

# **Delaware Tribe Housing Program FEMA Trailer Policy**



**Approved by the Delaware Tribal Council**

**July 26, 2012**

## DELAWARE TRIBE HOUSING PROGRAM

### FEMA TRAILER ASSISTANCE & SET UP POLICY

#### PURPOSE

The Federal Emergency Management Agency (FEMA) has made available a limited number of used mobile homes to the U.S. Department of Housing and Urban Development (HUD). Subsequently, HUD has transferred these mobile homes to Native American tribes through an application process. The Delaware Tribe has applied for and received a number of these mobile homes to offer to eligible low income Delaware Tribal members and/or other eligible Native American families who are currently in need of housing.

While the mobile homes are offered to eligible families free of charge the Delaware Tribe will provide assistance in the form of a low interest loan covering costs associated with transportation and setup of these mobile homes, including installation of skirting, construction of porches, assistance for establishing necessary utilities and insurance on the mobile home for the duration of the loan repayment period.

#### PROGRAM OUTLINE

- The home must be the participants's primary residence until the Program Assistance balance is paid in full, during which time the home cannot be sold, leased, transferred or used as rental property.
- Participant must have site control and proof of ownership (i.e. Warranty Deed, Lease, etc.).
- The site must have suitable access. The home must be in livable condition, all utilities provided and the family must occupy within ninety (90) days of delivery date. The Tribe will inspect the site at the end of the ninety (90) days to determine compliance.
- The Tribe will provide insurance on the home until the resident has repaid all Program Assistance and taken ownership. The provided insurance will only cover the home/dwelling itself; **this will not cover the participants' personal belongings**. The participant family is encouraged to obtain a separate renters' insurance policy at their expense to cover their personal belongings.
- The cost for the Tribe to provide insurance coverage will be included in the total loan amount.
- Participant must obtain homeowner insurance upon receiving the title to the home.
- Assistance will be limited to transport and set up cost, construction of porches (dimensions to be determined by the DTHP) insurance on the mobile home and establishment of necessary utilities and all cost will be included in the Program Assistance loan to be repaid to the Delaware Tribe.
- The mobile home will be placed on a permanent foundation with wheels and axles removed.
- Assistance will NOT be provided to move or set up a mobile home outside of the boundaries of the Delaware Tribe service areas. The service area includes Washington, Nowata, Craig, Rogers and North Tulsa counties in Oklahoma and the Kansas service area.
- Loan repayment of the Program Assistance will be at a monthly rate set by an amortization schedule and shall continue until all costs associated with the assistance have been paid. If participant does not comply with the terms of the loan, the Tribe will follow procedures according to the DTHP Collection and Eviction Policies. The Delaware Tribe and/or DTHP

retains the right to remove the trailer from participants land should participant default on the agreement with the DTHP.

- No payments made to the Tribe will be refunded to participant for any reason.
- The participant may pay the loan balance at any time after signing the Program Assistance loan agreement.
- The participant will receive the title to the mobile home after the total repayment of amount loaned has been received by the Tribe.
- Neither the Delaware Tribe of Indians and/or the Delaware Tribe Housing Program will perform nor be financially responsible for any repairs or maintenance of the mobile home. No warranty or guarantee on the mobile home structure, furnishings, plumbing or mechanical system(s) is real or implied. Participant acknowledges that the mobile home received is a **used** mobile home and must agree to accept it in "as is" condition. Participant is solely responsible for all costs related to maintenance, repairs and general up keep of the mobile home. We have written confirmation from FEMA that units are free from contaminants.

## **SECTION 1: ELIGIBILITY**

### **Eligibility Criteria**

- A. Applicant must be currently living in or be willing to live within the service area of the Delaware Tribe of Indians.
- B. Applicant must have an annual family income which does NOT exceed eighty (80%) percent of the National Median Income based on family size as published by HUD.
- C. Applicant must fill out the Delaware Tribe Housing Program application and provide copies of the following documents:
  - a. Delaware Tribal membership card, CDIB card or tribal membership card from a federally recognized tribe;
  - b. Social Security cards for all family members over one (1) year of age;
  - c. Driver's License or photo i.d. card for all family members over eighteen (18) years of age;
  - d. Birth Certificates for all family members over one (1) year of age;
  - e. Proof of family income

Copies of all required documents must be submitted before application can be processed. Placement on the waiting list will be determined by the date and time the last required document is received.

