

**HOUSING MANAGEMENT**

**COMANCHE NATION HOUSING AUTHORITY  
HOME IMPROVEMENT PROGRAM POLICY**



**Comanche Nation Housing Authority  
1918 East Gore Blvd  
Lawton, OK 73501**

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October 19, 2021**



# COMANCHE NATION HOUSING AUTHORITY HOME IMPROVEMENT PROGRAM POLICY



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## I. PURPOSE

The Home Improvement Program (HIP) is a social benefit program for the promotion of the general welfare of the Comanche Nation and is intended to qualify for tax free assistance under the Internal Revenue Service (“IRS”) general welfare doctrine.

The purpose of this policy is to provide consistent program guidance for individuals administering the Comanche Nation Housing Authority (“CNHA”) Home Improvement Program that will ensure standardized methods of qualifying applicants, delivering allowable services, providing high quality customer service, and to establish program policies and procedures to be followed.

The policy and procedures set forth herein are intended to qualify for safe harbor treatment under IRS Notice 2012-75 and IRS Notice 2014-35 as the same may be amended.

## II. DEFINITIONS

- A. Appeal. A written request for review of an action or the inaction of an official of the Comanche Nation Housing Authority under the CNHA Home Improvement Program.
- B. Applicant. An individual who applies for service under this program.
- C. Cost Effective. The cost of the repair is within the cost limits for the assistance and adds sufficient years of service to the home to satisfy the recipient’s housing needs well into the future.
- D. Disability. Legally blind; legally deaf; lack of or inability to use one or more limbs; chair or bed bound; inability to walk without crutches or walker; mental disability of a severity that requires a companion to aid in basic needs such as dressing, preparing food; or severe heart and/or respiratory problems preventing even minor exertion. The CNHA models its program decisions after guidance under the Americans with Disabilities Act (“ADA”) of 1990. The ADA terms the word “disability” with respect to an individual that has a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. The decision by CNHA to follow ADA guidance is not a waiver of the statutory exemptions applicable to tribal government entities or consent to non-tribal enforcement actions or agency jurisdiction.
- E. Elder. person who is 62 years of age or older.
- F. Emergency. A circumstance which presents a real, immediate, and/or extreme threat which may reasonably be expected to result in bodily injury or loss of life to an occupant or excessive loss or damage to property.

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- G. Emergency Assistance. To provide services to repair plumbing/sewage systems, electrical, and heating and air conditioning system failures as further defined in Section IV.B.of this policy.
- H. Family. The head of household may qualify as a family alone or with one or more persons who are permanent members of the household
- I. Household. Includes all members of a family who occupy a home.
- J. Homeowner. The person(s) in whose name the home is owned or being bought.
- K. Jurisdictional Area. Caddo, Comanche, Cotton, Grady, Kiowa, Stephens and Tillman Counties in the state of Oklahoma.
- L. Permanent Members of Household. Any adult or child living in the household that intends to live there continuously from now on.
- M. Social Benefit. The increase in the welfare of a society that is derived from a particular course of action.

### III. POLICY

- A. It is the CNHA Home Improvement Program policy to provide emergency home repair assistance to eligible Comanche Nation members.
- B. The program is intended to provide a social benefit through assistance designed to address and reverse life safety, health, and welfare issues of inadequate housing within the Comanche Nation, and to promote self-determination, culture and tradition by assisting Comanche Tribal Members to maintain residency within the Nation's Jurisdictional Area.
- C. The CNHA Home Improvement Program is intended to provide benefits that are excluded from taxable income to the recipients under the IRS general welfare doctrine. All benefits are provided on a need's basis. The needs requirements may be met based on individual and/or community-based needs of the Comanche Nation itself, or by satisfying the needs based safe harbor set forth in IRS Notice 2012-75 and IRS Notice 2014-35 as the same may be amended.
- D. All Program benefits are subject to the following general criteria:
  - 1. The Home Improvement Program administered through CNHA is a general welfare program of and for the Comanche Nation.

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2. The Home Improvement Program shall be administered pursuant to the written guidelines set forth herein which specify how individuals may qualify for program benefits.
  3. Program benefits shall be available to any tribal member who satisfies the program guidelines and requirements.
  4. Program benefits shall not discriminate in favor of members of the governing body of the Comanche Nation.
  5. Program benefits shall not include compensation for services.
  6. Program benefits shall not be lavish or extravagant.
  7. All program benefits are subject to funding limitations.
- E. Only those benefits administered pursuant to the IRS requirements shall be provided on a tax-free basis.
- F. CNHA staff shall ensure activities follow applicable industry standards and tribal, federal, and state requirements as necessary.

