



Delaware Tribe of Indians

Emergency Rental Assistance Program Guidelines and Eligibility Policy

I. Introduction

A. General purpose

This policy is designed to serve as

1. A guide for the Delaware Tribe of Indians (DTI) to use in determining eligibility, award and selection of applicants, and basic rules and requirements.
2. A document which provides for consistent, equitable, and uniform treatment of clients.
3. A basis for decision-making by DTI staff.
4. A training manual for newly-hired or appointed staff.

B. Application of policy

This policy is applicable to all DTI customers in the Emergency Rental Assistance (ERA) program, including but not limited to applicants, recipients, grantees and/or participants. This program may have additional guidelines or requirements that may be contained in the specific contracts/agreements or other applicable DTI policies.

C. Basic description of program

This program is designed to assist eligible participants with emergency rental assistance primarily during the ongoing COVID-19 pandemic. This program provides assistance for eligible applicants in the form of a grant in an amount to cover up to three months of dwelling rent and/or utility allowance payments. Rental assistance includes but is not limited to short-term lease or rental payments of a duration that generally does not exceed three months, and up to three months' utility allowance payments. The assistance grant may be used to pay for arrearages not to exceed the three-month maximum. The ERA funds may be provided once every three months subject to funding availability. Emergency Rental Assistance is available to eligible applicants residing anywhere in the United States of America. The DTI reserves the right to make ERA program modifications based upon current trends and funding availability subject to the requirements of section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.

II. Eligibility for Emergency Rental Assistance

The purpose of this section is to determine who is eligible to participate in DTI's Emergency Rental Assistance (ERA) program.

Applicants must meet all of the following eligibility requirements to be eligible for DTI's ERA program. In certain unique circumstances, it may be necessary for a landlord/lessor or other interested third party to assist and apply on behalf of an applicant household. Due to the COVID-19 pandemic and the flexibility provided in the Statute (P.L. No. 116-260), this practice is allowable but the applicant/household must otherwise still meet all eligibility requirements prior to award approval.

A. Eligible household

An applicant must qualify as an "eligible household", defined as one or more persons: who are obligated to pay rent on a residential dwelling; and the DTI must also determine that one or more persons within the household has qualified for unemployment benefits or experienced a

reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 pandemic (which the applicant must attest to in writing); that one or more household members can demonstrate a risk of experiencing homelessness or housing instability. This risk of homelessness or housing instability may be demonstrated by a past due rent or utility notice or eviction notice, unsafe or unhealthy living conditions or any other evidence of such risk as determined by the DTI. The head or spouse must be at least 18 years old at the time of application. Co-habitant applicants are not required to be legally married.

In order to qualify as an Indian family as defined by the DTI, an applicant household shall have a head of household or spouse that is an enrolled member of a federally recognized tribe. Verification of tribal enrollment is required for the head or spouse. A CDIB, Tribal ID, or official correspondence or verification from the Delaware Tribal Enrollment Office are all acceptable forms of documentation.

B. Non-Indian families

The DTI's ERA program does not provide funding for non-Indian households.

C. Income limitations

DTI has determined that annual income may be based upon the definition of income that is most advantageous to the household (See Appendix A, for various definitions of income) in terms of eligibility. Anticipated annual income based upon their current income status is generally used to determine an applicant's eligibility but the household's 2020 annual income may be used in certain cases. DTI staff shall have the discretion to determine the appropriate definition of annual income to be utilized for each household.

1. Maximum income

The applicant must qualify as a low-income family, defined as a family whose income does not exceed 80% of the local area median income. Income limits are adjusted for family size and

updated on a periodic basis.

2. Minimum income

There is no minimum income required for the ERA program.

3. Estimating income

The applicants' annual income will be determined by estimating the anticipated total income from all sources to be received by the head, spouse, and additional members of the family over the next 12 months. For household incomes with a cyclical or seasonal income (i.e. teachers or BIA contract workers), the amount of income received will be annualized. For instance, if their income is earned over a nine-month period, then this amount will be their annual income, unless they work an additional job in the summertime. Then, their summer employment would also be counted toward annual income.

4. Exception to maximum income limits

DTI does not provide for a waiver of the maximum income limit for the ERA program.

