

**HOUSING AUTHORITY OF
THE CHOCTAW NATION OF OKLAHOMA**

RENTAL ASSISTANCE PROGRAM POLICY

Drafted 03/06/2017 Approved by Board of Commissioners 04/05/2017
Amended 09/13/2024 Approved by Board of Commissioners 10/2/2024

Section 1

- 1.1 The Board of Commissioners recognizes it is necessary to establish policies for implementing and administering a Rental Assistance Program (RAP) policy for the Housing Authority of the Choctaw Nation of Oklahoma (HACNO). Such activities shall be conducted in conformance with, but are not limited to the NAHASDA Act, 24 CFR Part 1000 Native American Housing Activities, 24 CFR 8 Nondiscrimination, 2 CFR §200 Uniform Administrative Requirements for Federal Awards, and any other applicable Federal, Tribal, State, and Local laws.
- 1.2 The Board of Commissioners appoints and delegates the authority and administration of the RAP to the Executive Director or other individual he or she has authorized in writing. The execution of such responsibility shall be at all times to the best interest of the HACNO and in conformance with the HACNO policy. The Executive Director or other individual he or she has authorized shall issue operational procedures to implement this policy. Any exceptions to this policy must be approved by Executive Director or Senior Director of Rental Property Services.
- 1.3 This policy and any later changes shall be submitted to the Board of Commissioners for approval.
- 1.4 This policy shall comply with 24 CFR §1000.120 in reference to tribal preference and comply with the HACNO adopted Indian/Tribal Preference Policy. This policy shall also comply with Section 205(a) (1) (A) of the NAHASDA Act in reference to low-income eligibility based on the current national median income guidelines.

Section 2

General Information

2.1 Purpose

A. The purpose of this policy is:

To provide decent, safe, and sanitary housing for low-income families while maintaining their rent payments at an affordable level for a term of one-year.

2.2.1 Definitions

A. Adjusted Income. The term 'adjusted income' means the annual income that remains after excluding the federally mandated exclusions as listed at 24 CFR 5.609

B. Annual Income. Annual income, as defined by HUD, is the anticipated total income from all sources received by the family.

C. Applicant. Person who is requesting assistance

D. Choctaw reservation. 10.5 counties defined as the service area for Choctaw Nation. Please see District maps for detailed boundary lines.

~~E.~~ Disabled Families.

A family whose head (including co-head), spouse, sole member, or dependent child is a person with a verifiable disability.

F. Disability. (1) Means a person who:

(i) Has a disability, as defined in 42 U.S.C. 423 (d).

(ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

(A) Is expected to be of long-continued and indefinite duration.

(B) Substantially impedes his or her ability to live independently, and

(C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

(iii) Has a developmental disability as defined in 42 U.S.C. 6001(8).

F. G. Drug Related Criminal Activity. The term '*drug-related criminal activity*' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance.

G. H. Elder and Near-elder Families. The terms '*elder family*' and '*near elder families*' means a family whose head (or his or her spouse), or whose sole member, is an elder or near-elder person, respectively.

1) Elder is a person who is at least 62 years of age.

2) Near elder is a person who is at least 55 years of age.

H. Family. *Family* is defined as a family with or without children, an elder family, a near-elderly family, a disabled family, ~~and~~ **or** a single person. This includes legal custody or legal guardianship of other family members.

I. Full-Time Student. A person who is enrolled in a certified educational institution, such as a vocational school with a certificate or diploma program or an institution

offering a college degree and is carrying a subject load that is considered full-time for students under the standards and practices of the institution attended.

