

# FORT BELKNAP TRIBAL HOUSING AUTHORITY COVID-19 HOUSING ASSISTANCE FUND POLICY

Adopted: August 21, 2024

**Fort Belknap Tribal Housing Authority (FBTHA)** adopted a series of administrative and management policies. These Policies are formally adopted by the FBTHA Board of Commissioners; the Board and staff are required to follow them until they are revised or changed by formal action. Some of the provisions of these Policies, but not all, reflect requirements of federal, state and/or tribal law. Furthermore, FBTHA may from time to time adopt other rules, requirements, and procedures to administer its' programs, however all of these practices must comply with FBTHA Policies.

Separate FBTHA Policies may be adopted for various housing programs. This policy is strictly limited to the Housing Assistance Fund (HAF) program established by the U.S. Department of the Treasury to mitigate financial hardships associated with the coronavirus pandemic by providing funds for the purpose of: preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020, through qualified expenses related to mortgages and housing. The period of performance of the HAF Program ends on September 30, 2025.

The COVID-19 pandemic poses an immediate and imminent threat to the health, safety, and well-being of the Fort Belknap Tribes. The purpose of the FBTHA HAF Program (HAF) is to provide housing assistance funds for the payment of delinquent mortgages, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship and for futures and present arrearages for the same, for low-income Tribal members on the Fort Belknap Indian Reservation and within the Boundaries of the State of Montana, who have disproportionately suffered from the impacts of the COVID-19 pandemic. The HAF Program is designed to assist Tribal Members whose income is at or below 150% of the Median Income who face potential displacements due to financial hardship because they are unable to pay mortgages and utilities due to the COVID-19 pandemic.

Notwithstanding any provision set forth in any other FBTHA Policy; receipt of assistance from the FBTHA HAF established under this Policy shall not make the Recipient or Recipient family ineligible for assistance under any of the regular FBTHA policies.

Assistance to be provided under the FBTHA HAF is subject to availability of funds. No applicant or household determined to be eligible is entitled to or has a property right to receive funding under the HAF Program. When funding for the FBTHA HAF Program is fully-expended, the HAF Program will terminate. FBTHA may terminate this Program at any time.

This Policy and the FBTHA HAF Program will be carried out in reliance upon the published definition ( 3) each Indian Tribe (or, if applicable, the tribally designated housing entity of an Indian tribe that was eligible for a grant under Title 1 of the Native American Housing Assistance and Self-Determination act of 1996 (25 U.S.C 4111 et seq for fiscal year 2020." March 16, 2021; and which the Department of Treasury may further clarify with future guidance.

This Policy and the administration of the FBTHA HAF Program will be subject to change if and when such additional guidance is provided.

1. **THE PURPOSE OF THIS POLICY.** This policy contains the requirements for the FBTHA COVID-19 Housing Assistance Fund Program that was created and funded by the U.S. Department of the Treasury, January 21, 2020).
2. **DURATION OF PROGRAM.** This program shall continue until September 30, 2026, (unless deadline is extended by the Department of Treasury); or until all Housing Assistance Fund Program (HAF) funds are expended; or until HAF funds are recaptured and returned to Treasury, whichever event occurs first.
3. **AVAILABLE USE OF ASSISTANCE FUNDS.** FBTHA shall only use the Emergency Rental Assistance program funds to provide financial assistance and housing stability services to eligible households. Such assistance may include the following:
  - a. Homeowner Repair Assistance Program (HRAP);
  - b. Homeowner Delinquency Assistance Program (HDAP)
  - c. Homeowner Stabilization Assistance Program (HSAP)
  - d. Not more than 10% of the funds for this program may be used for administration costs attributable to providing financial assistance or housing stability services. Housing Stability Services related to the COVID-19 outbreak include those that enable eligible households to maintain or obtain housing. Such services may include housing counseling, fair housing counseling, case management related to housing stability,
4. **LENGTH OF HOMEOWNER/OCCUPANCY.** There is no requirement regarding a household's length of homeownership/occupancy in their current unit.
5. **MORTGAGE AND HOMEOWNER'S CAN BE ASSISTED.** Homeowner mortgage payments and utilities/energy cost payments are eligible for HAF.
6. **RENTERS LIVING IN MANUFACTURED OR MOBILE HOME ARE ELIGIBLE** Homeowners living in manufactured or mobile homes are eligible for assistance under FBTHA's HAF for Mortgage payments, lot space rental, and utilities.
7. **AVAILABLE AND MAXIMUM ASSISTANCE.** Assistance may be provided to each eligible household for a period not to exceed 24 months
8. **PROGRAM DESIGN.** Based on information received from the U.S. Department of Treasury and the needs identified through the data collection process, HAF Funding will prioritized within three programs.
  - a. **Homeownership Repair Assistance Program (HRAP):**
    - i. HRAP Grants will be available to eligible homeowners with home repair needs that affect the ongoing habitability of their homes. Eligible repairs would include housing rehabilitation of core residential systems, including roofing, soffit/fascia/gutters, drainage and runoff management, electrical