D. Income verifications (See 24 CFR 1000.128)

In order to determine that data upon which determination of eligibility, selection preference, and the assistance amounts awarded are based are accurate, such data must be verified. The preferred method of verification shall be written verification by a third party or other written documentation. However, due to unique circumstances and issues created by the COVID-19 pandemic, in lieu of third-party verification, DTI may allow the applicant to submit relevant information provided that the submission contains a notarized statement, certification, or affidavit signed by the applicant, and stating that the information submitted is true and accurate. The execution of the application is an acceptable certification.

Accurate verification records, consisting of, but not limited to, one

or more of the following are to be maintained.

1. Letters or other statements from employers and other pertinent sources giving authoritative information concerning all amounts of income.
2. Copies of documents in the applicant's possession which substantiate his/her statements such as recent check stubs, earnings or benefit statements, or a brief summary of the pertinent contents of such documents signed and dated by the staff who viewed them.
3. Certified statements, or summary data from bank accounts, 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. Recent tax returns may also be utilized.
4. Memoranda of verification data obtained by personal interviews, telephone, or other means, with source, date reviewed and the person receiving the information clearly indicated.
5. Electronic or digital copies or photos of documents, correspondence or attestations from qualified third parties with knowledge of the household or a certification by the head of household/applicant.

E. Social Security number and/or identification requirements

The applicant must furnish the DTI with social security numbers and/or copies of social security cards for each family member or person listed on the application. For minor children, a written certification may be submitted in lieu of a social security card. Another form of identification may also be required such as a driver's license, birth certificate, Tribal card, or CDIB. In certain cases such as name changes, the applicant may be required to submit birth certificates, marriage certificates or divorce decrees.

F. Restrictions on assistance to non-citizens

DTI restricts housing assistance to 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. Social security cards, drivers' licenses, Tribal IDs, CDIBs, U.S. Immigration Service form aka "green card" and/or birth certificates are all acceptable forms of documentation.

G. Service area

For purposes of the ERA program, the applicant may reside anywhere within the U.S.A.

H. Other Federally funded rental assistance and prior assistance

To the extent feasible, the DTI shall ensure that any ERA funds provided to an eligible applicant/household under the ERA program are not duplicative of any other federally funded rental assistance provided to the same household. The DTI limits assistance to applicant/recipient once every three months and the applicant may re-apply after three months subject to funding availability. Current or past participation or assistance in other HUD/NAHASDA housing programs does not disqualify an applicant from receiving an ERA award.

I. Proof of Need

An applicant who requests rental housing or utility assistance must provide some type of verification that there is a need for such assistance. Items that may be submitted include but are not limited to a copy of a dwelling lease, letter from landlord, documentation from a utility company, cooperative or municipality. In addition, non-Delaware Tribal applicants may be required to provide documentation from their particular Tribe that they do not qualify for assistance or have not received any from their Tribe (i.e. service area restrictions) or that emergency rental assistance is not available through their tribe.

J. Additional criteria for eligibility – unemployment or financial hardship

The DTI requires documentation of unemployment benefits (if applicable) or other financial hardship directly or indirectly caused by the COVID-19 pandemic such as reduction in household income or higher or significant incurred costs. The DTI may accept either written documentation or a signed attestation to either of these requirements.

K. Additional criteria for eligibility – at risk of experiencing homelessness or housing instability

The DTI requires that one or more household members must demonstrate a risk of experiencing homelessness or housing instability which may include but is not limited to: a past due utility or rent notice or eviction notice; unsafe or unhealthy living conditions, or; any other evidence of risk as determined by the DTI. The DTI may determine the presence of unhealthy living conditions by physical or visual inspection by a DTI representative or authorized independent inspector or acceptable photographs documenting the unhealthy conditions. Overcrowded living conditions may be determined to be unhealthy for this requirement due to inability to socially distance or quarantine. Acceptable other evidence of “at risk” documentation may include but is not limited to: current loss of income or of unemployment benefits; current or recent physical ailment which may be COVID-19 or other serious illness or procedure inhibiting ability to work or go to school; recent death or extended hospital stay for a household member; or other unexpected costs or obligations such as medical, funeral costs or costs of purchasing sanitation supplies or PPEs. The DTI reserves the right to determine risk of experiencing homelessness and/or housing instability based upon other unique factors or conditions that may occur on a case-by-case basis. The DTI may accept either written documentation or a signed attestation to either of these requirements.

