



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Legislative Branch of Tribal Government*

**RESOLUTION 17-01-65-16**

**A RESOLUTION AMENDING SECTION II (a) (iii), OF THE MILLE LACS BAND OF OJIBWE RENTAL ADMISSION POLICY**

WHEREAS, the Mille Lacs Band Assembly (“Band Assembly”) is the duly-elected governing body of the Mille Lacs Band of Ojibwe (“Band”), a federally-recognized Indian Tribe; and

WHEREAS, pursuant to 3 MLBSA § 2 (d), the Band Assembly has the power to adopt resolutions to promote the general welfare of the people of the Band; and

WHEREAS, the Department of Housing and Urban Development, by and through the Eastern/Woodlands Office of Native American Programs (E/WONAP), has found the Mille Lacs Band of Ojibwe to be in non-compliance with regard to its Indian Housing Block Grant (IHBG) program and Section 405 of the Native American Housing Assistance and Self-Determination Act (NAHASDA); and

WHEREAS, E/WONAP has found that the Mille Lacs Band of Ojibwe Rental Admission Policy, as currently written, could potentially give preference to non-Native Americans over Native Americans of other federally recognized tribes, thus violating NAHASDA’s Indian Preference requirement; and

WHEREAS, if the Mille Lacs Band of Ojibwe does not come into compliance with NAHASDA, the Band may no longer be entitled to its portion of the federal IHBG.

NOW, THEREFORE, BE IT RESOLVED that the Mille Lacs Band of Ojibwe acknowledges it is required to conduct an annual assessment of its adherence to NAHASDA’s applicable federal requirements through a self-monitoring process; that the self-monitoring process will be conducted by an impartial reviewer; that results of this assessment will be made accessible to the public; and that recommendations to improve areas of significant compliance deficiencies will be developed and implemented during the proceeding program year.

THE AMENDED VERSION SHALL READ: “An applicant may qualify as an Other Indian family defined by the Housing Department as a family where one member of the family is an enrolled Band member or an enrolled Indian of another federally recognized tribe or Band.”

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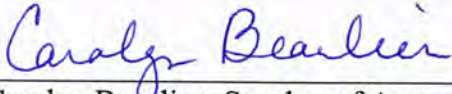


BE IT FURTHER RESOLVED that Section II (a) (iii) of the Mille Lacs Band of Ojibwe Rental Admission Policy is amended by allowing a family with a head-of-household who is an enrolled Indian of another federally recognized tribe or Band to qualify as a Band family if the head-of-household has custody of a Band member child when that Band member child is of blood relation.

THE AMENDED VERSION SHALL READ: "An applicant must qualify as a Band member family, defined by the Housing Department as a family whose head of household or spouse is an enrolled member of the Mille Lacs Band of Ojibwe. Alternatively, an applicant may qualify as a Band member family if the head of household (1) is an enrolled Indian of another federally recognized tribe or Band, (2) has custody of a Band member child, and (3) is of blood relation to the Band member child to which the head of household has custody."

WE DO HEREBY CERTIFY that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present, held on the 24<sup>th</sup> day of March 2016 at Hinckley, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly.

  
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Carolyn Beaulieu, Speaker of Assembly

**OFFICIAL SEAL OF THE BAND**

MILLE LACS BAND OF OJIBWE  
RENTAL ADMISSION POLICY

I. INTRODUCTION

The goal of the Housing Department is to provide affordable rental housing located in a safe and healthy environment. Towards that end, the following information outlines eligibility, the application process, criteria for admission and possible rejection of applicants, waiting lists and other information pertaining to Band rental units.

This policy is also designed to comply with federal housing statutes and regulations, provide for consistent, equitable and uniform treatment of clients, and provide a basis for decision-making by the Housing Department staff.