and plumbing systems, heating and sewer/plumbing and foundations. Funds can also be used to make environmental modifications and improvements to accessibility in the home as these factors are critical to the maintenance of habitable, stable housing. Other requests would be considered and approved based on the applicant's unique situation.

- ii. The total amount of Homeowner Assistance Fund for each household for all requests (i.e., home repair and mortgage/utility/housing cost assistance), shall not exceed the established program cap of \$20,000 per household.
- iii. The scope of the home repair work will be determined by a qualified FBTHA Inspector approved by HAF Staff. Funds may be used in conjunction with other home repair/home modification programs to help assure a comprehensive scope of work to address habitability needs. Work will be completed per tribal building codes. Payments will be made directly to contractors. FBTHA home inspector will be used to inspect 100% of the homes.

**b. Homeowner Delinquency Assistance Program (HDAP):**

- i. HDAP will provide mortgage and utility reinstatement program grants for FBIC tribal members affected by the coronavirus pandemic. The program will cover delinquent payments, to satisfy secondary liens from loss mitigation options, such as but not limited to, an FHA partial claim, and expenses related to past due, disconnection, reconnection, and deposits for water, sewer, gas (natural gas and propane), oil, electricity, firewood, pellets, garbage, internet service including broadband internet access service, as defined in 47 CFR 8.1 (b) delinquent property tax, special assessments and lot rent.
- ii. All payments will be made directly to the homeowner(s)' mortgage loan servicer, utility provider, and other entities that would process payments for the expenses listed.

**c. Homeowner Stabilization Assistance Program (HSAP):**

- i. The FBTHA will provide mortgage and utility assistance grant to stabilize eligible homeowners. The program will cover future mortgage payments as well as utility expenses. Funding may also be applied to property tax, special assessments, lot rents, and homeowner and condo association fees.
- ii. The maximum assistance provided for a homeowner(s) will be \$10,000. All payments will be made directly to the homeowner(s)' mortgage loan servicer, utility provider, and other entities that would process payments for the expenses listed.

**9. PROSPECTIVE MORTGAGE PAYMENTS.** Prospective mortgage payments are limited to \$5,000 based on any application by or on behalf of the household.

- a. Subject to availability of remaining funds;
- b. Based on a subsequent application for additional financial assistance provided that the total months of financial assistance given to the household do not exceed six months, if necessary, to ensure housing stability for an assisted household;

- c. An eligible household does not need to have any rental arrears in order to be assisted for prospective rent assistance.

**10. ELIGIBLE HOUSEHOLD.**

- a. To be eligible for assistance, a household must be obligated to pay mortgage payments, utilities on any type of residential dwelling and FBTHA must determine that:
  - i. that the individual has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experiences other financial hardship due, directly or indirectly, to the COVID-19 pandemic;
  - ii. that the individual can demonstrate a risk of experiencing homelessness or housing instability; and
  - iii. the household has a household income at or below 150 percent of the Area Median Income (AMI).
- b. Tribal members living off the Fort Belknap Indian Reservation may receive HAF assistance, provided they have not received duplicate HAF assistance from another Tribe, TDHE, state or local government.