III. Receipt of Applications and Determination of Eligibility

A. Application

This section outlines the basic steps to be followed in the application process and in obtaining and verifying information for the purpose of

determining eligibility.

1. Application process

The application is the basic record of each family/person applying for admission and/or services. Each applicant will be required to provide all information requested on the application and to sign all necessary forms, documents, and certifications. All information or any statements made by the applicant are subject to verification.

Applications shall be received at the DTI office located at 5100 Tuxedo Blvd, Bartlesville, OK 74006. All applications are to be fully completed and signed using ink. Immediately upon receipt, the application will be date/time stamped, and initialed/signed by the DTI staff. Completed applications may be mailed, faxed, e-mailed or delivered in person. Verification of all information that affects eligibility, family composition, selection, priority or preferences, annual income is required.

As stated in the previous section, for income verification, the preferred method shall be third party verification. Other forms of documentation may be accepted at the discretion of DTI. In addition, each applicant may be requested to sign a consent form for the release of information. Due to safety concerns with the ongoing COVID-19 pandemic, the DTI may allow digital or electronic copies to be used for faster processing.

Due to the nature of this program, the anticipated time to be spent on the waiting list should be very minimal. If funding is available, applications shall be processed and assistance provided as quickly as possible.

2. Applicant responsibilities

The applicant is responsible for providing all of the necessary information and accurately completing the application as required. The applicant must certify and attest that all information contained in the application is true and accurate to the best of his/her knowledge. The applicant is responsible for submitting a new application if a subsequent round of funding is being applied for.

Failure to update an application or submit requested information for a period of 60 days is grounds for placing the application in an inactive file and removing the family from the active list.

3. Application file

DTI shall generally only accept completed applications. The DTI 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/Active /Completed

This file contains those applications which have met initial eligibility requirements and have been placed on the active/waiting list for the Emergency Rental Assistance (ERA) program. An applicant on active list has completed the application and is being processed for award. Upon receipt of services, this customer's need will have been addressed. DTI will retain the file for the standard three-year period plus any additional time mandated by the U.S. Treasury or HUD.

b. Ineligible

This file contains those applications which have not met initial eligibility requirements and have been determined to be ineligible for the ERA program. A family may still be eligible for other DTI programs. These application will not be processed for award or payment.

c. Incomplete/Pending

This file contains those applications which 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 60 calendar 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

This file contains those applications which have not been updated within 60 days or which were never fully completed in the required time frame. Those applicants will be removed from the active/waiting list and will have to re-apply in order to be processed. Those applications will receive a new application date but will be permitted to maintain their priority or selection preference, if qualified. Incomplete applications which are not completed in a timely manner will be placed in this file.

B. Eligibility Determination

1. Applicant determined eligible

Upon receipt of a completed application, DTI will make a determination of eligibility. An applicant determined to be eligible shall be promptly notified in writing (which may include digital communications) or via telephone, placed on the ERA program active/waiting list, and awarded assistance if feasible at that time. An applicant must be determined to be eligible at the time of award or when assistance is provided. The notification shall be combined with a selection letter and contain basic information and requirements for the applicant. See Section IV.E. below for additional guidance.

2. Applicant determined ineligible

Upon receipt of a completed application, DTI will make a determination of eligibility. 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. The appeal must be requested within 10 calendar days of the date of the notice. An appeal hearing to make a final determination of eligibility shall be scheduled at the earliest convenience of both parties.

At the appeal hearing, the applicant is given the opportunity to produce evidence, clarify information, and/or ask questions regarding eligibility. The Housing Director and two designated persons shall preside as the appeal board. The decision of the appeal board shall be final.