- J. Graduate Student. Someone who has earned a bachelor's degree and is pursuing additional education in a specific field.
- K. HUD. The U.S. Department of Housing and Urban Development.
- L. Indian. Any person recognized as being an Indian or Alaskan Native by an Indian Tribe, the Federal government, or any state.
- M. Indian Area. Indian area means the area within which the tribe operates affordable housing programs or the area in which the TDHE (Tribally Designated Housing Entity) is authorized by one or more tribes to operate affordable housing programs.
- N. Indian Tribe. The term '*Indian tribe*' means a tribe that is a federally recognized tribe, or a State recognized tribe.
 - 1) The term '*federally recognized tribe*' means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-determination and Education Assistance Act of 1975.
 - 2) The term '*State recognized tribe*' means any tribe, band, nation, pueblo, village, or community that has been recognized as an Indian tribe by any State and for which an Indian Housing has, before the effective date under section 705 of NAHASDA, entered into a contract with HUD pursuant to the United States Housing Act of 1937 for housing for Indian families and has received funding pursuant to such contract within the 5-year period ending upon such effective date.
- O. Low Income Family. The term '*low-income family*' means a family whose income does not exceed 80 percent of the National Median Income, as determined by HUD with adjustments for smaller and larger families.
- P. Median Income. The term '*median income*' is defined as the greater of-the median income of the counties or their equivalent in which the Indian area is located, or the median income for the United States
- Q. NAHASDA. The Native American Housing Assistance and Self Determination Act passed by the U.S. Congress in 1996.
- R. Zero-Income: a person with no income

Section 3

Admission and Occupancy

3.1.1 Eligibility

In order to be considered eligible for assistance, applicants must meet the following requirements:

A. Submit a completed application.

1) Supporting documentation for application includes, but is not limited to:

- a. Tribal Membership Card
- b. Social Security Card of every member of the household
- c. Income Verification for household members 18 or older
- d. Government Issued Picture ID (ex. State issued ID, Tribal ID, Passport, etc.)
- e. Proof of custody for all minor children in the household if both parents are not listed on the application.
- f. Background Check form must be completed by all household members 18 or older.
- g. Declaration of Section 214 Status must be completed by all US Citizen household members
- h. If applicable, Eligible Immigration status for the non-citizen household member.
- i. Acceptable documentation can be found in HUD 4350.3
Section 2 Figure 3-4l

B. Must not have received assistance from the program within the previous 12-month period. Exceptions may be made to the following:

- 1) Elder Families
- 2) Near-Elder Families
- 3) Disabled Families
- 4) Full-time students
 - a. Must be enrolled full-time.
 - b. Must maintain at least a 2.0 cumulative grade point average.
 - c. Must report all grants, scholarships, and loans.

- d. Must have sufficient income to cover monthly utility bills.
 - e. If requirements are maintained, assistance may be granted for up to 4 years. Additional time may be given for full-time graduate students.
 - C. Household income not to exceed 80% of the National Median income level as defined by HUD.
 - D. Assistance will only be provided within the Choctaw reservation.
 - E. Applicant may not owe an outstanding debt to the HACNO.
 - F. Choctaw Tribal Members will receive preference based on the HACNO's Indian/Tribal Preference Policy
 - G. Elder/Near Elder Choctaw Tribal Members receive priority.
 - H. Background checks will be conducted for all adults 18 and over. System failed background checks will require Director review to determine eligibility.
- A Waiting list, if applicable, will be maintained by application date and time with preference given in the following order:
- A. Elder/Near Elder Tribal Members
 - B. Choctaw Tribal Members
 - C. Other Tribes

3.1.2 Assistance

A. Amount of Assistance

The factors used to determine the amount of assistance to be paid to the owner on behalf of the participant are:

- a. Annual income of the family
- b. Family Composition
- c. Occupancy Standards
- d. Fair Market Rent for counties in the Choctaw reservation as determined by HUD annually.
 - i. The amount of assistance a family will receive will be the lesser of the actual rent or the fair market rent minus 15 percent.
 - ii. A rental unit exceeding FMR may be approved provided the tenant portion of rental payment does not exceed 30% of the monthly adjusted income for the family. If the rental amount

for the unit exceeds FMR, the amount of monthly assistance provided by the Housing Authority shall be equal to the difference between Fair Market Rent for the unit size and 15% of the monthly adjusted income for the family.

Example:

FMR	Rent	15% Adjusted Income	Assistance
1000	800	200	600
1000	1000	200	800
1000	1200	200	800

B. Duration of Assistance

Tenants may be provided rental assistance for one-year (12-month period). Tenant may reapply once they have been off assistance for one-year (12-month period). The only exceptions will be elder, near-elder, disabled families, and eligible full-time students.