**11. AREA TO BE SERVED.** FBTHA shall provide HAF assistance to all eligible residents living on the Fort Belknap Indian Reservation (Fort Belknap Indian Community Tribal Members); as well as all eligible Fort Belknap Indian Community Tribal Members living off the Fort Belknap Reservation within the boundaries of the State of Montana.

**12. DUPLICATION OF ASSISTANCE PROHIBITED.** To the extent feasible, FBTHA shall ensure that any assistance provided pursuant to the FBTHA HAF program is not duplicative of any other federally-funded assistance provided to such household.

- a. FBTHA shall review the household's income and sources of assistance to confirm that the HAF assistance does not duplicate any other assistance, including tribal, federal, state, and local assistance provided for the same costs. FBTHA may rely on an attestation from the applicant regarding non-duplication with other government assistance in providing assistance to a household.
- b. FBTHA may also coordinate with other tribally designated housing entities, state, or local entities to confirm that an applicant has not applied for or received assistance from other entities offering HAF assistance.

**13. APPLICATION INTAKE.** The application and approval process for homeowners that qualify to receive the HAF funding will be developed in a manner to avoid barriers and expedite payments as quickly and efficiently as possible.

Homeowners may apply at any time through the following methods:

Online Portal

Paper application received by mail, email or in person.

FBTHA staff will be available to assist homeowners and entities throughout the application process. Staff will be available at the FBTHA Administration Office Building located at the Fort Belknap Agency, Montana.

INCOME DETERMINATION: Household income can be established using the following methods:

- 1.) Categorical eligible
  - 2.) Documentation of income
  - 3.) Homeowner self-attestation
  - 4.) Residence of Persistent Poverty County
- a. Forms. The HAF application forms include:
- i. Homeowner Application.
- b. Submission.
- i. Applications may be submitted in person, mail, electronically or by email or fax.
  - ii. The application forms and any other application information may be submitted by a member of the Household.
- c. Application Information Required. A completed application shall include the following:
- i. the date the application is completed;
  - ii. name and contact information for the applicant;
  - iii. family composition;
  - iv. Income information shall include, as applicable:
    1. documentation evidencing that the applicant has qualified for unemployment benefits,
    2. documentation evidencing that the applicant has experienced a reduction in income,
    3. documentation evidencing that the applicant has incurred significant costs, or
    4. documentation that an applicant has experienced other financial hardship due directly or indirectly to COVID-19 that threaten the household's ability to pay rent or utilities;
  - v. copies of mortgage and/or utility bills that have not been paid due to COVID-19;
  - vi. all applications for assistance shall include an attestation from the applicant that all information included is correct and complete.
  - vii. When an applicant requests assistance for mortgage payments and/or arrears, FBTHA must obtain, if available, a current contract, signed by the applicant and the mortgage holder that identifies the home where the applicant resides and establishes the mortgage payment amount.
    1. If the household does not have a signed contract, documentation of residence may include evidence of paying utilities for the residential unit, an attestation by a landlord who can be identified as the verified owner or management agent of the unit, or other reasonable documentation as determined by FBTHA.
    2. In the absence of a signed lease, evidence of the amount of a mortgage payment may include bank statements, check stubs, or other documentation that reasonably establishes a pattern of paying mortgage, a written attestation by a mortgage holder who can be

verified as the legitimate owner or management agent of the home, or other reasonable documentation as determined by FBTHA.

