

**MILLE LACS BAND OF OJIBWE HOUSING DEPARTMENT
DISABLED HOUSING POLICY**

I. INTRODUCTION

One of the missions of the Housing Department is to ensure that priority placement be given to Elders and Disabled Band Members due to their distinctive status and special needs. Disabled Band Members have special needs in view of the economic and social challenges that they face and among such needs is the availability of safe, healthy and affordable housing.

II. DEFINITIONS

- a. "Disabled" means a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities. A physical impairment can include a sensory impairment such as a visual or hearing impairment. A mental impairment relates to mental functioning, such as a debilitating mental illness or Downs syndrome. To qualify under the Disabled housing priority status, the Disabled Band Member or, his or her Legal Guardian, must provide proof from the Social Security Administration or Veteran's Administration that the Band member is currently receiving benefits based on a disability. Additionally, the Band member may qualify for services under this program if he or she presents a medical professional's statement indicating that the Band member has a long-term disability. The Commissioner of Community Development will determine whether the definition of disabled has been met.
- b. "Elder Housing Unit" means a residential unit that has been set aside by the Housing Department and identified as an Elder Housing Unit.
- c. "Legal Guardian" means an individual, related or non-related, who is the designated caregiver of the Elder or Disabled Band Member by Order of the Court of Central Jurisdiction or another court having jurisdiction over the individual Band Member.
- d. "Life Estate" means an estate whose duration is limited to the life of the party holding it, or some other person. A claim or interest in real or personal property, not amounting to ownership, and limited by a term of life, either that of the person in whom the right is vested or that of another.
- e. "Elder" means a Band member who is 55 years of age or older.

III. ELIGIBILITY

Any Band member is eligible for the Disabled Housing Program if either the Band member, his or her spouse or his or her dependents is disabled as defined by this policy. The disabled person must be a Band member or biological or adopted child of a Band member or the spouse of a Band member. The disabled person must be a member of the Band member's household.

Services are available for homes under the Disabled Housing Program whether the home is a privately-owned residence, a tenant unit owned by the Band or an elder unit assigned to an elder.

The program is based on the availability of funds. The Band Assembly is not obligated to maintain the program and reserves the right to amend or discontinue the program at any time.

IV. BENEFITS FOR ELIGIBLE RECIPIENTS

Elder Home Units

Disabled Band members may receive a home designated as a Handicapped-accessible Home if space is available and if they are determined to be qualified individuals (Elders and Disabled persons). Priority will be based on age, with older elders receiving priority over those who are younger and over any other group of individuals.

Renovations

Disabled Band members, may apply for renovation funds to make repairs or remodel their existing home, whether for a privately-owned home, a rental unit owned by the Housing Department or an elder unit. The home may be located on trust land or on fee land. Funding shall not be used to renovate or repair second homes. Funding is limited to \$50,000.00 per disabled Band member without prior Band Assembly approval. Renovations must be limited to work required to meet the needs of the disabled person related to his or her disability *only*.

For privately-owned homes, a Disabled Band member receiving renovation funds must retain his/her ownership interest in the home for a minimum period of five (5) years before selling the home and will be required to sign a Retention Agreement prior to funding. During this five (5) year period, the Band shall maintain a lien on the home in the amount of the renovation. Such lien shall be filed in the Band's Recording Office (or County Recorder). At the end of the five (5) year period, the Housing Department will issue a Release of Lien to the Band member. Additionally, the lien shall be reduced in value automatically at a rate of 1/60th of the balance per month.

If a Disabled Band member, sells the home after renovation, but prior to the end of the five (5) year period, the Disabled Band member, must pay back the balance of the lien to the Band from the proceeds of sale. For example, if the Band member sells the home

after two years, the Band member must repay 60% of the renovation costs. Under these circumstances, a Release of Lien shall not be issued until the renovation costs are repaid to the Band.

Maintenance Services

Disabled persons are also eligible for maintenance to be provided by the Housing Department where they are unable to complete the maintenance themselves because of the disability or where the maintenance is needed to prevent exacerbation of a current disability.