



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 04-1103-443

*Adoption of Housing Commission Regulations, Chapters 1-3, Regarding Eligibility,
Admissions and Occupancy of Elder and Tribal Rental Housing*

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council adopted the Housing Commission Ordinance creating an entity responsible for providing guidance in the regulation of the Tribe's housing units; and

WHEREAS, the Tribal Council has approved application for, and accepted, federal grant funds under NAHASDA and other federal funding sources for elder, transition, and low income housing; and

WHEREAS, the Tribal Council has approved Tribal funds to be utilized for Tribal housing units not restricted to elders, low-income or transition housing; and

WHEREAS, the Housing Commission has developed regulations regarding eligibility, admission and occupancy of elder and Tribal housing units and has approved those regulations on October 21, 2004 at a regular Housing Commission meeting; and

WHEREAS, the Tribal Council has received and reviewed the regulations and finds that they clearly express the policy and intent of the Tribal Council in providing reasonable housing opportunities to Tribal members;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the following Housing Commission regulations for immediate implementation.

Chapter 1. Eligibility Procedures for Low Income Elder and Tribally Owned Rental Homes

Chapter 2. Admission Procedures for Low Income Elder and Tribally Owned Homes

Chapter 3. Occupancy Procedures for Low Income Elder and Tribally Owned Homes

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on November 3, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court

Housing Regulations
Regulation # R700-01:HC-1

Chapter 1. Eligibility Procedures for Low Income Elder and Tribally Owned Rental Homes

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with sections 6.01(a) and (c) and 6.02(e) and (g) of the Housing Commission Ordinance, #04-700-01, the Housing Commission hereby promulgates these regulations for eligibility for low income elder and tribally owned rental homes.

1-2. *Purpose.* The purpose of this Chapter is to make sanitary, safe and uncrowded dwelling accommodations available to Tribal members of low income within the reservation and Tribal Service Area at rents that persons of low income can afford. These regulations are designed to serve as:

- a. A policy for the Housing Department to use in determining eligibility standards.
- b. A document that provides for consistent, equitable, and uniform treatment of clients.
- c. A basis for decision-making by Housing Department staff. A training manual for newly-hired or appointed staff.

1-3. *Application.* These regulations are applicable to all applicants and renters participating in the following Housing Department programs:

- a. Elder Units Housing at Aki maadiziwin
- b. Tribally owned rental units.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word "shall" is always mandatory and not merely advisory. Unless defined elsewhere, terms defined this Chapter and the Housing Commission Ordinance are defined for the purposes of this Chapter.

2-2. *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 (as such term is defined in section 102 of the Controlled Substances Act).

2-3. *Elder Housing Unit* means a house located at Aki Maadiziwin designated for elder housing and other housing units of the Tribe may be designated as elder housing units.

2-4. *Elderly Families and Near elderly Families* means a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near elderly person, respectively. Such terms include two or more elderly persons or near elderly persons living together, and one or more such persons living with one or more persons determined to be essential to their care or well-being. Such arrangements should be specified in the Indian housing plan.

2-5. *Elderly Person* means a person who is at least 62 years of age, provided that, for the purposes of Tribal owned rental units, elder person means a person who is at least 55 years of age.

2-6. *Family* means an adult living with or without children, an elder, a near elderly person, a disabled person, and/or a single person.

2-7. *Income* means income from all sources, for each member of the household, as determined in accordance with criteria prescribed by these regulations.

2-8. *Median Income* means, with respect to an area that is an Indian area, the greater of -

- a. The median income for the Indian area, which the Secretary shall determine; or
- b. The median income for the United States.

2-9. *Near elderly Person* means a person who is at least 55 years of age and less than 62 years of age.

2-10. *Tribal rental housing* means a house owned by the Tribe, or managed by the Tribe, which is rented

at market value.

Section 3. Eligibility Criteria

3-1. *Criteria.* The applicant must meet the following criteria in order to be selected as preliminarily eligible to participate in the Elder housing units and Tribal rental housing programs. If the Housing Department determines an applicant is preliminarily eligible, that person shall be placed on a waiting list for a specific size rental unit. This initial screening includes the applicant fulfilling the four following criteria: Family Composition; Income Eligibility; the Need for Housing; and Tribal Membership of head of household or minor children living in the home.

a. *Family Composition.* An applicant must have the appropriate family composition to be eligible for these housing services.

1. *Elder Housing at Aki Maadiziwin.* For purposes of elder housing at Aki maadiziwin, family composition must be comprised of at least one person who is a Tribal member and is elderly or near elderly. In no circumstances should the occupancy of these homes exceed 3 persons. Other persons may reside in the home if they are:

- A. related by blood and elders;
- B. married to a qualifying individual;
- C. a significant other or domestic partner; or
- D. a live-in-attendant determined to be essential to the tribal elder's care and well being.

2. *Tribal Rental Housing.* For purposes of tribal rental housing, family composition is comprised of:

- A. Two or more persons who are related by blood, marriage, blended family, extended family, or operation of law and the head of household is a Tribal member; OR
- B. Minor child(ren) who are enrolled with the Tribe and reside with a head of household who is not an enrolled member of the Tribe; OR
- C. A single person who is a Tribal member and is elderly or near elderly, handicapped, disabled, OR
- D. A single person who is a Tribal member and lives alone and intends to live alone and does not qualify as an elderly family.

b. *Income Eligibility.* The household must for Elder housing units must be within the maximum and minimum income guidelines to be eligible for the homes. The household for Tribal housing units must be at income levels sufficient to meet rental payments. The applicant's annual income will be determined by estimating the anticipated total income from all sources to be received by the head of household, spouse, and additional members of the family over the next 12 months.