3. Written attestation. If an applicant is able to provide satisfactory evidence of residence but is unable to present adequate documentation of the amount of the mortgage payment obligation, FBTHA may accept a written attestation from the applicant to support the payment of assistance up to a monthly maximum of 100% of the greater of the Fair Market Rent for the area in which the applicant resides, as most recently determined by the U.S. Department of Housing and Urban Development (HUD) and made available at <https://www.huduser.gov/portal/datasets/haf>.
  4. The applicant must also attest that the household has not received, and does not anticipate receiving, another source of public or private subsidy or assistance for the rental costs that are the subject of the attestation. Such assistance may be provided for up to three months at a time. After three months, FBTHA must obtain evidence of mortgage owed consistent with the above after three months in order to provide further assistance to such a household.
- d. Individuals within a household at risk of experiencing homelessness or housing instability. One or more individuals within the Household can demonstrate a risk of experiencing homelessness or housing instability, which may include:
- i. a past due utility or rent notice or eviction notice;
  - ii. unsafe or unhealthy living conditions as determined by FBTHA or
  - iii. any other evidence of risk of homelessness, as determined by FBTHA.
- e. Written Attestations.
- i. If an applicant specifies that they have qualified for unemployment benefits, FBTHA may rely on either a written attestation signed by the applicant or other relevant documentation regarding the household member's qualification for unemployment benefits.
  - ii. If an applicant specifies that they have experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak, FBTHA shall obtain a written attestation signed by the applicant that one or more members of the household meets this condition.
  - iii. Written Attestation Without Further Documentation: To the extent that a household's income, or a portion thereof, is not verifiable due to the impact of COVID-19 (for example, because a place of employment has closed) or has been received in cash, or if the household has no qualifying income, FBTHA may accept a written attestation from the applicant regarding household income. If such written attestation without further documentation is relied on, FBTHA must reassess household income for such household every three months. In appropriate cases, FBTHA may rely on an attestation from a caseworker or other professional with

knowledge of a household's circumstances to certify that an applicant's household income qualifies for assistance.

- iv. Section 11 (c)(vii)(3), describes circumstances when a written attestation can be submitted to document the applicant's rental obligation. Written attestations must be sworn under oath and signed by the homeowner.

**14. INCOMPLETE APPLICATIONS.** Incomplete applications cannot be processed. When an application is incomplete, FBTHA shall contact an applicant if additional information is required. For purposes of priority or waiting lists an eligible household cannot be placed on a priority or waiting list until all required documentation has been submitted. FBTHA shall work with an applicant to correct application deficiencies.

**15. INCOME DETERMINATION.**

**Definition of Income:** With respect to each household applying for assistance, FBTHA may choose between using HUD's definition of "annual income" in 24 CFR 5.609 and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes.

**Categorical Eligibility:** If an applicant's household income has been verified to be at or below eighty percent (80) of the area median income in connection with another Tribal, local, state, or federal government assistance program, FBTHA is permitted to rely on a determination letter or other written evidence from the government agency that verified the applicant's household income, provided that the determination for such program was made on or after January 1, 2020. This includes current participants in FBTHA's other housing assistance programs who have an up-to-date household income recertification on file with FBTHA.

**Definition of Area Median Income:** The area median income for a household is the same as the income limits from families published in accordance with 42 U.S.C. 1437 a(b)(2), available under the heading for "Access Individual Median Family Income Areas" at <https://www.huduser.gov/portal/datasets/haf>. For applicants who are current participants of other FBTHA housing assistance programs, FBTHA may use the definition of Area Median Income from those programs to determine ERA eligibility for those applicants under the "Categorical Eligibility" definition above.

In determining the income of a household for program eligibility, FBTHA shall consider either a. or b. below.

- a. The household's total income for calendar year 2020
  - i. FBTHA may choose between using the definition of "annual income" as provided by HUD in 24 CFR 5.609 and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes. This does not require the applicant to actually file or used a 1040 form with the IRS;
  - ii. FBTHA shall obtain at the time of application source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement), or a copy of Form 1040 as filed with the IRS for the household.

- b. Sufficient confirmation of the household's monthly income at the time of application for such assistance.
  - i. FBTHA shall review the monthly income information provided by the applicant at the time of the application and extrapolate over a 12-month period to determine whether the household income exceeds one hundred fifty percent (150%) of area median income.
  - ii. If a household qualifies based on monthly income, FBTHA must re-determine the household income eligibility every three months for the duration of the assistance.

**16. DOCUMENTATION OF INCOME VERIFICATION.**

- a. FBTHA must have a reasonably reliable basis for determining household income. This may include requiring a written attestation from the applicant as to household income; and also documentation available to the applicant to support the determination of income, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer.
- b. Under limited circumstances, FBTHA may rely on a written attestation (see Section 11) from the applicant without further documentation of household income.
- c. FBTHA has the discretion to provide waivers or exceptions to this documentation requirement to accommodate disabilities, extenuating circumstances related to the COVID-19 pandemic, or a lack of technological access. However, FBTHA remains responsible for making the required determination regarding an applicant's household income and documenting that determination.

