must:

- A. Be eighteen (18) years of age or older.
- B. Complete the YNHA Tenant Empowerment Program application and submit such supporting documentation as YNHA may require.

- C. Have completed a recent recertification of income.
- D. Sign all forms, including a consent for release of information to YNHA and HUD Form 9886.
- E. Agree to a criminal background check.

400.3 Debts. Tenants in the Veterans Supportive Housing and Pathway to Home Programs, and other tenant and homebuyer families who owe back rent or homebuyer payments, will be given special consideration for participation in this program.

400.4 Screening of Applications. The disqualifying factors set forth under the YNHA Eligibility, Admissions and Occupancy Policies (e.g., criminal activity, including drug-related activity, damages to YNHA units, felony convictions, or registered sex offender) will apply to this Program. Disqualification from this program may not be based on rumor or innuendo, but must be supported by documented evidence such as reports, letters, memoranda and records of interviews with reliable sources.

400.5 Criminal Background Checks. YNHA will run a criminal background check to determine whether an applicant may be considered for participation in this Program. Such information will be used for the purpose of determining eligibility for this Program and will be kept confidential.

Chapter 5 SELECTION

500.1 Applications. Application forms for the YNHA Tenant Empowerment Program are obtained through the Resident Services Supervisor (“RSS”) assigned to the tenant or homebuyer account. The RSS may identify potential Participants or they may self-identify. All applicants will complete a Tenant Empowerment Program application.

500.2 Work Availability. Before an applicant is selected for this Program, YNHA must first have appropriate work available that the tenant or homebuyer can perform. The Housing Manager will consult with other managers to identify available work.

500.3 Selection. Participants are selected for available work based upon their qualifications, skills, and abilities, and other relevant factors. Selections are made based on a review of the application, documentation submitted to establish program eligibility, background checks, interviews, and any other relevant information.

500.4 Payback Agreement. If an applicant has a delinquent account with YNHA, YNHA will review the tenant ledger and draft a Payback Agreement, the terms of which will allow for credits to rent for work performed under this Program.

500.5 Documentation. A Participant will not begin work until all documentation required

by YNHA is signed and on file with YNHA. This includes the Tenant Empowerment Waiver form. If the Participant fails to sign the documents, the work opportunity will be withdrawn.

500.6 Application Bank. If work is not immediately available for an applicant, then application will be kept in an application bank. The Housing Manager or RSS will keep track of when the application was received, and six (6) months, each applicant will be contacted by the assigned RSS to update the application.

500.7 Recordkeeping. Applications and other employment records must be maintained by in accordance with the laws that apply to those records. The Human Resources Manager is responsible for the maintenance of employment records.

Chapter 6 WORK

600.1 Type of Work. The type of work performed under this Program is work within YNHA's housing parks and may include work on the Participant's own residence as well as on common areas or on other properties.

600.1.1 Examples. Examples of work assignments that may appropriate for this Program include property maintenance (such as lawn mowing, weed removal, shoveling, applying ice melt, picking up garbage, etc.); assisting with Youth Activities or local housing events such as Native Nights Out, Youth Activities, Housing Fair, or Housekeeping class; or delivering flyers to housing units.

600.1.2 Other Work. Some work assignments may not be appropriate for this Program, or may require closer supervision. For example, jobs that require driving company vehicles will not be appropriate, but a participant can ride with another employee. A job that requires processing tenant files or employee files may not be appropriate or may require closer supervision, due to the need to maintain confidentiality. A maintenance job that allows entry into individual units either may not be appropriate or may require closer staff supervision. An applicant who is a current drug user is probably not qualified to operate machinery. Managers will carefully consider whether the work is appropriate for the program and for the specific applicant, and all assignments will be approved by signature of the YNHA Executive Director before the job begins.

600.2 Supervision. The manager of the program having responsibility over the work (e.g., maintenance) is responsible to supervise the work of the Participant, which includes assigning tasks and evaluating work performance. The RSS for the YNHA housing park to which a Participant is assigned will periodically check with the program manager to stay informed of the Participant's progress and any problems. If there are concerns with performance or conduct of a Participant, the program manager will

coordinate with the Housing Manager, Human Resources Manager, and/or other appropriate staff before imposing discipline.

600.3 Equipment. Participants who use YNHA tools and/or equipment will receive instruction on how to use the equipment safely and responsibly, including checking out equipment, safe operations, cleaning after use, and returning the tools and equipment to their proper place. Just as with other employees, participants will not be allowed to take equipment home, and will be responsible for missing or damaged equipment.

600.4 Standards. Except as otherwise stated in this Policy, Participants who are treated as employees are subject to the same work rules and policies as other YNHA employees. The Human Resources Manager will follow the same procedure in processing new hires, including alcohol and drug testing and providing a copy of the YNHA Personnel Policies Manual. All new hires must sign a statement acknowledging that they have read the manual and are familiar with its terms.

Chapter 7 PAYMENT

700.1 Wages. Most Participants in this Program will be treated as employees, as they work under the control and at the direction of YNHA and receive compensation in the form of credits against their rent or direct payments. Such payments will be treated as wages.

700.2 Timesheets. Participants, like other hourly employees, complete timesheets for the time they spend working, and those timesheets are approved by the program manager before being submitted for payment.

700.3 Rent Credits. Participants who are paid by a credit to their accounts either will be credited \$10 for each hour worked, or may be credited based on a piece rate (e.g. \$20 to mow a lawn). If the credit is based on a piece rate, however, the amount of the credit still must be at least equal to the applicable minimum wage for each hour worked.

700.4 Withholding. Participants are subject to standard payroll deductions (e.g., income tax, Social Security and Medicare, unemployment insurance and workers' compensation).

700.5 Benefits. Participants who are treated as employees do not receive paid leave or paid holidays, and are not eligible for any YNHA employee benefits, such as medical insurance or retirement.

700.6 Volunteers. Volunteers do not work for rent credits. In order to be treated as a volunteer, a Participant must receive no compensation apart from expenses and/or a nominal fee. Further a volunteer must not be employed by YNHA to do the same kind of work, must have no expectation of payment, and must offer his or her

services without pressure or coercion. A volunteer also must not work a full time schedule or perform substantially the same work as paid employees.

700.4.1. Stipends. Even if a Participant meets the other tests for a volunteer, if he or she receives stipends in excess of \$500 annually, or 20% more than what an employee would be paid for the same work, then the Participant must be treated as an employee for tax purposes.

700.7 Gift Cards. Participants treated employees will not be paid by gift cards. If YNHA pays a bona fide volunteer with a gift card, such payment is subject to the same rules as a stipend, i.e., gift cards in excess of \$500 annually will require the issuance of a W-2 form for tax purposes.

Chapter 8 GRIEVANCES

800.1 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. The employee grievance and appeals procedures under the YNHA Personnel Policy and Procedures do not apply to this Program. A copy of the YNHA Grievance Policy and Procedures may be obtained from the YNHA receptionist.