1. *Maximum Income.* If the applicant must qualify as a low-income family, maximum income is defined as a family whose income does not exceed 80% of the median income for the area or the United States. Income limits are adjusted for family size and updated on an annual basis by the Department of Housing and Urban Development.

2. *Minimum Income.* The applicant is required to satisfy obligations such as administration fees, user fees, utilities, maintenance, etc. The applicant must demonstrate the ability to meet these requirements. The minimum income acceptable, adjusted by family size, is defined in section 3-2. Income limits are adjusted for family size and updated on an annual basis.

c. *The Need for Housing.* Each person in the household must not already own a home. If accepted,

the rental home must be the household's primary residence for a minimum of 10 months of the year.

d. *Member Living in the Home.* A member, whether head of household or minor child, must live in the home.

3-2. *Income Included/Excluded from Calculation.* Income means income from all sources, for each member of the household, except that the following amounts may not be considered as income under this paragraph:

- a. Any amounts not actually received by the family.
- b. Any amounts that would be eligible for exclusion under Section 1613(a)(7) of the Social Security Act.
- c. *Income is defined in one of three ways.* The intention of these regulations is to income in the best interest of the applicant. The Housing Department shall calculate all three income options presented in these regulations, and select the calculation that best meets the applicants needs.

1. *Income as defined by the Department of Housing and Urban Development in Section 8.* Annual income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the twelve month period following the effective date of initial determination or re-examination of income, exclusive of certain types of income as provided in paragraph (2) of this definition. Annual income includes, but is not limited to:

- A. The full amount, before any payroll deduction, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

- B. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family;

- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in the definition of exclusions. Any withdrawal of cash or assets from an investment will be included in income except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

- D. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment;

- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay;

- F. Welfare assistance. If the welfare assistance payment includes an amount

specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

1. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
2. The maximum amount that the welfare assistance agency could, in fact, allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be in the amount resulting from one application of the percentage;

G. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling; and

H. All regular pay, special pay and allowances of a member of the Armed Forces.

I. Annual Income does not include:

1. Income from employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide;
6. The full amount of student financial assistance paid directly to the student or to the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Amounts received under training programs funded by HUD;
9. Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
10. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
11. A resident service stipend, which is a modest amount (not to exceed \$200 per month) received by an Indian housing resident for performing a service for the IHA, on a part-time basis, that enhances the quality of life in Indian housing. Such services may include, but are not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during

the same period of time;

12. Incremental earnings and benefits resulting to any family member from the participation in qualifying state or local employment training programs (including training programs not affiliated with local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training;

13. Temporary, nonrecurring or sporadic income (including gifts);

14. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who during the Nazi era;

15. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

16. Adoption assistance payments in excess of \$480 per adopted child;

17. Deferred periodic amounts of supplemental security income and social security benefits that are received in a lump sum amounts or in prospective monthly amounts;

18. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes on the dwelling unit;

19. Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;

20. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following types of income are subject to such exclusion:

a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;

b. Payments to volunteers under the Domestic Volunteer Service Act of 1973;

c. Payments received under the Alaska Native Claims Settlement Act;

d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes;

e. Payments or allowances made under the Department of Health and Human Services' Low Income Home Energy Assistance Program;

f. Payments received under programs funded in whole or in part under the Job Training Partnership Act;

g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians;

i. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of

Claims, or from funds held in trust for an Indian tribe by the Secretary of the Interior;

j. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs;

k. Payments received from programs funded under Title V of the Older Americans Act of 1965;

l. Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation;

m. Payments received under the Maine Indian Claims Settlement Act of 1980;

n. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for cost incurred for such care) under the Child Care and Development Block Grant Act of 1990; and

o. Earned income tax credit (EITC) refund payments received on or after January 1, 1991.

2. *Income as Defined by U.S. Census.* Annual income is the algebraic sum of all amounts received by the family/household including head or spouse and all other persons 15 years old and over residing in the household regardless of relationship, for the 12 month reporting period. Annual income includes but is not limited to the following:

a. Wage or salary income--includes total money earnings received for work performed as an employee during the calendar year. It includes wages, salary, Armed Forces pay, commissions, tips, piece-rate payments, and cash bonuses earned before deductions were made for taxes, bonds, pensions, union dues, etc.

b. Non farm self-employment income--includes net money income (gross receipts minus expenses) from one's own business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and services rendered. Expenses includes purchased, rent, heat, light, power, depreciation and salaries paid, business taxes (not personal income taxes), etc.

c. Farm self-employment income--includes net money income (gross receipts minus operating expenses) from the operation of a farm by a person on his or her own account, as an owner, renter, or sharecropper. Gross receipts include the value of all products sold, government farm programs, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, etc. Operating expenses include cost of feed, fertilizer, seed, and other farming supplies, cash wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes (not state and Federal personal income taxes), etc. The value of fuel, food, or other farm products used for family living is not included as part of net income.

d. Interest, dividend, or net rental income--includes interest on savings or bonds, dividends from stockholdings or membership in associations, net income from rental of property to others and receipts from boarders or lodgers, net royalties, and periodic payments from an estate or trust fund.