C. Waiting list administration

Due to the urgent nature of the ERA program, the DTI shall strive to serve applicants as quickly as feasible and generally will not maintain a traditional waiting list for the ERA program. Applications that have been determined eligible and approved for payment will on the active/waiting list for a very brief time unless extenuating circumstances occur. The eligible applicants will be processed and served by order of priority (see selection preferences). Within each priority group, the applicants will be placed in chronological order, with the oldest application being first and the most recent application being last. Generally, the DTI shall utilize a first come first served approach but will make sure preference groups are processed first should there become a backlog of applications. Due to the nature of the ERA program, applicants who are awarded services most likely will spend only minimal time on the waiting list as applicants will be served subject to funding availability. The DTI reserves the right to close the waiting list and suspend the taking of new applications at any given time. DTI may also set submission deadlines for the funding year.

IV. Selection Procedure and Requirements

A. General provision

DTI shall select eligible applicants from the ERA waiting list or pool of applicants in accordance with the selection preferences (priority groups) outlined below and the applicant's respective eligibility dates. For the ERA program, there are two federally-mandated preferences and one local Delaware Tribal preference and all qualifying applicants will be selected based upon preference group and chronological receipt of application. Once an applicant from the active/waiting list has the opportunity to be selected and identified for award of service based upon their position on the list, the selection and screening process would normally commence. For the ERA program, the selection and screening process has been virtually eliminated. However, a re-certification of eligibility at the time of services may be necessary depending upon the timing of the most recent eligibility determination. Generally, income verification and other documentation shall be presumed valid for 45 days. The applicant may be requested to certify that there have been no changes in the application if the information is older than 30 days. The recipient of services must be eligible at the time of receipt of services or award date for this program.

B. Order of selection

Eligible applicants will be categorized according to the following priority groups, with group one having the highest priority. Once all of the applicants in group one have been served, group two applicants will be served, and so forth. It is important to note that the waiting list is always changing based upon the applications received. For Emergency Rental Assistance, there are two federally mandated preferences and a local Tribal preference for Delaware Tribal members subject to date of application (chronological order) and funding.

1. Applicant household/family whose income does not exceed 50% of the local area median income.
- 1A. Applicant household/family with one or more household members who are unemployed as of the date of the application and have not been employed for the 90-day period preceding the date of application for ERA.

2. Applicant family whose head of household or spouse is an enrolled Delaware Tribal member, 18 years of age or older.

C. Screening of applicants

Prior to receipt of services or assistance, DTI normally conducts a thorough screening process of each applicant to determine suitability for the program. Due to the nature of the ERA program, there is no applicant screening other than for duplication of services. These are also considered eligibility requirements so there is no determination of suitability for this program.

D. Determination of suitability

There is no determination of suitability for the Emergency Rental Assistance program.

E. Notification of selected applicants

Promptly after an applicant household/family has been approved for participation, the family will be notified of their selection. Due to the urgent nature of the program, initial notification may be by phone or personal contact. The notification for Emergency Rental Assistance may be combined with the Determination of Eligibility notification and may also include the following:

1. A statement that the family has been selected for participation in the DTI's Emergency Rental Assistance program;
2. A statement that an award agreement will need to be executed if a family is willing and able to do so;
3. A statement that a subsequent award, receipt of services, and payment for services shall be subject to another application and

eligibility verification and determination (if applicable);

4. The description of the type of services to be received;
5. A statement that the family has 15 days in which to respond to the notice, and to execute an award document and submit any additional required information, and that failure to respond shall be considered a rejection of the offer. If a family formally rejects the offer, or does not complete the required action(s) within the prescribed time frames, a new application will need to be submitted for future participation;
6. A statement that the household/family must wait for a period of three months or until their assistance has been exhausted before they can re-apply; and
7. A statement that the notice is not a contract and does not obligate DTI in any way.

V. Emergency Rental Assistance Program Requirements and Rules

A. Execution of the award agreement

Prior to receipt of services, the participant shall receive and execute an award agreement with DTI. This agreement is a legal document which describes rights, duties, projected scope of services, obligations, and responsibilities, and shall be executed promptly after final approval/selection of the applicant. A copy of the executed original shall be provided to the award recipient. The head of household and/or spouse will sign the agreement and the Contracting Officer or Housing Representative will sign on behalf of DTI. Due to safety precautions, a digital or electronic copy is acceptable.