II. ELIGIBILITY FOR ADMISSION

The Housing Department manages two types of rentals: (1) units funded by the Department of Housing and Urban Development (HUD) designed to serve families classified as low-income units at the time of initial occupancy; and (2) units funded by Mille Lacs Band appropriations. Under the heading entitled Band appropriated housing, the Band has different programs for (1) Elders; (2) Handicapped; and (3) all other Band Members not in HUD rental housing units.

a. Eligibility Criteria

i. Family Composition

An applicant must qualify as a family unit. A family unit is defined for these purposes as one of the following:

- A. Two (2) or more persons who are related by blood or marriage, either formal or informal, including those that follow the Indian custom or tradition, or a single person living with a significant other, or by operation of state law.
- B. A single person living alone and who does not qualify as an Elder, displaced person, or remaining member of a tenant family; or
- C. A single person who is elderly or who is defined by the Social Security administration to be handicapped.

ii. Band member Family

An applicant must qualify as a Band member family, defined by the Housing Department as a family whose head of household or spouse is an enrolled member of the Mille Lacs Band of Ojibwe.

iii. Other Indian Family

An applicant may qualify as an Other Indian family defined by the Housing Department as a family where one member of the family is an enrolled Band member, a first descendent of an enrolled Band member, or an enrolled Indian of another federally recognized tribe or Band.

b. Income Limitations

i. Income Requirements

- A. Applicants must be able to demonstrate that they have the financial resources necessary to meet their monthly rental obligations.
- B. The applicant must be able to pay the minimum monthly rent plus a security deposit of one month.
- C. Applicant must qualify as a low-income family, defined as a family whose income does not exceed 80% of the median income for the area (i.e. State/County) or the United States, whichever is greater.
- D. The maximum guidelines for eligibility under this program are currently contained within HUD Notice PDR-2006-02. The U.S. Department of Housing and Urban Finance (HUD) will periodically review these guidelines and issue new notices adjusting the numbers and these will be adopted as the Housing Department's maximum guidelines as they are issued by HUD.
- E. HUD allows adjustment to Gross Family Income for purposes of determining the monthly payment. Income limits are adjusted for family size and updated on a semi-annual basis by the Executive Director of the Housing Department and the Commissioner of Community Development. While each county will have its own income limit, because the Housing Department has units in several counties, it can set income limits at the same level as the

county with highest income limits available. When determining which income limit to use, the Housing Department cannot use figures that are below the United States median income.

- F. Applicant's annual income may be estimated by including the anticipated total income from all sources to be received by the resident, spouse and any adult over the age of eighteen (18) who will live in the unit.
- G. The applicant must be at least eighteen (18) years of age on the date the application is filed.

ii. Rent Calculation

Rent will be determined by calculating the total monthly income of all adults that will be occupying the unit. The Housing Department shall ensure that the monthly income of all adults listed on the application fall below the Maximum Allowable Income.

From this total, the Department will deduct \$480 per dependent younger than eighteen (18) and per full-time student. (The student should carry a subject load considered to be full-time by the educational institution attended). The Department will deduct \$400 for an elderly or disabled family member. The result is Net Income.

Multiply Net Income by fifteen (15) % to determine monthly rent.

iii. Disposition of Home/Trailer/Lease

Applicants who own their own home or trailer home are not eligible for housing rental assistance, maintenance assistance, or free repairs. Applicants will not be allowed to move into a housing rental unit until they show proof, such as a legally executed document (i.e. bill of sale for the property, deed of transfer, etc.) disposing of home/trailer home.

Applicants who have a residential lease on Band owned land have two options. They may have the resolution authorizing the lease either cancelled or rescinded. The land lease will then go into the name of the Housing Department. They may also occupy the rental unit for one (1) year allowing for construction and occupancy of a new home on his/her residential lease property. The year begins from the effective date of the issuance of the lease.

Failure to abide by the above two options will result in the Housing Department removal of all personal property from the rental unit after

proper notice is given. Or, if a Band member owns a home, the Housing Department will deny them a rental unit.

c. Eligibility for Elder Units

Age fifty-five (55) is used as the primary eligibility factor in assigning individuals to the designated Elder homes.

d. Eligibility for Handicapped Units

A unit can be assigned to a person who is defined as disabled or handicapped. Applicant must provide proof of disability and/or handicap. Proof must be in writing from a State/Federal agency.

