

COMANCHE NATION HOUSING AUTHORITY

ELDER PROGRAM POLICY



**Comanche Nation Housing Authority**

**1918 East Gore Blvd  
Lawton, OK 73501**

**Approved by Motion August 22, 2023**

**HOUSING MANAGEMENT**

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POLICY REVISION HISTORY

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| --- | --- | --- | --- |
| Revision Authorization | | Date | |
| Adopted by Resolution #2007-07 | | January 30, 2007 | |
| Amended by Resolution #2007-14 | | May 14, 2007 | |
| Amended by Resolution #2007-20 | | August 23, 2007 | |
| Amended by Resolution #2008-04 | | March 6, 2008 | |
| Amended by Resolution #2009-11 | | April 13, 2009 | |
| Amended by Resolution #2010-19 | | July 15, 2010 | |
| Amended by Resolution #2011-20 | | December 20, 2011 | |
| Amended by Resolution #2012-10 | | May 15, 2012 | |
| Amended by Resolution #2013-006 | | August 20, 2013 | |
| Amended by Resolution #2014-012 | | August 19, 2014 | |
| Amended by Resolution #2014-019 | | December 16, 2014 | |
| Amended by Resolution #2015-003 | | February 26, 2015 | |
| Amended by Board of Commissioner’s Motion at Regular Monthly Board Meeting | | June 17, 2015 | |
| Amended by Resolution #2016-006 | | February 16, 2016 | |
| Amended by Resolution #2018-004 | | February 20, 2018 | |
| Amended by Resolution #2021-04 | | June 15, 2021 | |
| Amended by Resolution #2021-11 | | October 19, 2021 | |
| Amended by Resolution #2021-13 | | November 16, 2021 | |
| Amended by Resolution # 2022-007 | | November 15, 2022 | |
| Amended by Resolution # 2022-008 | | December 20, 2022 | |
| Amended by Board Motion | | August 22, 2023 | |

1. PURPOSE

The Elder Program 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”) Elder 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.

1. DEFINITIONS
2. Appeal. A written request for review of an action or the inaction of an official of the Comanche Nation Housing Authority under the CNHA Elder Program.
3. Applicant. An individual who applies for service under this program.
4. Child. A person under the age of 18 or such other age of majority as is established for purposes of parental support.
5. 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.
6. 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.
7. Elder. For the purposes of this program, a person who is 62 years of age or older.
8. Emergency. The immediate urgency to protect the health and safety of the family living in the home, then to protect the dwelling itself.
9. Emergency Assistance. To provide services for critical repairs to plumbing/sewage systems involve breaks and backups, electrical issues involving sparking or loss of power, and air conditioning system failures during extreme weather conditions .
10. Family. The head of household may qualify as a family alone or with one or more persons who are permanent members of the household
11. Household. Includes all members of a family who occupy a home.
12. Homeowner. The person(s) in whose name the home is owned or being bought.
13. Jurisdictional Area. Caddo, Comanche, Cotton, Grady, Kiowa, Stephens and Tillman Counties in the state of Oklahoma.
14. Permanent Members of Household. Any adult or child living in the household that intends to live there continuously from now on.
15. Social Benefit. The increase in the welfare of a society that is derived from a particular course of action.
16. POLICY
17. It is the CNHA Elder Program policy to provide assistance to elder Comanche Nation members.
18. 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 elders to maintain residency within the Nation's Jurisdictional Area.
19. The CNHA Elder 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.
20. All Program benefits are subject to the following general criteria:

The Elder Program administered through CNHA is a general welfare program of and for the Comanche Nation.

The Elder Program shall be administered pursuant to the written guidelines set forth herein which specify how individuals may qualify for program benefits.

Program benefits shall be available to any tribal member who satisfies the program guidelines and requirements.

Program benefits shall not discriminate in favor of members of the governing body of the Comanche Nation.

Program benefits shall not include compensation for services.

Program benefits shall not be lavish or extravagant.

All program benefits are subject to funding limitations.

1. Only those benefits administered pursuant to the IRS requirements shall be provided on a tax-free basis.
2. CNHA staff shall ensure activities follow applicable industry standards and tribal, federal, and state requirements as necessary.
3. All applicable conflict of interest provisions and disclosures must be followed as required per the CNHA Conflict of Interest Policy.
4. All amounts owed to CNHA shall follow collection guidance outlined in CNHA Collection Policy.
5. PROCEDURE
6. PROGRAM ELIGIBLITY CRITERIA
7. Eligibility Criteria

Age Requirements. Applicant must be age 62 or older, proof of which may be in the form of a birth certificate, federal, state or Tribal identification document (driver’s license or military identification is acceptable).

Eligible Elders and Preference. The program is limited to enrolled Comanche Nation Elders. Proof of which will be required in the form of Tribal membership card or Certificate of Degree of Indian Blood (CDIB).

Service Area. Home of applicant must be located in the jurisdictional area of the CNHA;

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. Unusual circumstances will be evaluated on a case-by-case basis. Based on the circumstance the Executive Director has the authority to establish eligibility by alternative method. If a mortgage or CNHA homeownership agreement exists, it must be in the name of the Elder approved for the program;

Residency Requirements. Applicant must reside in the home, proof of which may 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 or other documentation determined to be acceptable to the Housing Authority;

Submit Application. Complete and submit an Elder Program application to the CNHA as outlined in this Policy.