1. Changes, modifications, and amendments

Any changes during the term of the agreement and/or program shall be done so in writing and executed or initialed by both parties if feasible. DTI may revise or adopt policies which affect the

participants' obligations and requirements under the agreement. Such changes do not require execution of a new agreement.

2. Termination of agreement by the participant

The participant may terminate the agreement at any time prior to receipt of the actual award provided that notice is given to DTI, and any procedures for termination contained in the agreement are followed. Written notice is preferable but verbal or electronic/digital communication is acceptable due to COVID-19 urgency and precautions.

3. Termination of agreement by the DTI

DTI may terminate the agreement at any time prior to receipt of the actual award in accordance with the provisions contained in the agreement. A failure to comply with any of the requirements, obligations, or duties outlined in the agreement or obtaining an award under false pretenses shall be grounds for termination. DTI shall issue a notice of breach to the participant promptly after the occurrence of such a breach, notify the participant of grievance procedures, and state the action required by DTI to amend the breach. If the breach is not amended to the satisfaction of the DTI, a notice of termination shall be issued. The notice of termination shall be in accordance with the terms and conditions of the agreement and may be executed immediately if necessary.

B. Program guidelines and rules for participants (See Section 207 of NAHASDA)

1. Principal residency requirement

The assistance is required to be used for the participant's principal residence.

2. Utilities in dwelling unit required

A home/unit for which assistance is to be provided must have utility

service at the time the assistance is provided. If there is any issue with utility service or it has been discontinued, the DTI may require confirmation that utility service will be resumed prior to payment of any ERA for dwelling rent. DTI may allow a reasonable period of time (not to exceed 5 days) for service to be connected. If the applicant intends to use the ERA funds to pay for utility deposits, hookup, or a utility bill, this requirement does not apply. Assistance may only be used for current charges and/or past due charges not to exceed 90 days. Assistance payments for past due accounts in excess of 90 days are not allowable. The maximum amount and length of time for utility assistance is three months regardless if the funds are used for past, current or anticipated charges. The DTI shall pay an average utility allowance (generally based upon a modest household's average charges adjusted for the number of bedrooms) for prospective utility charges. See Appendix B for the current utility allowance chart. The DTI may require documentation to establish a credible utility allowance for the household. For purposes of the DTI ERA program, utilities and related fees and charges may include electrical, gas, propane, fuel, water and sewer, and solid waste disposal. Internet, satellite and cable television are not considered utilities.

3. Assistance provided once every three months

The ERA program is designed to provide assistance to eligible applicants in times of need. Applicants that have received a prior DTI ERA award or other similar type(s) of ERA funding through another Tribe or Housing Entity shall be disqualified from receiving another ERA award for a period of three months or until the prior ERA funds are exhausted whichever comes later. Any head or spouse of a household that has already received assistance (ERA) cannot receive additional assistance (ERA) with a new spouse or partner as part of another household until the expiration of the three-month period that originated with the initial assistance award.

4. Description of assistance

DTI shall make ERA funding available for eligible applicants. DTI reserves the right to make a final determination regarding the award of assistance. The total amount of assistance shall not

exceed the equivalent of three months prospective dwelling rent plus three months of utility related assistance (utility allowance) subject to funding availability and budget constraints. Only one award per household/family shall be provided. The assistance shall be paid out in a lump sum in order to streamline operations. Some types of assistance that may be provided include but are not limited to the following items.

a. Dwelling rental

DTI may provide assistance in the form of payments for residential rental housing such as rental units, lease purchase units, boarding facilities, single family dwellings, duplexes, etc. ERA payments shall generally and preferably be made directly to the property owner on behalf of the award recipient. In rare and unique circumstances where the lessor/landlord/property manager/owner refuses to take payment or provide required information, the DTI may make payments under this section to the applicant household. In no such case shall the DTI pay any ERA funds to a property owner who is a member of the immediate family of the applicant or anyone on the application. Immediate family shall mean husband-wife, father-mother, brother-sister, and son-daughter. In case the DTI provides housing in one of the Tribe's dwelling units or structures, the Tribe shall be the payee and the duration of this assistance/arrangement shall not exceed 90 days.

b. Manufactured home leases

DTI may provide assistance for mobile or manufactured homes in the form of lot/site lease fees and/or normal rent.