- e. Social Security income--includes Social Security pensions and survivors benefits and permanent disability insurance payments made by the Social Security Administration prior to deductions for medical insurance, and railroad retirement insurance checks from the U.S. Government. Medicare reimbursements are not included.
 - f. Public Assistance income--includes
 - 1. Supplementary security income payments made by Federal or state welfare agencies to low income persons who are aged 65 years old or over, blind, or disabled;
 - 2. Aid to families with dependent children, and
 - 3. General assistance. Separate payments received for hospital or other medical care (vendor payments) are excluded from this item.
 - g. Retirement or Disability Income--includes the following:
 - 1. Retirement pensions and survivor benefits from a former employer, labor union, or Federal, state, county, or other governmental agency;
 - 2. Disability income from sources such as worker's compensation; companies or unions; Federal, state, or local government; and the U. S. military;
 - 3. Periodic receipts from annuities and insurance; and
 - 4. Regular income from IRA and KEOGH plans.
 - h. All other income--includes
 - 1. Unemployment compensation;
 - 2. Veterans Administration (VA) payments;
 - 3. Alimony and child support;
 - 4. Contributions received periodically from persons not living in the household;
 - 5. Military family allotments;
 - 6. Net gambling winnings; and
 - 7. Periodic income other than earnings.
 - i. Annual income does not include the following:
 - 1. Money received from the sale of property (unless the recipient was engaged in the business of selling such property);
 - 2. The value of income "in kind" from food stamps, public housing subsidies, medical care, employer contributions for persons etc.;
 - 3. Withdrawal of bank deposits;
 - 4. Money borrowed;
 - 5. Tax refunds;
 - 6. Exchange of money between relatives living in the same household; and
 - 7. Gifts and lump-sum inheritances, insurance payments, and other types of lump-sum receipts.
3. *Income Defined as Adjusted Gross Income as Defined by the Internal Revenue Service.*
Adjusted gross income means gross income minus deductions, including the following:
- A. On account of a trade or business carried on by the taxpayer (except for services as an employee) (Paragraph 1006);
 - B. For trade or business expenses paid or incurred by a qualified performing artist for services in the performing arts as an employee (Paragraph 941 A);

- C. Allowed as losses from the sale or exchange of property (see paragraph 1701 et. seq.);
- D. For expenses paid or incurred in connection with the performance of services as an employee under a reimbursement or other expense allowance arrangement with the employer or third party (Paragraph 942). Employee expenses that are not reimbursed under an accountable plan are not deductible from gross income;
- E. Attributable to rental or royalty property (Paragraph 1089);
- F. For depreciation or depletion allowed to a life tenant of property or to an income beneficiary of property held in trust, or to an heir, legatee, or devisee of an estate (Paragraph 1090);
- G. For contributions by self-employed persons to pension, profitsharing, and annuity plans (Paragraph 2113);
- H. Allowed for cash payments to individual retirement accounts (IRAs) and deductions allowed for cash payments to retirement savings plans of certain married individuals to cover a non-working spouse (Paragraph 2170 & 2172);
- I. For the ordinary income portion of a lump-sum distribution to the extent included in gross income (Paragraph 2153);
- J. For interest forfeited to a bank, savings association etc., on premature withdrawals from time savings accounts or deposits (Paragraph 1120);
- K. For alimony payments (Paragraph 1008);
- L. For the amortization of reforestation expenses (Paragraph 1287);
- M. For certain repayments of supplemental unemployment compensation benefits to a trust described in Code Sec. 501(c)(9) or (17), required because of receipt of trade readjustment allowances (Paragraph 1009);
- N. For jury duty pay remitted to employer (Paragraph 1010);
- O. For moving expenses (Paragraph 1073);
- P. For the purchase of clean-fuel vehicle and refueling property (Paragraph 1286);
- Q. For interest on education loans incurred on, before, or after August 5, 1997 with respect to loan interest payment due and paid after December 31, 1997 (Code Sec. 62(a) (17));
- R. For contributions to a medical savings account allowed by Code Sec. 220 (Code Sec. 62(a)(16)) See Paragraph 1020; and
- S. For expenses paid or incurred by a fee-basis state or local government official for services performed.

Section 4. Application Process

4-1. *Application Form.* The application is the basic record of each family/person applying for housing. Each applicant must provide all of the necessary information and accurately complete all requested information on the application. The applicant must certify that all information contained in the application is true and accurate to the best of his knowledge. The applicant and all household members of legal age and older must sign a release of information request. All information or any statements made by the applicant are subject to verification.

4-2. *Additional documents required for admission.* The Housing Department shall require the following documents to be eligible to rent a home:

- a. *Proof of Age.* If age is a qualification to occupy a home (i.e. Elder Homes), then proof of age is required. Acceptable forms for verification include a birth certificate, driver license, or if neither

one of those are available, an affidavit.

b. *Minor Head of Household.* If the Head of Household applying for services is a minor, then a court order emancipating the minor as an adult is required.

c. *Proof of Residency.* The Housing Department restricts housing assistance to Little River citizens, U. S. citizens and non-citizens who have eligible immigration status. The applicant must verify citizenship or non-citizen eligibility in order to receive assistance. An example of this type of verification includes a driver's license.

d. *Social Security Number Requirements.* The applicant must furnish the Housing Department with social security numbers and/or copies of social security cards for each family member or person listed on the application. For minor children 6 years of age or under, a written certification may be submitted in lieu of a social security card.

