

Housing Regulations

Regulation # R700-01: HC-5

Chapter 5. Head of Household Vacancy Procedures

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 housing units.
- 1-2. *Purpose.* The purpose of this Chapter is to establish the procedure for the Housing Department to follow when a vacancy occurs at the Head of Household position as designated on a tribal lease.
- 1-3. *Application.* These regulations are applicable to all rental applicants and renters participating in the following Housing Department programs at Aki Maadiziwin:
 - a. Elder Units Housing;
 - b. Tribally owned rental units; and
 - c. Tribally owned low income 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. *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 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. *Good Standing* means an account that does not owe past due funds or has a current payment plan in place; and there are no outstanding forms or updates required from Housing such as an information release, income verification, etc.
- 2-8. *Head of Household* means the person designated on the lease.
- 2-9. *Household* means all members of a family and any other persons residing within an Elder or low-income housing unit. All members of a household shall be clearly identified on the application and lease documents on file with the Housing Department.
- 2-10. *Live-In Aide* means a person determined to be essential to the care and well-being of a member of a Tribal family or household, as evidenced by written confirmation from a Board certified medical or psychological specialist.
- 2-11. *Near Elderly Person* means a person who is at least 55 years of age and less than 62 years of age.
- 2-12. *Tribal Member Occupancy* means that at least one member of the Household is a Tribal Member of Little River Band of Ottawa Indians.
- 2-13. *Tribal Rental Housing* means a house owned by the Tribe, or managed by the Tribe, which is rented at market value.
- 2-14. *Tribal Low Income Rental Unit* means a house owned by the Tribe, or managed by the Tribe, which is rented to a Tribal Member at a lower rate than market value as determined by the Tribal Member's income.

Section 3. Notification of Vacancy

- 3-1. *Notification.* In the event that the Head of Household becomes vacant, any remaining tenant(s) shall notify the Housing Department in writing within ten (10) calendar days after the date of vacancy. All notifications shall be received at the Housing Department office located at the following addresses:

- a. Mailing Address: 2608 Government Center Drive
Manistee, Michigan 49660

- b. Physical Address: Aki Maadiziwin – Community Center
Manistee, Michigan 49660

Section 4. Vacancy Due to Head of Household Abandonment or Move Out

- 4-1. *Abandonment.* In the event that the Head of Household abandons the property, the remaining tenants are responsible for written notification to the Housing Department within ten (10) days after the date of abandonment in order to identify responsibility for any damage to property.
- 4-2. *Move Out Required.* In the event that the Head of Household vacancy results in no remaining Tribal Member Occupancy in the unit, the remaining non-tribal member tenants may stay for the remainder of the lease term or for six (6) months, whichever is longer. In order to remain in the unit, a new Head of Household shall execute an amendment to the lease accepting responsibility for the unit, which may require the payment of a new security deposit. This amended tenancy shall not require an eligibility determination.
- 4-3. *New Lease/Eligibility.* In the event that the Head of Household vacancy results in Tribal Member tenant(s) remaining in the unit, the Tribal Member may elect to remain in housing and execute future lease renewals, provided that the Tribal Member tenant has occupied the unit for (i) the immediate six (6) months prior to the Head of Household vacating the unit; or (ii) the entire lease period that the Head of Household occupied the unit if less than six (6) months; and
- a. Meets the requirements of admission to Tribal Housing as described in Chapter 2 of the Housing Regulations; and
 - b. Pays any required security and pet deposits; and
 - c. Has an account in good standing from the previous tenancy.

Section 5. Vacancy Due to Deceased Head of Household

- 5-1. *Spouse or Partner Death.* In the event that the Head of Household is the only Tribal Member residing in the rental unit, the surviving spouse or partner may retain possession of the rental unit for one (1) year.
- 5-2. *New Lease Amendment.* The surviving spouse or partner shall execute a new lease or an amended lease agreement to identify a new Head of Household and the new one (1) year tenancy within thirty (30) days after the date of the vacancy.
- 5-3. *Surviving Tribal Member Spouse/Children.* In the event the unit is occupied by surviving Tribal Member spouse or children, the tenants may be allowed to remain

in housing and execute future lease renewals, provided that the spouse or guardian of the children:

- a. Meets the requirements of admission to Tribal Housing as described in Chapter 2; and
- b. Has an account in good standing from the previous tenancy.

Section 6. Special Housing and Occupancy Rules

- 6-1. *Special Housing.* In the event that the vacancy at Head of Household effects a unit designated as Elder's Housing or ADA Housing, and no remaining tenant meets the requirements for the special housing designation, the Housing Department shall request the tenants to move as soon as a more suitable unit becomes available. Refusal to relocate to a more suitable unit may result in a refusal to renew the lease in the future.
- 6-2. *Occupancy.* In the event that the vacancy at Head of Household results in noncompliance of the Occupancy Standards required by Chapter 3 of the Housing Regulations, Section 3, the Housing Department shall request the tenants to move as soon as a more suitable unit becomes available. Refusal to relocate to a more suitable unit may result in a refusal to renew the lease in the future.

Section 7. Adoption; Amendment; Repeal

- 7-1. *Adoption.* This revised Chapter is approved by the Housing Commission on _____ and approved by the Tribal Council on _____ by Resolution # _____.
- 7-2. *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 be approved or adopted in the same manner as set forth in section 7-1.
- 7-3. *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Act, Ordinance # 04-100-07.
- 7-3. *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.

- 7-4. *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.
- 7-5. *Effective Date.* This Regulation shall take effect upon approval by Tribal Council.