c. Utility service assistance

DTI may provide assistance with utility related charges and expenses. Assistance with past (arrearages), current and prospective utility charges, connection fees, membership fees, and related costs are eligible items. Utility repairs and installation covering materials, labor and equipment both

inside and outside the structure are not eligible. The DTI shall pay an estimated average utility allowance for three months if the costs have not yet been incurred. If actual costs have already been determined, the DTI will only pay up to the lesser amount of three months of utility allowance or the actual amount owed on behalf of the household. In certain rare and unique circumstances where the utility service provider will not accept direct payment from the DTI, the DTI may make the payment of ERA funds for the utility costs directly to the applicant household/family. Utility charges included with monthly rent will be classified as rent for the purposes of the ERA program.

d. Other housing related assistance

DTI may provide other housing related rental assistance such as security deposits and relocation assistance. DTI reserves the right to make a final determination regarding the award of such assistance based upon each specific situation and need.

5. Ineligible assistance items

ERA funds shall not be used for the purchase of or in conjunction with luxury items such as hot tubs, decks, pools, furniture or television or related accessories. Other ineligible items include landscaping, fencing, and telecommunications installation or repair. Other ineligible services include but are not limited to dry cleaning, lawn care and spraying. Food, household goods, PPE, appliances, clothing, and health care costs/items are also ineligible. The cost for rent in excess of the approved fair market rent (FMR) rates for the locality is not eligible. In the case of a rent rate exceeding the FMR, the difference must be paid by the award recipient. Mortgage payments and insurance payments are ineligible. Utility costs for homeowners are not eligible costs. DTI reserves the right to determine eligibility of any cost item and to deny award payment in cases where eviction appears imminent due to other compliance issues not related to non-payment.

6. Payments for assistance by DTI

Generally, all payments for rent, utilities and eligible related costs shall be made directly to the lessor, landlord, property owner or service provider, on behalf of the participant. However, as stated above, there may be rare and unique circumstances where these persons or entities refuse to take payment or provide the required information and documentation. In such case, the DTI may make payment directly to the applicant household. The DTI may also require additional documentation such as a receipt of payment of some type. If a lessor or other third party has completed the application on behalf of the applicant, the checks shall be issued as described above with a copy of the check provided to the applicant/participant. Participants may pick up and deliver the payment to the landlord/payee.

7. Payment of deductible/co-pay not required

The ERA program is designed as a grant program and participants shall not be required to pay any type of deductible or co-payment unless the cost of rent exceeds the FMR.

8. Inspection of property not required

DTI may conduct an inspection at the request of the applicant. While a housing unit should be safe, decent and sanitary, DTI shall not require an inspection as a condition of award assistance. DTI reserves the right to suspend, cease or deny the award due to a failed or non-compliant inspection. The DTI may also encourage the applicant to seek safe, decent and sanitary housing prior to issuing an award for ERA funds.

9. No binding commitment required

The recipient is not required to execute a binding commitment or useful life agreement due to the nature of the program.

10. Requirement to list household occupants

The applicant is required to list all occupants of the household on

the family's application and provide any required documentation relevant to eligibility and selection.

11. Environmental and lead based paint restrictions

The DTI generally operates its affordable housing program in accordance with NAHASDA regulations which require compliance with NEPA, related environmental authorities, and applicable lead-based paint requirements. The ERA funds do not require specific compliance with these requirements. LBP testing, risk assessment, and mitigation are typically eligible costs but can be very costly. DTI reserves the right to suspend, cease or deny the award due to any known issues related to LBP or other environmental issues. In such case, the DTI shall encourage and assist to the extent feasible, the applicant household, in seeking suitable housing including payment for relocation costs if necessary. Due to the urgency of need and limited duration of the ERA program, the DTI shall generally not examine or research LBP or environmental compliance issues.

12. Eligible service area

The DTI has designated the service area for the ERA program to be anywhere within the U.S.A.

13. Additional documentation required

DTI shall require documentation or verification such as dwelling leases, invoices, or billing statements, depending upon the circumstances of the case. In certain unique instances, the DTI may accept a certification or attestation that verifies residency and ownership, utility billings, U.S.P.S. documentation, or other documentation deemed satisfactory to the DTI. The DTI reserves the right to determine the validity of a lease agreement in accordance with the Oklahoma Landlord and Tenant Act or NAHASDA standards.