4-3. *Receipt of Application.* Immediately upon receipt, the application shall be date stamped, time stamped, and initialed by the Housing Department staff. If additional information is necessary, a new date and time stamp shall be placed in the file. Completed applications may be mailed or delivered in person. Applications shall be received at the Housing Department office located at the following addresses:

a. Mailing Address: 375 River Street
Manistee, Michigan 49660

b. Physical Address: 1762 US 31 South
Manistee, Michigan 49660

4-4. *Review of Application.* Each time the Housing Department receives a new application or additional information to complete an application, it shall review the information within 3 weeks from the date it is received. Based on this review, the Housing Department shall make one of the following decisions:

a. *More Information Required.* After reviewing the initial application or new information is received, the Housing Department determines that more information is required, a letter will be sent by certified mail within the three-week review period and shall inform the applicant of what additional information is necessary in order to process the application. The application shall not be considered complete until the Housing Department sends a letter to the applicant informing him that the application is complete and pending. If additional information is not received within 30 days of when the request was sent, the file shall be moved to inactive files pursuant to Section 8-1(d).

b. *Completed Application.* The Housing Department shall send a letter to the applicant stating the date that the application is considered complete.

c. *Failure of Housing Department to Process the Application Within Time Period Required.* If the Housing Department fails to complete the application review and send notice to the applicant within 3 weeks of receiving it, then the applicant shall retain the filing date when the Housing Department received that last information. The Housing Department shall continue to contact the applicant for additional information.

Section 5. Verification of Application Information

5-1. *Verification Procedures.* In order to determine that data upon which determination of family composition, income eligibility, the need for housing, Tribal membership requirements and rents to be charged are accurate, such data must be verified.

a. *Third Party Verification.* The Housing Department shall make every effort to obtain written verification by a third party.

b. *Other Verification.* If third party verification cannot be obtained, the Housing Department shall request the applicant, including all adult household members, to submit relevant information, provided that the submission contains a notarized statement attesting that the information contained

therein is true and accurate to the best of the person's knowledge and belief.

5-2. *Types of Verification Records.* The Housing Department shall compile accurate verification records for each household, consisting of, but not limited to, the following:

- a. Letters or other statements from employers and other pertinent sources giving authoritative information concerning all amounts of income.
- b. Copies of documents in the applicant's possession that substantiate his/her statements.
- c. Certified statements, or summary data from bank account, from self-employed persons, and from persons whose earnings are irregular, such as salesmen, taxi drivers etc., setting forth gross receipts, itemized expenses and net income.
- d. Memoranda of verification data obtained by personal interviews, telephone, or other means, with source, date reviewed and the person receiving the information clearly indicated.
- e. Verification from other government assistance programs, including but not limited to, General Assistance, Supplemental Security Income, Disability, Unemployment Compensation, and Food Stamps.

Section 6. Determination of Eligibility

6-1. *Applicant Determined Eligible.* Upon receipt of a completed application, the Housing Department will make a determination of eligibility. An applicant determined to be eligible shall be promptly notified in writing and placed on the appropriate rental unit program waiting list.

6-2. *Applicant Determined Ineligible.* An applicant determined to be ineligible shall be promptly notified in writing. The notice shall state the reason(s) for the ineligibility and advise the applicant of his/her right to appeal.

6-3. *Appeal.* The appeal must be requested within 15 calendar days of the date of the notice. Appeals are presented to the addresses identified in section 4-3. The Housing Department shall forward all appeals to the Chairperson of the Housing Commission who shall schedule a hearing for such appeal and provide notice to the applicant.

Section 7. Waiting List Administration

7-1. *Waiting List Procedures.* The Housing Department shall maintain a waiting list of names for the appropriate housing rental unit, separate and apart from any other Housing Department program waiting list. The list shall be composed of applicants who have been determined to be eligible. The eligible applicants will be placed on the waiting list in order that the completed application is received.

7-2. *Updating the Waiting List.* The Housing Department waiting list shall be updated on a continual basis. It is the responsibility of each applicant to update his or her application at least bi-annually. In order to remain on the waiting list, an applicant must continue to update his/her application and remain eligible for the rental unit program. The Housing Department shall inform the applicant at 5 months of the need to update his application within 4 weeks of receipt of the request.

7-3. *Removal from Waiting List.* Applicants shall be removed from the waiting list for the following reasons:

- a. *Failure to Update Application.* Applicants who fail to update their application within 6 months of their most recent eligibility date will be placed in the inactive file and lose order of placement on the waiting list.
- b. *Written Request for Removal.* Any applicant on the waiting list who wishes to be removed from the list must submit a written request to the Housing Department. Otherwise, no eligible applicant may be removed from the waiting list except for failure to update in a timely manner.

Section 8. File Maintenance

8-1. *Application File.* The Housing Department shall maintain a file for each family completing an application. All information supplied by the applicant, verification of information, and all relevant correspondence with the applicant, shall be contained in the file. Files will be placed in one of four categories.

- a. *Eligible.* This file contains those applications that have met the initial eligibility requirements for one of the rental units and have been placed on that unit's waiting list. The applicant is responsible for making corrections or updating the application on a bi-annual basis. Failure to update an application for a period of 6 months is grounds for placing the application in an inactive file and removing the household from the waiting list.
- b. *Ineligible.* This file contains those applications that have not met initial eligibility requirements and have been determined to be ineligible for the low-income rental units.
- c. *Incomplete/Pending.* This file contains those applications that have not been sufficiently completed or verified for a determination of eligibility to be made. Applicants submitting an incomplete application will be notified and given 30 days to submit the missing information. If the information is not submitted in a timely manner, the application will be placed in the inactive file.
- d. *Inactive.* Applications which are not completed and the applicant has not responded to the Housing Department's request for more information within 30 days pursuant to Section 3-4(a), shall be placed in the inactive file. This file shall also contain those applications that have been completed and placed on the waiting list but have not been updated within 6 months.

Section 9. Adoption; Amendment; Repeal

9-1. *Adoption.* This Chapter is approved by the Housing Commission on October 21, 2004 and approved by the Tribal Council on _____.

9-2. *Amendment.* This regulation may be amended by the Housing Commission in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 9-1.