III. REJECTION CRITERIA

The Housing Department reserves the right to reject an applicant in cases where it is determined that admission of the applicant and/or any member of the household would be damaging to the health, safety or welfare of other tenants, or the financial stability or physical environment of the community.

a. Automatic Disqualification. Applicants will be disqualified from applying for housing for the following reasons:

- i. Applicant, spouse or other adults listed on the application refuse to sign the Release of Information form.
- ii. Applicant, spouse or other adults listed on the application do not submit to the criminal background check.
- iii. Applicant owes money for unpaid rent, utility bills, or other services to the Housing Department or Community Development and no agreement for repayment has been signed by the applicant.

b. Temporary Ineligibility. Applicants will be ineligible for housing for a period of time for the following reasons:

- i. Applicant who has received housing assistance is determined to be responsible for the intentional damage or destruction of the rental property. The applicant will be ineligible for a period of two (2) years. The two (2) year period will be based on the date of eviction.
- ii. Applicant who previously participated in a HUD or Band housing program was found to have abandoned the unit. The applicant will be ineligible for housing assistance for a period of two (2) years from the date of





F. Eviction or Lease Termination for Drug-Related Criminal Activity	5 years after eviction
G. False Imprisonment	3 years
H. Forgery of Checks	1 year
I. Kidnapping	5 years
J. Homicide	
i. First Degree	Lifetime Ban
ii. Second Degree	Lifetime Ban
iii. Third Degree Murder	Lifetime Ban
iv. First Degree Manslaughter	10 years
v. Second Degree Manslaughter	5 years
K. Sex Crimes	
i. Criminal Sexual Conduct	5 years
ii. Registered Sex Offender	Banned for Life
L. Theft against the Band	1 year OR until amount repaid
M. Gang Member Status	Banned for Life

- v. An applicant with drug-related convictions who submits proof of treatment and has not been involved in further drug or alcohol-related offenses for two (2) years after treatment, may be eligible for housing assistance.
- vi. An applicant who is a known gang member, but provides a written statement from his/her probation or parole officer that no further instances of gang-related activities have occurred within the previous two (2) years may be eligible for housing assistance.
- vii. Applicants must be in compliance with the terms of any probation related to any of the offenses listed in Section III.b.iv of this Policy in order to be eligible for housing assistance.



c. Permanent Ineligibility

- i. Applicant committed fraud in connection with any HUD or Band housing program and was convicted for same. The applicant will not be eligible for housing assistance.

IV. APPLICATION PROCESS

a. Complete the Application

The applicant must provide all information requested on the application and sign the form:

- i. Band Member Information. List any person/s who are enrolled Band Members and list Enrollment number.
- ii. Personal Data. The information requested under this heading is in reference to the person/s named as Head-of-Household: Full legal name, Social Security Number, Date of Birth, Telephone Number and Current Address, and Size and Type of Home Needed.
- iii. Elderly. must be age 55 to qualify for this category.
- iv. Disabled. If the applicant claims a disability, he/she must show proof of such disability. A statement from the Social Security Administration, State of Minnesota for State disability claims is required.
- v. Employment Data. List name of Company where employed as well as address and telephone number. Note: The same information must be provided for all individuals who will live in the unit who are 18 years of age or over and who are employed. If unemployed, list as unemployed. List any anticipated changes to income for each individual who is 18 years of age or over.
- vi. Other Sources of Income. List any income received from sources such as Social Security, Veteran's Benefits, Unemployment, AFDC, Financial Aid, military pay, seasonal employment and tribal bonus.
- vii. Family Data. List all individuals who will be living in the units including their relationship to Head-of-Household, Date of Birth, Age, Sex and Social Security Number. List any anticipated changes to family. If an applicant is seeking a larger home because of the expected delivery or adoption of another child, they must present a Doctor's statement

verifying the pregnancy or present documentation of an adoption. List all foster children.