14. Prohibition of duplicative services/assistance

The ERA prohibits "double dipping" or an applicant/household

receiving ERA funds from multiple sources. The DTI shall to the extent feasible, ensure that the applicant/household is not or has not received any duplicative assistance from another entity. As a part of the application process and determination and certification of eligibility, the DTI may require the applicant/household to attest that there has been no duplicative assistance received.

VII. The Certification and Re-certification Process (See 24 CFR Part 1000.128)

Due to the nature of the Emergency Rental Assistance program, there is no requirement for re-certification once the participant has been awarded and received services. The participant must be eligible for the program at the time services are received. This may require that an applicant update or submit new information prior to final award and receipt of services. Any applicant/household who is awarded ERA funding and who would like additional assistance must re-apply for ERA funding after the expiration of the approximate three-month period. Any and all subsequent rounds of ERA are subject to budget and time constraints.

Delaware Tribe of Indians Emergency Rental Assistance Program Policy

Appendices

DTI ERA PROGRAM POLICY APPENDIX A: DEFINITIONS OF INCOME

I. INCOME

The term "income" means income from all sources, for each member of the household, as determined in accordance with criteria prescribed by the Secretary, 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. Any amounts received by any member of the family as disability compensation under chapter 11 of title 38, United States Code, or dependency or indemnity compensation under chapter 13 of such title.

DTI has determined that it will use the definition most advantageous to the family. The three options are as follows:

- 1. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S SECTION 8 DEFINITION OF INCOME (except that when determining the income of a homebuyer for an owner-occupied rehabilitation project, the value of the homeowner's principal residence may be excluded from the calculation of net family assets) 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.

Annual Income does not include:

- a. Income from employment of children (including foster children) under the age of 18 years;
- b. 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);
- c. 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;
- d. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
 - e. Income of a live-in aide;
 - f. The full amount of student financial assistance paid directly to the student or to the educational institution;
 - g. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
 - h. Amounts received under training programs funded by HUD;
 - i. 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);
 - j. 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;
 - k. 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;
 - l. 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;

- m. Temporary, nonrecurring sporadic income (including gifts);
- n. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- o. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- p. Adoption assistance payments in excess of \$480 per adopted child;
- q. Deferred periodic amounts of supplemental security income and social security benefits that are received in a lump sum amounts or in prospective monthly amounts;
- r. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes on the dwelling unit;
- s. 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;
- t. 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:
 - (1) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of

1977;

- (2) Payments to volunteers under the Domestic Volunteer Service Act of 1973;
- (3) Payments received under the Alaska Native Claims Settlement Act;
- (4) Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes;
- (5) Payments or allowances made under the Department of Health and Human Services' Low Income Home Energy Assistance Program;
- (6) Payments received under programs funded in whole or in part under the Job Training Partnership Act;
- (7) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians;
- (8) 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;
- (9) 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;
- (10) Payments received from programs funded under Title V of the Older Americans Act of 1965;
- (11) 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;

- (12) Payments received under the Maine Indian Claims Settlement Act of 1980;
- (13) 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
- (14) Earned income tax credit (EITC) refund payments received on or after January 1, 1991.

2. U.S. CENSUS DEFINITION OF INCOME

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 include costs of goods purchased, rent, heat, light, power, depreciation charges, wages 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 survivor's 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.

Annual income does not include the following:

- a. Money received from the sale of property (unless the recipient was engaged in the business of selling such property);
- b. The value of income "in kind" from food stamps, public housing subsidies, medical care, employer contributions for

persons etc.;

- c. Withdrawal of bank deposits;
- d. Money borrowed;
- e. Tax refunds;
- f. Exchange of money between relatives living in the same household; and
- g. Gifts and lump-sum inheritances, insurance payments, and other types of lump-sum receipts.

3. ADJUSTED GROSS INCOME AS DEFINED BY THE INTERNAL REVENUE SERVICE (IRS)

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, profit-sharing, 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 (Payments 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));

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- 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.

Note: *The adjusted gross income figure is generally found between lines 32-36 of the IRS 1040.*