9-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

9-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

9-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

9-6. *Effective Date.* This Regulation shall take effect upon approval by Tribal Council.

Chapter 2. Admission Procedures for Low Income Elder and Tribally Owned Homes

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with sections 6.01(a) and (c) and 6.02(e) and (g) of the Housing Commission Ordinance, #04-700-01, the Housing Commission hereby promulgates these regulations for eligibility for low income elder and tribally owned rental homes.

1-2. *Purpose.* The purpose of Chapter 2 is to identify the processes that are utilized to determine the occupant based on the applications and the information identified in the required background check.

1-3. *Application of Chapter 2.* Chapter 2 is applicable to all applicants and renters participating in the

following Housing Department programs:

- a. Elder Units Housing at Aki maadiziwin
- b. Tribally owned rental units.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word “shall” is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in Chapter 1 and the Housing Commission Ordinance are defined for the purposes of this Chapter.

Section 3. Selection and Screening Requirements

3-1. *Order of Selection.* The Housing Department shall select eligible applicants from the appropriate waiting on a first come first serve basis. There shall be no preferences provided or exceptions to this policy.

3-2. *General screening.* Once selected and prior to placement in a home, the Housing Department shall conduct a screening process of each applicant and adult household member to determine suitability for admission. The screening process shall include a review of pertinent factors including the following:

- a. *Credit History.* A credit history shall be conducted by the Housing Department regarding the applicant’s and adult household member’s past performance in meeting financial obligations that shall include, but not limited to, rent and utilities. The Housing Department shall request a report from a consumer credit reporting agency. If an applicant or adult household member has a poor credit report, he must demonstrate consistent ability to pay rent and utility bills within the past year. The Housing Department shall exclude an application if the applicant or adult household member cannot demonstrate a consistent ability to pay rent and utility bills within the past year. The Housing Department shall request information from former landlords detailing payment history (from up to 5 years ago);
- b. *Previous Eviction from HUD funded home.* The applicant shall be denied services if the applicant was previously evicted for non-payment or non-compliance with any Housing Department, Indian Housing Authority, Tribal or Public Housing Authority policy.
- c. *Previous abandonment of a HUD funded home.* The applicant shall be denied services if the applicant previously participated in a HUD-assisted program and abandoned the dwelling unit.
- d. *Past behavior as a tenant.* The applicant shall be denied services if the applicant’s past performance and behavior including destruction of property, disturbance of neighbors, poor housekeeping practices, or other activities which may endanger or be detrimental to other residents.
- e. *Home Visit.* The Housing Department shall make every effort to complete a home visit at the applicant’s present residence. If a home visit is not feasible, current references shall be required. The applicant shall be denied services if the applicant currently has poor housekeeping standards which has resulted in an unsanitary living environment.

3-3. *Determination of suitability.* In determining whether an applicant and the household members are suitable for admission regarding all of the factors listed in Section 3-2(a)-(e), the Housing Department shall review all of the information gathered in the screening process, taking into consideration the date, nature, and severity of the occurrence in question and the probability of future occurrences. If one household member is determined to be unsuitable, the application is rejected in its entirety, with the exception of Section 3-2(a). The Housing Department shall not provide an option for the applicant to adjust the occupants listed in the application. The applicant has a right to appeal the decision pursuant to Section 3-5.

3-4. *Criminal Background Screening.* Once selected and prior to placement in a home, the Housing Department shall conduct a screening process of each applicant and adult household member regarding his criminal background to determine suitability for admission. The screening process shall include a review

of pertinent factors including the criminal record particularly focusing on drug-related activities, physically violent crimes, or other criminal acts that may endanger other residents. The Housing Department may wish to request information from law enforcement agencies and the National Crime Information Center. The Housing Department shall not provide an option for the applicant to adjust his occupants listed in the application. In determining whether an applicant is suitable for admission regarding criminal background, the Housing Department shall apply the following provisions and maintain files in accordance with the departments criminal record file maintenance procedures.

a. *Automatic Exclusion.* The Housing Department shall deny an applicant admission to a rental unit if he or any of the applicant's household members listed on the application has been convicted of or entered a plea of guilty or no contest to any offense involving:

1. Criminal Sexual Conduct where the perpetrator is an adult at the time that the crime is committed.
2. Selling any controlled substance located on Schedules 1-5 of MCL 333.7211-333.7220 or the equivalent within the past seven years.
3. Violent Behavior involving murder, assault with intent to do great bodily harm, or stalking.
4. Selling alcohol to minors.

b. *Discretionary Exclusion.* The Housing Department shall determine whether to deny an applicant admission to a rental unit if he or any of the applicant's household members listed on the application has been convicted of or entered a plea of guilty or no contest to any misdemeanor or felony offense not listed in section 3-4(a). In making the decision, the Housing Department shall complete a report that takes into account the following factors and considerations:

1. Whether the offense was a felony or misdemeanor.
2. Dates of convictions.
3. Number of similar convictions.
4. Likelihood of recidivism that will take into account factors such as counseling and substance abuse programs.
5. Convictions that impact the health, safety and right to peaceful enjoyment of other tenants.

3-5. *Unsuitability for Any Reason.* If an applicant is determined to be unsuitable for admission for any reason listed in Sections 3-1 to 3-4, a written notice of the determination and the grounds for the determination shall promptly be sent to the applicant. The notice shall advise the applicant(s) of the right to appeal to the Housing Commission. The request for appeal must be submitted within 15 calendar days of the date the notice was mailed. The Housing Commission shall hold a hearing within 10 days of the request. After the hearing, the Housing Commission shall provide a written decision within 10 days which shall include the findings of facts and decision. This decision may be appealed to Tribal Court.