- D. Applicant must currently own land or be able to obtain land in their name before being considered eligible for the program. Land amount must be sufficient to meet local, state and Federal requirements to set a mobile home on property. For the purpose of this policy, land ownership shall not be included in income calculation.

## **SECTION 2: SELECTION OF PARTICIPANTS**

Selection of participants shall be in accordance with the DTHP's Admissions & Occupancy Policy. Applicants that are currently on the DTHP waiting list for the Low Rent Family and/or Homebuyer programs are eligible for this program. Consideration will be based on various factors; including individual circumstances and need.

### **SECTION 3: RECEIPT OF APPLICATIONS AND DETERMINATIONS OF ELIGIBILITY**

This section sets forth the basic steps for the purpose of determining whether the conditions of eligibility set forth in Section 1 are met.

1. Applications will be taken by the Delaware Tribe Housing Program.
  - The application is a basic record of each family applying for this program. Each applicant shall supply information required by this policy. Each application will reflect the date and time the completed application is received at the Delaware Tribe Housing office. The application, required documents and any other materials related to the processing of the application and determination of eligibility status shall be maintained in an active file for each applicant family.
  - If during the application process it is determined the applicant is not eligible for this program, the applicant will be notified in writing and the application file will be terminated.
  - All entries are to be made in ink or typed. Corrections or changes are to be made by lining through the original entry and entering the correct data. Such changes are to be dated and initialed by the person recording the change, the reason and all changes noted in the record.
  - If the application has been submitted without the proper documentation, it will be considered incomplete. A written document request will be mailed to the applicant allowing fourteen (14) days to provide the necessary documents. If the applicant fails to complete the request within the time frame, the application will be determined incomplete and placed in the terminated file and a written notification mailed to the applicant. The applicant may submit a new application with the necessary documents.
2. The Delaware Tribe Housing Program will verify and document information given on application to ensure the data upon which the determination of eligibility and preference status is full, true and complete. To the greatest extent feasible, the Delaware Tribe Housing Program will obtain third party verification of information submitted on the application. Complete and accurate verification records consisting of, but not limited to the following, are to be maintained:
  - Criminal background checks will be submitted on all applicant family members eighteen (18) years and older.
  - Credit checks will be completed on all applicant family members eighteen (18) years and older.
  - Landlord references will be verified through third party verification.
  - Employment and Income will be verified through third party verification.
  - Applicants with “non-wage” income (i.e. Social Security or SSI benefits) will need to provide award letters from those agencies or supply bank statements verifying direct deposit to document this income.
  - Applicants who are self-employed will need to provide a copy of the previous year’s tax return.

### **SECTION 4: LOAN PAYMENT**

Monthly loan payment shall be calculated to be no more than 30% of participants’ adjusted monthly income and shall include a program administration charge of \$25.00 per month. Payments shall be

made in accordance with the DTHP's Collection Policy. Interim recertifications may be done at the request of the participant.

#### **SECTION 5: APPEAL PROCESS**

An applicant who disagrees with the determination concerning ineligibility may file a written request with the Housing Director of the Delaware Tribe Housing Program to discuss the information used to determine the ineligibility status in accordance with the Delaware Tribe Housing Program's Grievance Policy.

#### **SECTION 6: HOLD HARMLESS AGREEMENT AND SOVERIGN IMMUNITY**

Applicant accepts the trailer in an "as is" condition. Further, applicant is responsible for the quality and safety of his/her home and property and is encouraged to obtain liability insurance. Applicant shall indemnify, keep and save harmless the Tribe, its agents, employees and organizations from and against any and all claims and demands, whether for injuries to persons, or loss of life, or damage to property, on or off the premises, arising out of the use or occupancy of the premises. Applicant shall defend at his/her own expense any action related to his/her acts or omissions that is brought against the Tribe, its agents, employees and organizations. The Delaware Tribe of Indians expressly reserves its tribal sovereign immunity from any claim or suit by any applicant, party, alleged tortfeasor indemnity, or any other reason.