1. Safe Harbor Benefit
2. 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.
3. The program may implement income limits and require gross monthly income data to establish priorities, to secure favorable tax treatment for benefits that do not meet the safe harbor, and to satisfy grant or funding requirements and/or limitations.
4. Nothing herein shall waive any right to favorable tax treatment for non-safe harbor benefits under the general welfare doctrine.
5. PROGRAM SERVICES
6. Examples of available services include remedying water, sewage, sanitation service, major electrical, heating or cooling issues and gas leaks.

Also, services shall include, but not be limited to, addressing home safety issues; hot water heater repair or replacement; sub-floor repair; flooring; foundation repair; roofs; broken interior/exterior doors, window repair/replacement, emergency home generators, kitchen/bathroom cabinets, drywall repair, siding repair/replacement and weatherization, Tree trimming or removal, where trees are endangering the integrity of a home’s foundation, roof, water or sewage lines are eligible services.

1. Renovations to meet handicap accessibility and life safety improvements are eligible services and include: Handicap accessible bathrooms to include easy access showers, handicap railing at toilet and shower, handicap toilets, easy use plumbing fixtures and doorknobs, wider doorways, and handicap ramps.
2. Appliance replacement or repair to enhance habitability of the home including, for example, home safety issues and the ability of an Elder to prepare and store meals safely within the home. The appliance installation, replacement or repairs are limited to generators, range, cooktops, hoods/vents, ovens, refrigerators, washers and dryers or other identified items that reasonably accomplish this purpose. Frequency of appliance replacement will be based on the typical life expectancy of the appliance and will be at the sole discretion of the Housing Authority. Appliances are intended for the benefit of the eligible Elder applicant. The Housing Authority may require the pick-up of the inoperable appliances before providing a replacement.

4. Appliance Homeownership Exception: In special circumstances where an otherwise eligible Elder has entered into a rental agreement that does not provide necessary appliances, the following may be provided: stove, refrigerator, washing machine, clothes dryer or other identified items that reasonably accomplish this purpose. Appliances are intended for the benefit of the eligible Elder and shall remain the property of the Elder at the end of the lease. It is incumbent upon the Elder to ensure the necessary permissions are obtained from the landlord prior to use of these personal appliances.

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 E Gore Blvd, Lawton, OK, by mail or electronically 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 or electronic 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.
6. DETERMINATION & NOTICE OF ELIGIBILITY
7. CNHA shall review all applications for completeness and eligibility.
8. 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.

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

1. Upon applicant’s submittal of a completed application, the CNHA will make a determination of eligibility within ten (10) business days.
2. An applicant determined to be eligible shall be notified within two (2) business days after determination of eligibility. Should the applicant be determined to be ineligible he/she will be notified in writing within two (2) business days and provided documentation as to the reasons for ineligibility.
3. Based on funding eligibility, applicants will be advised to obtain quotes for the requested work and will be provided with notice to proceed upon approval of the submitted quote. Should funds be unavailable, eligible applicants will be placed on a waiting list immediately after their application has been determined eligible for the program.
4. APPLICANT SELECTION The CNHA waiting list is held within a database management information systems program.
5. PROGRAM LIMITATIONS
6. The program is limited in scope based on allocated program funds.
7. The program is not intended to completely eliminate all health and safety issues that may be present in the home.
8. Proper maintenance of the home to include remediation of hazardous conditions and other repairs needed is the responsibility of the homeowner.
9. FUNDING AWARD & LIMITATIONS
10. Funding Awarded

The CNHA Elder Program is a grant, providing a maximum of $8,000.00 in assistance for homes that are owner occupied. When it is in the best interest of the tribal member and necessary to complete a project addressing life-safety issues, the Executive Director may authorize the expenditure of the additional funds necessary to complete the project.

1. Should more than one homeowner from the same household qualify for assistance, the maximum expenditure per house will be $8,000.00.
2. If the work required exceeds the $8,000.00 grant amount the homeowner will be responsible for these costs. Payments will be made directly to the contractor/vendor engaged by the homeowner. Form W-9 will be required prior to payment.
3. 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 the maximum benefit under any category of assistance. Program benefits cannot be assigned, pledged or alienated, and shall be considered "unfunded" for tax purposes.

1. FREQUENCY OF SERVICE & WAITING PERIOD
2. Frequency of Service

Once awarded the grant the participant may utilize the entire $8,000.

1. 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.
2. Once an individual has expended the total $8,000 award amount, CNHA will provide a notice within five (5) business days to the participant that they have exhausted the grant amount and when the participant will be eligible to participate in the program again.
3. Waiting Period

There will be a two (2) year waiting period from last receipt of services which expends the total $8,000 award amount until the applicant is eligible to reapply for assistance.

1. POLICY WAIVER
2. 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.
3. 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.
4. The BOC may waive CNHA policy requirements on a case-by-case basis as determined by the exceptional circumstance situation.
5. 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.
6. The following shall apply when executing a policy waiver:
7. Resident/applicant must submit policy waiver request in writing to the BOC.
8. 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 publicly disclosed.
9. 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.
10. 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.
11. The waiver of the policy requirement is not prohibited under federal law, Comanche Nation law, and applicable funding requirements and regulations.
12. 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.
13. 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.
14. APPEALS
15. GENERAL

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

1. 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.

1. 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.

1. 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.

1. 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.

1. FINALITY OF DECISION

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