C. Termination of Assistance

1) Termination of Assistance by the HACNO

The RAP assistance can be terminated if the tenant is found in any violation of contract, lease agreement, and/or certificate. The HACNO RAP may terminate family assistance for any of the following reasons:

- a.** Any violation of family obligations.
- b.** Suspicion of illegal drug activity or violent criminal activity.
- c.** Failure of family to sign and submit verification documents for recertification.
- d.** If the family moves out of the unit.
- e.** If the family breaks up
- f.** If the owner fails to maintain the unit in accordance with HQS standards

- g. If available program funding is insufficient to support continued assistance for the families
- h. If non-exempt tenant has received assistance for a one-year term (12-month period)
- i. The HACNO may terminate assistance in the event of a household where the only family member with the tribal membership card passes away, is permanently moved to a long-term care facility, or is removed from the household for other reasons. The remaining person will be allowed to remain on the program until recertification or for 90 days (whichever is later).

2) Termination of Assistance by the Participant

- a. The family may terminate tenancy after the first year of the lease.
- b. Terminations during the first year are allowed only if the owner agrees to release the family from the lease in writing and the participant meets the requirements for a transfer.
- c. The family must provide the owner and the HACNO RAP with a copy of the notice of termination in accordance with the lease.
- d. The family may also terminate the lease if the owner breeches HQS standards and refuses to repair unit after notification in writing of the necessary repairs.

3) Termination of Assistance by the Owner

During the term of the lease the landlord may not terminate tenancy except for:

- a. Serious or repeated violations of the terms of the lease.
- b. Violations of state, federal or local law that relate to occupancy or use of the unit.
- c. The landlord desires to use the unit for personal use, or desires to sell or renovate the property.
- d. The landlord may not terminate tenancy for non-payment of the HACNO RAP assistance payment.

- e. The landlord must give the tenant written notice of the grounds for the termination and provide a copy of any such notice to the HACNO RAP. Any such notice must be in conformance with local or state law.
- f. The HACNO may terminate assistance in the event of a household where the only family member with the tribal membership card passes away, is permanently moved to a long-term care facility, or is removed from the household for other reasons within 90 days of event or annual recertification, whichever is later.

3.1.3 Occupancy Standards

The RAP will determine unit size by family size and relationships as appropriate. The RAP will determine fair market rent on the actual approved size of the unit. The eligible applicant will have 60 days from the issuance of RAP voucher to find an acceptable unit. No assistance will be given until the unit has passed the initial Housing Quality Standards (HQS) inspection.

3.2 Transfers

- A. Transfers will not be allowed during the initial lease period unless both parties are willing to break the lease and there is good cause to break the lease as determined by the HACNO.
- B. Transfer requests during the initial lease period will be approved only under the following conditions:
 - 1) The dwelling no longer meets HQS standards (not caused by the participant) and the owner refuses to make the necessary repairs.
 - 2) The family needs a smaller or larger unit in accordance with occupancy standards
 - 3) The family needs to relocate closer to work or school, or medical facilities, or for safety reasons such as an act or threat of violence against the family (transfer for these reasons, must be verifiable).
 - 4) The owner does not wish to renew the lease.

Section 4

Obligations

4.1 Payments

- A. Once the lease and unit have been approved, and the owner has signed the agreement to abide by the owner obligation statement, the HACNO will sign a contract with the owner for the assistance payment amount showing the effective date of payments and the amount of the monthly payment.

4.2.1 Participant Obligations

- A. When the participant's lease and unit are approved, the participant must sign an agreement to fulfill and abide by the required obligations for participation in the program as shown below. Any breach of the participant obligations is grounds for termination of assistance.
- B. The family must:
- 1) Supply the HACNO RAP with any information that the HACNO RAP determines to be necessary for use in a regularly scheduled re-examination or interim re-examination of family composition and income.
 - 2) Disclose and verify social security numbers.
 - 3) Supply any information requested by the HACNO RAP to verify the family is living in the unit or information related to family absence from the unit.
 - 4) Promptly notify the HACNO RAP if the family will be away from the unit for more than 14 days.
 - 5) Notify the HACNO RAP and the owner in writing at least 30 days prior to moving out of the unit or terminating the lease.
 - 6) Use the assisted unit for residence by the family only. The unit must be the family's only residence.
 - 7) Request HACNO RAP and landlord approval to add any other family members as occupants of the unit.
 - a. Any adult not included on the application who has been in the unit more than 15 consecutive days without HACNO approval, or a total of 30 days in a 12-month period, will be living in the unit as an unauthorized household member.
 - b. Absence of evidence of any other address will be considered verification that the visitor is a member of the household.
 - c. Statements from neighbors and/or the landlord will be considered in making the determination.
 - d. Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.
 - e. The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the HACNO will terminate assistance since prior approval was not requested for the addition.
 - f. Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 90 days per year without being considered a member of the household.

