

**Ordinance Number 13.100.** Amended by Resolution No. 84-239, dated July 14, 1984; Resolution No. 84-291, dated September 22, 1984; Resolution No. 85-06, dated October 20, 1984; Resolution No. 2005-361, dated September 16, 2005.

Original Date: January 19, 1982  
Subject: Housing Improvement Program

## **HOUSING IMPROVEMENT PROGRAM**

### **Siletz Tribal Code § 13.100**

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#### **§ 13.100      INTRODUCTION**

The Siletz Tribe has contracted with the federal government to administer the Housing Improvement Program for Siletz Indians. The program shall be administered pursuant to federal regulations and the procedures established hereby. The federal regulations governing this program are set forth in 25 CFR 256 et seq. and incorporated herein by reference. Future changes in the federal regulations or waivers thereof granted to the Siletz Tribe also are adopted here by reference.

#### **§ 13.101      PURPOSE**

The purpose of the Housing Improvement Program is to provide grant assistance to tribal members to improve their housing situations and to give them the opportunity for a decent home and a suitable living environment.

#### **§ 13.102      ELIGIBILITY**

Tribal members applying for assistance to improve homes within the tribe's eight (8) county service area or within the counties of Multnomah, Clackamas, Washington and Clark are eligible for assistance under this program. Priority will be given to families with the greatest need as determined under federal regulations and paragraph 10 herein; with the exception of category "D" as specified in paragraph 8. Applicants must reside in the dwelling for which the assistance is being sought. The applicant must have inadequate income and inadequate resources to finance the repair, or in the case of down payments, to meet the full cost of the loan.

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Adopted 1/19/82

Amended: 7/14/84; 9/22/84;  
10/20/84; 9/16/05

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**§ 13.103      CATEGORIES**

(a) Grants will be made, subject to the availability of funds, in the following categories:

- (1) Category “A”: for repairs to housing that will remain substandard;
- (2) Category “B”: for repairs to housing that will become standard;
- (3) Category “C”: for down payments;
- (4) Category “D”: for new housing.

(b) Unless otherwise provided, no applicant may receive more than one grant in categories “B”, “C” and “D” and up to a maximum of \$2,500 in category “A”. The specific rules for grants under each category are set forth fully in 25 CFR 256.4. Key federal rules and procedures and additional tribal requirements are set forth below.

**§ 13.104      CATEGORY “A”**

(a) The purpose of Category “A” assistance is to finance repairs and additions to substandard housing to make it safer, more sanitary and more livable until such time as standard housing is available.

(b) Grants shall not exceed \$2,500 for anyone dwelling. If the dwelling is leased, the applicant must provide assurances from the landlord that no rent increase will result from the repair and that the applicant will be able to continue to lease the dwelling for at least two additional years following completion of the repairs.

**§ 13.105      CATEGORY “B”**

(a) The purpose of Category “B” assistance is to finance repairs and/or additions that will improve housing to "standard" condition as defined in 25 CFR 256.2(i).

(b) Grants may not exceed \$20,000 for any one dwelling. Unless otherwise provided, no applicant may receive more than one grant in this category. If an applicant or successor sells the house within five (5) years from the date of project completion, the full amount of the grant must be repaid to the Tribe for use to other qualified tribal members.

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(c) In general, these grants are for tribal members who own or are buying homes. Tribal members who rent from Indian owners may apply if they can provide assurances that they can remain in the dwelling for five additional years. The applicant must be able to show that no rent increase will result from the repair. The landlord must also agree in writing that, if the original applicant moves out, he will give preference in renting to another tribal member eligible under this program and will notify the Housing Coordinator of any vacancy and give the Housing Committee six months to locate another eligible tribal member to occupy the dwelling.

**§ 13.106      CATEGORY “C”**

(a) The purpose of Category “C” is to provide down payment assistance to tribal members to help make them eligible for tribal, federal, or other housing loan programs (including bank loans or mortgages). Grants under this category will be financed for the mortgage by federal, state or tribal government or reputable lending institution insured under federal law, and real estate contracts which meet the requirements of this ordinance.

(b) The applicant must show that he has adequate income and other resources to meet the payments of the mortgage loan, that he is purchasing a standard dwelling as defined in 25 CFR 256.2(i) and does not presently own or is not presently buying any other dwelling.

(c) No grant may be made for more than the amount necessary to secure the loan plus closing costs or 10% of the purchase price of the house and the closing cost or \$5,000, whichever is less. No applicant may receive more than one grant under this category. If an applicant sells the house within five (5) years from the date of purchase, the full amount of the grant must be repaid by the grantee to the Bureau of Indian Affairs.