3-6. *Notification of selected applicants.* Promptly after an applicant has completed the screening process and has been determined to be suitable for admission, the family will be notified in writing of their selection. The notification shall include the following:

- a. A statement that the family has been selected for participation in the Little River Housing Department program;
- b. A statement that the family will be required to participate in mandatory counseling/training sessions prior to occupancy;
- c. A statement a lease agreement will need to be executed;
- d. A statement that admission and contract execution is subject to a final income and eligibility verification;

- e. The address, location, legal description, unit number, or type of services to be received, and amount of assistance;
- f. A statement that the family has 15 days in which to respond to the notice, either by accepting or rejecting the home offered;
- g. A statement that failure to respond within 15 days shall be regarded as a rejection of the offer. The date of formal rejection shall be 20 days after the notification of selection;
- h. A statement that a rejection of the offer shall result in the application being placed at the bottom of the waiting list as it is identified on the formal rejection date; and
- i. A statement that the notice is not a contract and does not obligate the Housing Department in any way.

Section 4. Adoption; Amendment; Repeal

4-1. *Adoption.* This Chapter is approved by the Housing Commission on October 21, 2004 and approved by the Tribal Council on _____.

4-2. *Amendment.* This regulation may be amended by the Housing Commission in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 4-1.

4-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

4-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

4-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

4-6. *Effective Date.* This Regulation shall take effect upon approval by Tribal Council.

Chapter 3. Occupancy Procedures for Low Income Elder and Tribally Owned Homes

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with sections 6.01(a) and (c) and 6.02(e) and (g) of the Housing Commission Ordinance, #04-700-01, the Housing Commission hereby promulgates these regulations for eligibility for low income elder and tribally owned rental homes.

1-2. *Purpose.* The purpose of Chapter 3 is to identify processes by which housing units are occupied and the general rules and conditions each applicant must abide by.

1-3. *Application of Chapter 3.* Chapter 3 is applicable to all applicants and renters participating in the following Housing Department programs:

- a. Elder Units Housing at Aki maadiziwin
- b. Tribally owned rental units.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word "shall" is always mandatory and not merely advisory. Unless defined elsewhere, terms defined in Chapter 1 and the Housing Commission Ordinance are defined for the purposes of all Housing Commission Regulations.

Section 3. Occupancy Standards

3-1. *Number of Persons in Household.* Because of the limited availability of housing units, and in order to prevent overcrowding and to avoid under-utilization of a housing unit, homes shall be assigned in accordance with the following schedule. The Housing Department may make exceptions due to unusual circumstances. Factors to be considered include age and sex of children, potential changes in family composition, availability of unit sizes, etc.

NUMBER OF BEDROOMS

2 BR

3 BR

4 BR

5 BR

NUMBER OF PERSONS

1-5*

3-8

5-9

7 & up

3-2. *Maximum Occupancy - Elder Homes.* Notwithstanding anything to the contrary in section 3-1, the maximum occupancy of elder homes is three persons per home.

Section 4. Lease agreement

4-1. *Execution of the lease agreement.* Prior to occupancy of a home, the applicant shall execute a lease agreement with the Housing Department. This lease agreement is a legal document which describes rights, duties, obligations, and responsibilities, and shall be executed promptly after final selection of the applicant. The lease agreement shall be executed in duplicate original with both parties receiving an original document. The head of household and spouse will sign the lease agreement within 2 weeks of receipt of the lease agreement and the Housing Director will sign on behalf of the Tribe. At no time shall an applicant be allowed to move into the unit without a fully executed lease agreement. Failure to sign an lease agreement within the 2-week period of time shall result in the applicant losing the opportunity to move into the unit and shall be placed at the bottom of the waiting list.

4-2. *Changes, modifications, and amendments to the lease agreement.* If the applicant is no longer a member of the household, or there is a transfer to another home, a new lease agreement shall be executed. The Housing Department may revise or adopt policies which affect the resident's obligations and requirements under the lease agreement. Such changes do not require execution of a new lease agreement.

4-3. *Termination of lease agreement by the resident.* The resident may terminate the lease agreement provided that a 30-day written notice is given to the Housing Department, and the procedures for termination contained in the lease agreement are followed.

4-4. *Termination of lease agreement by the Housing Department.* The Housing Department may terminate the lease agreement in accordance with the provisions contained in the lease agreement. A failure to comply with any of the requirements, obligations, or duties outlined in the lease agreement shall be grounds for termination. The Housing Department shall issue a notice of breach to the resident promptly after the occurrence of such a breach, notify the resident of grievance procedures, and state the action required by the resident to amend the breach. If the breach is not corrected to the satisfaction of the Housing Department, a notice of termination shall be issued. The notice of termination shall be in accordance with the terms and conditions of the lease agreement.

4-5. *Rules for occupants.* The following rules for occupancy shall be included in the lease agreement.

a. *Principal residency requirement.* As a condition of occupancy, residents are required to use the home as a principal residence, living in the home a minimum of 10 months of the year. Any temporary absence that is longer than 14 days must be placed in writing prior to departure and approved in writing by the Housing Department.

b. *Determination of abandoned unit.* A home which has been unoccupied for a period of 30 days

or more without Housing Department approval may be determined to be abandoned and *the resident determined to be* in breach of the lease agreement.

c. *Business use of home.* The use of the home for operation of a business may be approved by the Housing Department under the following conditions:

1. *Request to operate business.* A request to operate a business out of the home shall be made in writing prior to the business being established.

2. *No retail outlet.* No retail outlet shall be allowed although occasional customers are permissible.