- g. In a joint custody arrangement, documentation must be provided showing minor child resides in the home more than 50% or more of the year to be considered a family member. If minor child resides in the home less than 50% of the year, they will be considered an eligible visitor and not a family member.
- 8) Give the HACNO RAP a copy of any owner eviction notice or notice of lease termination.
- 9) Pay all utility bills and the portion of the rent the participant is responsible for (if any).
- C. The family must not:
 - 1) Own or have any interest in the unit.
 - 2) Commit any serious or repeated violation of the lease.
 - 3) Commit fraud, bribery, or any other corrupt criminal act in connection with the program.
 - 4) Participate in illegal drug activity or violent criminal activity.
 - 5) Sublease or let the unit or assign the lease or transfer the unit.
 - 6) Receive any other housing subsidy for the same unit or a different unit from any state, federal or local housing program.
 - 7) Damage the unit or premises (other than normal wear and tear) or permit any guest to damage the unit or premises.
- D. When a family breaks up:
 - 1) If there are children included in the household, the assistance will remain with the parent who has custody and control of the children.

4.3 Owner Obligations

- A. Prior to execution of the contract for assistance payment by the HACNO to the owner on behalf of the family, the owner must agree to the following obligations in the program and must sign a statement that they are willing to adhere to these obligations before assistance can be approved.
 - 1) The owner is responsible for conducting background checks and contacting references to determine the participant's suitability as a renter. The HACNO RAP does not screen the tenants.
 - 2) The owner is responsible for compliance issues concerning any and all conditions of the lease.

- 3) The owner is responsible for providing the HACNO RAP with a copy of any eviction or lease termination.
- 4) The owner must notify the HACNO RAP if any participant vacates a unit.
- 5) The owner must provide the HACNO RAP with a copy for approval of any changes to the lease during the tenancy of a participant of this program.

4.4 HACNO Obligations

- A. The HACNO is responsible for payment of the assistance amount to the owner each month by the fifth of each month.
- B. The HACNO is responsible for conducting an inspection prior to approval of the unit, and for special inspections if the participant reports it that the unit no longer meets the minimum required standards, and the damages were caused by maintenance neglect of the owner.
- C. The HACNO RAP is responsible for conducting the initial income verification to determine eligibility and conducting recertifications for continued eligibility of participants at least annually.

Section 5

Certification and Record Retention

5.1.1 Certification Requirements

- A. All exempt participants will be required to be recertified at least annually in accordance with the adopted Eligibility, Admission & Occupancy Policy to determine if they are still eligible for the program and if the assistance amount needs to be adjusted. Criminal history will not be checked at recertification.
- B. All participants who are over income for the program at the time of re-certification will be given at least 30 days' notice of termination. The owner will also receive a copy of this notice.

5.1.2 Rental Assistance Program Authority and Administration

- A. All RAP duties shall be administered by the RAP Director, or other individual he or she has authorized. The RAP Director shall issue operational procedures and may also establish a system of sanctions for violations of ethical standards consistent with Federal, State, Tribal, or Local law.

5.1.3 Retention of Rental Assistance Records

In accordance with 24 CFR §1000.552 and 2 CFR §200.333, all programmatic records, supporting documents, and statistical records are required to be retained for a period of three years after closeout or until the end of the regular 3-year period, whichever is later.

Section 6

Grievance

6.1.1 Participant Grievance

RAP associates shall make every effort to respond to participant complaints, requests for assistance, and requests for action of appeals of decisions to avoid the necessity for formal grievance hearings. If the participant is not satisfied with the efforts of the RAP associates, the HACNO Participant Grievance Policy will apply.