**17. VERIFICATION REQUIREMENTS.** All application information provided to FBTHA shall be verified using normal practices FBTHA engages in when processing applications for other housing programs. Additionally, Applicant is required to verify under oath the truth and accuracy of all Application information.

**18. PROGRAM PRIORITIES.**

- a. FBTHA shall prioritize consideration of the applications of an eligible household that satisfies any of the following conditions:
  - i. The income of the household does not exceed One Hundred and Fifty Percent (150%) of the area median income for the household.

**19. ORDER OF ASSISTANCE.**

- a. Assistance shall be provided on a first come, first served basis. Acceptance into the program is based on the date the application is approved.

**20. APPROVED HOUSEHOLDS.** Once FBTHA determines that an applicant household is eligible to become a participant of the program, FBTHA shall issue written notice to the eligible household within three business days. FBTHA shall also make a reasonable attempt to notify the eligible household by telephone or e-mail in order to begin processing the assistance payments without unnecessary delay.



**21. DENIAL OF ASSISTANCE.** All ineligible applicants shall be promptly notified in writing, which could include email, if available. Notification shall include all reasons for the ineligibility determination. FBTHA shall also work with an applicant to correct application deficiencies.

**22. DISTRIBUTION OF ASSISTANCE.**

- a. Assistance for this program shall be disbursed directly to the eligible household's mortgage financier or utility provider unless the financier or utility provider does not agree to accept such payment after outreach to the financier or utility provider.
- b. In the event a financier or utility provider does not agree to accept such payments on behalf of the eligible household, FBTHA may disburse the approved assistance funding directly to the eligible household for the purpose of making payments to the household's financier or utility provider. When funding is disbursed in this manner, the participating household shall be required to provide FBTHA with payment receipts for all amounts provided before any additional mortgage or utility assistance will be approved or disbursed.
- c. FBTHA must make reasonable efforts to obtain the cooperation of landlords and utility providers to accept HAF payments.
  - i. Outreach will be considered complete if
    1. a request for participation is sent in writing, by mail, to the financier or utility provider, and the addressee does not respond to the request within 14 calendar days after mailing; or
    2. FBTHA has made at least three attempts by phone, text, or e-mail over a 10 calendar-day period to request the financier or utility provider's participation; or
    3. A financier confirms in writing that the landlord does not wish to participate.
    4. The final outreach attempt or notice to the landlord must be documented.
    5. The cost of contacting landlords would be an eligible administrative cost.

**23. REPORTING.** FBTHA shall comply with all federal reporting requirements for this program. FBTHA will maintain all documentation required for accurate reporting, including:

- a. Address of the assisted home;
- b. For mortgage and utility providers: the name, address, and Social Security number, tax identification number or DUNS number;
- c. Amount and percentage of monthly assisted household mortgages covered by HAF assistance;
- d. Amount and percentage of separately-stated utility and home energy costs covered by ERA assistance for the assisted household;
- e. Total amount of each type of assistance provided to each household (i.e., mortgage payments and/or arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing incurred due directly or indirectly to the COVID-19 outbreak);

- f. Amount of outstanding mortgage arrears for each assisted household;
- g. Number of months of mortgage payments and number of months of utility or home energy cost payments for which HAF assistance is provided;
- h. Household income and number of individuals in the household;
- i. Gender, race and ethnicity for the primary applicant for assistance;
- j. Number of applications received;
- k. Number of eligible households receiving assistance;
- l. Acceptance rate of applicants;
- m. Average amount of funding per eligible household;
- n. Average number of monthly rental or utility payments covered.
- o. Records regarding Housing Stability Services and the amount of funds provided.

**24. TREATMENT OF ASSISTANCE FOR OTHER FBTHA PROGRAMS.** Assistance provided to a household from a payment under this program shall not be regarded as income and shall not be regarded as a resource for purposes of determining the eligibility of the household or any member of the household for other benefits or assistance provided by FBTHA and financed in whole or in part with Federal funds.

**25. COMPLIANCE WITH FEDERAL AND TRIBAL LAW.** This Housing Assistance Fund Program (HAF) shall be conducted in full compliance with applicable tribal, state and federal law and regulations.

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