3. *Factors to consider.* In making the decision, the Housing Department shall take into consideration the noise level, where the business will be located in the home, what type of business it is, and what impact the business will have on the home and the community. The operation of the business should not negatively impact the neighbor or surrounding community.

4. *Decision and Appeal.* A written decision shall be made within 30 days of the date of the request. A denial is may be appealed to the Housing Commission within 15 days of mailing of notice.

d. *Structural modifications.* No resident shall make any structural modifications or additions to the unit unless approved by the Housing Department. A request for modification shall be made in writing, and provide detailed information regarding the proposed change (e.g., plans/specifications). If the resident is in full compliance with the terms of the lease agreement, the Housing Department may approve the request.

1. *Approvable alterations and additions.* Modifications that are approvable include, but are not limited to, energy conservation items, and adding an out building.

2. *Resident expense.* All costs and expenses incurred by the resident in making modifications shall be solely the responsibility of the resident.

3. *Construction/Building Code requirements.* All construction shall be done in accordance with applicable building codes and ordinances. The Housing Department shall be given the opportunity to inspect the work during all phases of completion.

e. *Damage to Property.* Residents shall refrain from damaging, defacing, vandalizing, destroying or removing any part of the home, neighborhood, and community including all public and tribally owned property. The head of household and spouse are responsible for all family members and residents of their homes.

f. *Public disturbance.* Residents shall not engage in unlawful activities or activities which could cause a disturbance to neighbors and the surrounding community. The Housing Department shall maintain a record of all resident complaints.

g. *Responsibility to provide utilities.* It is the responsibility of the resident to provide all utilities for the unit including deposits.

h. *Rent.* All rent payments are due on the 15th day of the month without billing/prior notice.

i. *Maintenance/appearance of the home and property.* The resident shall provide all basic upkeep of the home, keeping it in an acceptable condition and free from trash, clutter, and debris, including abandoned or junk cars. The Housing Department shall monitor the condition of the unit through periodic inspections and drive-bys. A car must have a valid license plate or it will be considered a junk car and the resident will be required to remove it from the property.

j. *Pet/Animal control.* Residents may have pets in accordance with the regulations set forth in Chapter 6. Where no regulations or written authorization has been granted, pets are prohibited.

k. *Requirement to list occupants.* The resident is required to list all occupants of the home on the

family's admission application and provide any updates for continued occupancy. A head of household must notify the Housing Department of a visitors' stay that is more than three days. If a person stays longer than three weeks, he must be included as an occupant of the home.

l. *Resident responsibility for children and guests.* The resident and members of the household are responsible for all actions of the residents, guests, and children of the home and may be held accountable for such actions.

m. *Inspections.* The resident shall permit the Housing Department to periodically inspect the home and grounds.

n. *Counseling.* The resident and all adult members of the household is required to attend all mandatory-counseling sessions scheduled by the Housing Department. The resident may be required to attend individual counseling sessions as a condition of continued occupancy.

o. *Prohibition of illegal drug activities.* Any conviction, including "no contest" pleas, for a drug related criminal activity shall be grounds for immediate termination in accordance with the lease.

p. *Insurance.* The Housing Department shall provide required insurance on the unit structure including fire coverage of the home, NOT its contents. The resident will have to secure their own insurance for personal property/contents. It is the resident's responsibility to report all damages to the unit so claims can be processed in a timely manner.

q. *Re-certification requirements.* The resident is required to update relevant information regarding income, family composition, payment, rent calculations, etc. at a minimum on an annual basis. If any types of these changes occur in the household prior to the re-certification, the head of household must inform the Housing Department immediately. Failure to update this information immediately is grounds for eviction from the unit.

r. *Prohibition of subleasing.* The resident shall not take in boarders or sublet the unit.

s. *Security deposit.* The resident is required to pay a security deposit in the amount of one month's rent. The deposit shall be refundable at the time of move-out, provided that all conditions, obligations and requirements of the Housing Department and lease agreement have been satisfied.

t. *Other responsibilities/obligations under lease.* The resident is responsible for complying with all other responsibilities/obligations stated in the lease.

u. *Other Housing Department requirements.* The Housing Department may have additional requirements that would be necessary given each individual situation.

Section 5. Certification Process (See 24 CFR Part 1000.128)

5-1. *Annual reexamination.* Residents are required to re-certify on an annual basis. The Housing Department shall follow these procedures for the annual reexaminations.

a. *Scheduling.* The date for re-certification will be within 15 days before the end of the lease agreement. Re-certification includes verifying information needed to determine rent payments and other vital information concerning the family's composition and records. The Housing Department shall notify the resident in writing of the need to re-certify and set a date and time for the re-certification.

b. *Submission of application for continued occupancy.* At the time of the required re-certification, the resident shall be required to submit an application for continued occupancy. The resident shall sign the completed application and any attachments.

c. *Notice of changes.* Within 10 days of the completed re-certification process, the resident shall be informed in writing of any changes in the required monthly rent and the effective date of these changes.

d. *Adjustments to rent payments.* After the annual re-certification process is complete, an

adjustment in rent amount will be made effective the month immediately following the re-certification. Increased rent adjustments will be made retroactively unless the Housing Department determines that re-certification was delayed by the Housing Department and that the resident was in no way at fault. Decreased rent adjustments will be made retroactively only if the Housing Department determines that the re-certification was delayed by the Housing Department and that the resident was in no way at fault.

e. *Other required information.* The resident may be required to submit additional information at re-certification if the Housing Department deems it necessary to complete the family's records or to assist in determining income and rent. Information that may be required includes, but is not limited to, social security cards (numbers) for new family members/occupants, divorce decrees, and receipts for various expenses.