#### IV. PROCEDURE

##### A. PROGRAM ELIGIBILITY CRITERIA

1. Eligibility Criteria
  - a. Eligible. Applicant must be an enrolled Comanche Nation Tribal Member. Proof of eligibility will be required in the form of Tribal membership card or Certificate of Degree of Indian Blood (CDIB);
  - b. Service Area. The jurisdictional area as defined in this policy at Section II.K, is the primary service area. All other requests will be on a case-by-case basis as funding is available;
  - c. Eligible Homes. Applicant must be the homeowner, proof of which will be required in the form of a deed, abstract of title, lease cancellation, mortgage document, or other documentation through legal proceedings such as, but not limited to, court probate, will, or lifetime use of property. If a mortgage or CNHA homeownership agreement exists, it must be in the name of the applicant approved for the program;

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- d. Residency Requirements. Applicant must reside in the home, proof of which will be required in the form of a utility bill for the residence in the name of the applicant and bearing the address of the residence;
- e. Submit Application. Complete and submit a Home Improvement Program application to the CNHA as outlined in this Policy.

### 2. Safe Harbor Benefit

- a. The benefits set forth herein are intended to be administered to qualify for safe harbor treatment under IRS Notice 2012-75 and IRS Notice 2014-35 as the same may be amended
- b. Nothing herein shall waive any right to favorable tax treatment for non-safe harbor benefits under the general welfare doctrine.

## B. PROGRAM SERVICE CATEGORIES & PRIORITIZATION

### 1. Service Categories

The Home Improvement Program assistance will be provided, subject to availability of funds, in the following categories:

A. Category “A” Emergencies: For emergency repair assistance all service must enhance habitability of housing, such as by remedying water, sewage, sanitation service, gas leaks, major electrical, or heating or cooling issues. Only the following services will be provided:

- (1) Plumbing issues involving water line breaks, no running water, hot water heater leaks/ruptures, gas leaks and sewer backups.
- (2) Heating or cooling system problems resulting in loss of heat or air conditioning to the home and outside temperature is below 60 or above 85 degrees
- (3) Electrical problems involving outlet, fixture and panel box sparking or shock hazards as well as service line problems involving loss of service to the home.
- (4) Handicap accessibility services for persons with a disability limited to the following: Ramps, handicap accessible bathrooms to include wider bathroom doorways, easy access showers, handicap railing at toilet and shower, handicap toilets, easy use plumbing fixtures, and doorknobs.

B. Category “B” Life Safety: For other critical housing repairs and rehabilitation that enhance habitability and assist in meeting life and safety

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building code compliance standards of housing. Benefits under this category shall include, but not be limited to, home safety issues; leaking faucets; faulty lighting fixture; hot water heater repair or replacement; sub-floor repair; leaking roofs; broken exterior doors and window glass replacement. Sub floor repairs do not include the replacement of floor coverings except as needed to replace damage caused by sub floor repairs.

C. Category “C”: The purpose of this category is to conduct renovations to existing homes to further advance the safety and quality of life within the home.

### 2. Service Prioritization

Prioritization for services to participants will be based upon critical emergency service needs that are critical life safety and health concerns eligible under Category “A” of this Policy to enrolled members of the Comanche Nation. Priority status thereafter shall be on a first come first serve basis.

### C. APPLICATION FOR SERVICE

1. The application is the basic record of each individual applying for services. All application information provided by the applicant is subject to verification.
2. Application packets will be made available through the following methods: At the CNHA office located at 1918 East Gore Blvd, Lawton, OK, by mail or from the CNHA website – comanchehousing.com.
3. Each applicant must submit a complete, accurate, and signed application along with all requested documents, forms, and certifications attesting that all information contained in the application is true and accurate to the best of his/her knowledge.
4. A CNHA staff person will provide any assistance necessary for applicants to accurately complete the written application and collect all supporting documentation.
5. Applications may be faxed, mailed directly delivered to the CNHA office or submitted electronically. The CNHA will date stamp all applications upon receipt.

### D. DETERMINATION & NOTICE OF ELIGIBILITY

1. CNHA shall review all applications for completeness and eligibility.
2. If the application is incomplete, the CNHA will notify the applicant that the application is incomplete and state what is needed to complete the application.

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Notifications of an incomplete application will be provided within five (5) working days from the date the application is received.

3. For other than emergency services, an applicant determined to be eligible shall be notified in writing and placed on the waiting list, should the applicant be determined to be ineligible he/she will be notified in writing with documentation as to the reasons for ineligibility.

Notifications will be mailed out within two (2) business days after it has been determined that the applicant is eligible or ineligible to participate in the CNHA program.

4. The applicants will be placed on the waiting list immediately after their application has been determined and verified eligible for the program.

### E. APPLICANT SELECTION & SERVICE SCHEDULING

1. The CNHA waiting list is held within a database management information systems program.
2. The waiting list shall be compiled by the CNHA based upon the service prioritization criteria listed in Section IV (B) outlined in this Policy above.

No changes to this waiting list order may be made which are inconsistent with the prioritization criteria outlined in this Policy.