(d) The applicant must provide evidence from the lending party that the loan will be granted and give assurances that the funds will be used for the purpose intended. The lending institution must also agree in writing to notify the Housing Coordinator of any anticipated default of a tribal member and to allow the Housing Committee a reasonable time to locate a qualified tribal member to assume the loan prior to any foreclosure.

**§ 13.107      CATEGORY “D”**

(a) The purpose of Category “D” assistance will provide the financing of the construction of new standard housing when it is established that there is no reasonable prospect that standard housing can be financed from sources other than the Housing Improvement Program.

(b) Grants may not exceed \$45,000 for a dwelling and equipment. No applicant may receive more than one grant under this category.

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(c) Considerations for assistance under this category is hereby limited to elderly and handicapped members of the Siletz Tribe.

(d) All contractor built houses must contain a one-year warranty against defects, materials, and workmanship. Proof of adequate fire insurance on the dwelling must be provided.

(e) The applicant must have ownership of the land on which the house is built or a twenty-five (25) year lease. Applicant/successor will acknowledge and agree by signature that if he/she sells the house within the first ten (10) years from the date of ownership, the grant is voided and the full amount of the H.I.P. grant will be repaid by the grantee to the Bureau of Indian Affairs. Subsequent to the first 10 years, if the grantee sells the house, he/she may retain ten percent (10%) of the original grant amount to be repaid to the Bureau of Indian Affairs. If the sale occurs twenty (20) years or more after the date of ownership, no repayment of any part of the grant will be due the Bureau of Indian Affairs, as per 25 CFR Part 256.4(d)(4).

**§ 13.108      APPLICATION**

(a) An applicant must apply to improve or purchase a home within the tribe's eight (8) county service area or within the counties of Multnomah, Clackamas, Washington and Clark and shall submit a Home Improvement Program Grant Application and provide any other information determined necessary by the Housing Coordinator or Housing Committee.

**§ 13.109      APPLICATION REVIEW**

(a) Applicants will be reviewed and ranked by the Housing Coordinator within each category under a system developed by the Housing Committee. Factors which shall be considered in ranking applications shall include, but are not limited to the following:

- (1) Income;
- (2) Assets;
- (3) Family size;
- (4) Elderly;
- (5) Employment;
- (6) Urgency of need;
- (7) Funds available;
- (8) Handicapped; and
- (9) Veterans' preference.

(b) In addition, applicants who are eligible to reapply for Category "B" grants pursuant to the waiver of 25 CFR, Section 256.5 (b) granted to the Siletz Tribe shall receive 15 bonus points. The Housing Coordinator shall be responsible for assisting tribal members in gathering information necessary for completion of the application process. Upon completion of

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the ranking process, the Housing Coordinator shall present the list of ranked applications to the Housing Committee which shall make the final decision.

**§ 13.110      ONE-TIME ONLY**

Applicants may receive assistance only one time in categories “B”, “C” and “D” and up to a maximum of \$2,500 in category “A”; provided that applicants who are eligible to reapply for a Category “B” grant pursuant to the waiver of 25 CFR, section 256.5(b) granted to the Siletz Tribe may receive one (1) additional award under such category if their ranking under the process established hereby justifies such award.

**§ 13.111      FUNDING**

Assistance is limited to funds available. The Housing Committee makes no guarantee that funds will be granted or that successful applicants will receive the maximum amount under a category.

**§ 13.112      HOUSING COMMITTEE**

The Housing Committee shall consist of three persons to be appointed by the Tribal Council. The Housing Committee shall meet as necessary to review ranked applications submitted by the Housing Coordinator and make decisions thereon. The Housing Committee shall ensure compliance with requirements of these rules procedures and the applicable federal regulations.

**§ 13.113      APPEALS**

Appeals from decisions of the Housing Committee may be made to the Tribal Council under the rules and procedures established thereby. Appeals from decisions of the Tribal Council may be made to the Tribal Court under the rules of Appellate Procedure: The appeals procedure established under 25 CFR 256.7 may be followed only after tribal remedies have been exhausted.

**§ 13.114      IMPLEMENTATION**

Successful applicants must present for review by the Housing Committee at least two bids from contractors prior to awarding a contract for work under “A”, “B” and “D”. Category “B” projects over \$10,000 require three bids. Tribal members may not be paid to work on their own dwellings from grants hereunder.