5-2. *Interim re-examination.* The resident may request a re-examination of income and/or re-certification if circumstances have occurred which would affect the monthly-required rent by increasing or decreasing it. Examples include, but are not limited to, raises, loss of job, new job, and an additional occupant in the home. The Housing Department will process these requests on a first-come, first-served basis.

5-3. *Special re-examinations.* If it is impossible to determine a family's actual income due to unstable conditions such as fluctuating or sporadic employment and income, the Housing Department may set a date for a special re-examination, when the family's economic condition is likely to be more stable. The Housing Department may use alternative methods of calculating annual income in cases where an accurate estimate of income cannot be arrived at or computed.

5-4. *Adjustments due to errors.* If the Housing Department made an error in calculating a resident's rent that was subsequently discovered by either the Housing Department or resident, a retroactive adjustment shall be made to the effective date of the improper adjustment. Errors which are caused by the resident may also be made retroactive if the Housing Department feels that the errors were committed willfully, in an effort to receive a reduced rent.

5-5. *Failure to comply or properly report information required.* If a resident fails to provide information or provides false information for a required re-certification, it is considered a breach of the lease and is grounds for termination of the lease agreement. Providing false information to or withholding information from the Housing Department may be considered fraud, which is a crime punishable under the law. If a resident fails to respond to the letter requesting re-certification information, a written notice will be sent out with a deadline for submission of information. If the resident fails to meet the deadline, the Housing Department shall notify the resident of the breach of the lease agreement and proceed with eviction procedures outlined in the lease agreement.

5-6. *Suspension of payments.* The Housing Department may suspend the required monthly rent for a specified period of time due to unusual circumstances, such as substantial rehabilitation/repair work being performed on the unit/house. The resident may request the suspension of all or part of the rent and the Housing Department shall approve or disapprove the request and notify the resident in writing of the determination.

Section 6. Home Inspections

6-1. *Initial Inspection.* At the time of initial occupancy, a move-in inspection shall be conducted with the Housing Department's inspector and the resident. The resident shall be permitted to have a representative of their choice present at the initial inspection to assist them. This inspection shall be videotaped.

6-2. *Documentation of conditions.* At the conclusion of the initial inspection, the resident shall sign an inspection report detailing any deficiencies in the home. The Housing Department shall correct the deficiencies within a reasonable amount of time not longer than 10 days.

6-3. *Homecare Procedures.* The Housing Department shall provide the resident with resident training sessions that cover the obligations of the resident and proper home care procedures. Attendance at counseling sessions shall be a mandatory requirement prior to occupancy.

6-4. *Annual inspection.* After the initial inspection is completed, inspections shall be conducted by the Housing Department on an annual basis.

a. *Notification.* The Housing Department shall provide the resident with written notification of the scheduled inspection at least 15 days prior to the date of the inspection. The notice shall state that the annual inspection is a requirement of the lease agreement and give the date and time of the inspection.

b. *Inspection procedure.* The Housing Department shall conduct a thorough videotaped inspection of the interior, exterior, and adjacent grounds of the home. The resident shall sign the inspection report, which contains the results of the inspection.

c. *Deficiencies.* If the inspection reveals any deficiencies in the condition of the home, the resident shall be given 30 days to correct the deficiencies, at which time a follow-up inspection shall be scheduled.

d. *Follow-up inspection.* The Housing Department shall conduct a follow-up inspection to determine if the deficiencies have been corrected. The resident shall be notified and given the opportunity to be present at the inspection. If the resident has not corrected the deficiencies, the Housing Department may terminate the lease in accordance with the terms of the lease agreement, or perform the necessary work and charge the resident's security deposit account.

6-5. *Special inspections.* In addition to the annual inspection, special inspections may be required by the Housing Department if the resident has received unfavorable inspection reports in the past. Special inspections may be required as a condition of initial occupancy if the resident has a poor record of homecare at past residences. Written notice shall be provided 24 hours prior to the inspection.

6-6. *Move-out inspections.* Upon termination of the lease, the Housing Department shall conduct a videotaped move-out inspection. The resident or representative shall be given notice of the inspection so that they may be present at the inspection. The Housing Department shall prepare an inspection report which shall be signed by the resident. The report shall include an account of any deficiencies noted, a written estimate of the amount (dollar value) of work required, and a statement which gives the resident 14 days to correct the deficiencies. If the deficiencies are not corrected by the deadline, the Housing Department shall correct the deficient items and charge the resident's security deposit account for the work. If the amount of the work exceeds the resident's available balance, the Housing Department shall bill the resident for the amount outstanding.

Section 7. Transfer policy

7-1. *Requirements for transfer.* Any residents requesting a transfer to another home must do so in writing. All transfers are subject to availability of another home. The Housing Department may approve transfers for the following: size of unit not compatible, change in income level, employment and/or education. Two families may transfer (trade) units if both parties agree that it is in their best interest, and the Housing Department approves.

7-2. *Families must be up-to-date on rent.* In order to transfer, a family must be up-to-date on the rent for the home they are currently occupying.

7-3. *Maintenance and repairs performed.* All necessary repairs and rehabilitation of the unit shall be charged to the current resident prior to move-out. If the total amount of charges is unclear, a "good faith" estimate shall be provided by the Housing Department.

Section 8. Adoption; Amendment; Repeal

8-1. *Adoption.* This Chapter is approved by the Housing Commission on October 21, 2004 and approved by the Tribal Council on _____.

8-2. *Amendment.* This regulation may be amended by the Housing Department in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 8-1.

8-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

8-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

8-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

8-6. *Effective Date.* This Regulation shall take effect upon approval by Tribal Council.