3. Applicants requiring emergency repairs will be contacted immediately to schedule the necessary service to remedy only the emergency situation in accordance with allowable services outlined in Category “A” of this Policy.
4. Thereafter, the applicant next on the waiting list shall be notified through telephone contact that they have been selected.
5. For selected applicants requiring non-emergency repairs under Category “B” & “C”, CNHA staff may set up a home visit or by other means to identify the necessary scope of work needed based on the appropriate international building code, habitability and safety standards, and ADA standards in accordance with the applicable service category in Section IV(B)(1) of this Policy. CNHA will have five (5) business days to finalize the scope of work after the home visit or determination by other means

### F. PROGRAM LIMITATIONS

1. The program is limited in scope based on allocated program funds.

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2. The program is not intended to completely eliminate all health and safety issues that may be present in the home.
3. Proper maintenance of the home to include remediation of hazardous conditions and other repairs needed is the responsibility of the homeowner.
4. The program is not intended to remedy overcrowded situations.

### G. FUNDING AWARD & LIMITATIONS

#### 1. Funding Awarded

The CNHA Home Improvement Program is a grant, providing emergency repair assistance for homes that are owner occupied.

#### 2. Funding Limitations

Program assistance is limited to funds available for participants as identified by allocated funds within the fiscal year. The CNHA makes no guarantee that funds for the program will be available or that successful applicants will receive all service requests made under any category of assistance. Program benefits cannot be assigned, pledged or alienated, and shall be considered "unfunded" for tax purposes.

#### 3. Leveraging of Funds

- a. Every effort shall be made to first utilize available alternatively funded programs for HIP applicants.
- b. When it is determined by the CNHA that an applicant would otherwise qualify for another program if the home was covered by insurance and it is cost effective, HIP program funds may be used to assist the applicant to obtain the minimum coverage necessary to leverage these additional resources.

### H. FREQUENCY OF SERVICE

- a. Frequency of Service. The program is intended to address emergency and critical home repairs when needed. Handicap accessibility services, when required, will be limited to completion of one handicap accessible bathroom and one access ramp per home.
- b. CNHA staff shall keep a record of all services performed with the description, date, and cost of service completed. The record will be updated and maintained in the participants file after completion of each service request.

### V. POLICY WAIVER

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- A. The CNHA Board of Commissioners (“BOC”) has adopted a series of CNHA policies and until revised or changed by formal action of the BOC, the BOC and CNHA staff are required to follow these policies.
- B. The policy requirements are intended to apply in all cases. However, when warranted in exceptional circumstances a waiver may be considered and approved by the BOC.
- C. The BOC may waive CNHA policy requirements on a case-by-case basis as determined by the exceptional circumstance situation.
- D. If the BOC determines that a policy waiver is needed, the waiver shall be limited in scope to address the situation of the exceptional circumstance only.
- E. The following shall apply when executing a policy waiver:
  - 1. Resident/applicant must submit policy waiver request in writing to the BOC.
  - 2. Full and complete public disclosure of the policy waiver request is made to the BOC prior to the BOC voting on the policy waiver request except for where information within the request is confidential in nature and would be in the best interest of the Resident/Applicant to not be publically disclosed.
    - a. If the BOC determines that information within the request is confidential in nature, then the BOC may hear the details of the matter in Executive Session of a duly called BOC meeting.
  - 3. A two-thirds (2/3) favorable vote of all BOC members (whether or not all such members are present and eligible to vote) is obtained.
  - 4. The waiver of the policy requirement is not prohibited under federal law, Comanche Nation law, and applicable funding requirements and regulations.
  - 5. Any BOC member with personal or indirect interest abstains from and is not present during the deliberations and decisions of the BOC with respect to the waiver.

Any one-time policy waiver will be validated through a BOC motion with the specific exemption detailed regarding the policy waiver. If more than one waiver is requested based on a similar situation, the CNHA and BOC may consider amending the applicable policy.

### VI. APPEALS

#### A. GENERAL

The appeal procedures apply to applicants that are determined ineligible for the Home Improvement Program. Such applicants shall have the right to a formal appeal of the

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eligibility determination. An applicant may not bring up an appeal based on the mere violation of the procedures outlined in this policy, but he/she may bring up an appeal if they have not been allowed to provide all information pertaining to eligibility for the program.

### B. FILING AN APPEAL

Appeal request must be received in writing and outline the reason for the appeal within five (5) business days of receipt of the notification of ineligibility. Appeal request must be submitted to the Executive Director.

### C. NOTIFICATION OF HEARING

The Executive Director shall notify the appellant whether an appeal hearing will be initiated within five (5) business days of the receipt of appeal.

### D. HEARING THE APPEAL

If the Executive Director determines that there will be an appeal hearing, the CNHA staff will be directed to schedule an appeal hearing with the appellant. The Executive Director will hear from the appellant and CNHA staff during the appeal hearing and make a determination based on the information provided and presented during the appeal hearing.

### E. NOTIFICATION OF DECISION

Within five (5) business days of the hearing, the Executive Director shall notify the appellant of his or her decision to uphold or reverse the eligibility decision.

### F. FINALITY OF DECISION

The Executive Director's determination is final for the CNHA and is not subject to further appeal.

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