- viii. Rental History. List all places of residency for the past three years showing dates rented or owned, and the Landlord's address and phone number.
- ix. District Preference. List in order of preference the district the applicant would prefer to live in. The applicant shall not list a district if he/she will not accept an available unit in that district. Note: Units are assigned as they become available and may not always be in the preferred area listed.
- x. Signature. The application must be signed by applicant and any co-applicant, if a co-applicant will be listed on the lease.
- xi. Return to the Housing Department. After the Housing Department has received and reviewed the application, the applicant will be placed on a Waiting List.

b. Waiting List

Waiting Lists have been established for each district and bedroom size. The applicants are ranked by the date of their application filing with the Housing Department. If two (2) or more applications are received on the same date, the hour of filing will be used as the basis for ranking.

All families on the waiting list will be categorized as Band Member Family or Other Indian Family. Homes will be made available first to Band Member Families and then to Other Indian Families.

Waiting Lists will be maintained on a computer database by the Director of Property Management. Waiting Lists will be posted during the first week of each month in the Government Center and in each District Community Center according to the last four digits of the applicant's Social Security Number. All information must be complete before the applicant is considered for the Waiting List.

c. Occupancy Standards

The Occupancy Standards used to determine the number of bedrooms required are:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	1	4
3	4	6
4	6	8
5	8	10

Units will be assigned so that it will not be necessary for persons of the opposite sex, other than husband and wife, to occupy the same bedroom. There will be an exception made for infants and children under the age of five (5) years.

**Note: The applicant is required to up-date their application every six (6) months in order to retain their position on the Waiting List and must provide a current address and telephone number, make any changes to the income portion of the application, and make any changes to the Family Composition portion of the application. Failure to do so will result in being removed from the waiting list entirely.**

An applicant may remove their name from the Waiting List by submitting a written request to the Housing Department.

After processing the application, the Director of Property Management will inform the applicant about any information and/or background history that would make the applicant ineligible for rental housing. The applicant will be given adequate time to address any issues to take corrective action so that when a unit is available their chance of eligibility is much greater. These circumstances will not keep the applicant off the waiting list unless the applicant fails to take any necessary corrective actions by a date determined by the Housing Department.

d. Assigning a Rental Unit

Applicant will be notified by mail sent to the last address supplied to the Housing Department by the applicant about an available unit. The Housing Department will attempt to make every effort to mail such notification thirty (30) calendar days prior to a unit being available for occupancy, but in some circumstances the prior notice may be a shorter time period depending on the

circumstances of the vacancy. In the notice, the applicant will be informed about the size of the available unit as well as the address/district of the available unit.

The applicant shall give notice to the Housing Department within fifteen (15) calendar days of their receipt of the actual notice whether he/she will accept or reject the available rental unit.

i. If the Applicant Rejects the Unit

If the applicant rejects an available rental unit, the applicant will retain their position on the Waiting List until three (3) rejections are made. The Director of Property Management will discuss with the applicant their reason for rejection. Any future offers of rental units will take into consideration applicant's reason for rejection. If three rejections are made, the application will be moved to the bottom of the Waiting List.

ii. If the Applicant Accepts the Unit

- A. If the applicant accepts the available rental unit, he/she must meet with the Director of Property Management to verify certain information. At that meeting, he/she must provide household income verification for all adults who are eighteen (18) years of age or over. Some examples of proof of employment are: pay slips or other proof of payment or IRS Form 1040 Schedule C – Profit and Loss from Business or other proof of payment (if self-employed).
- B. Update family composition and provide information where applicable. If an applicant is the sole custodian of minor children who will live in the rental unit, the applicant must be able to provide proof of legal custody or provide birth certificates and social security numbers for each child listed on the application. Some examples of such proof are a Court Order awarding legal and physical custody to the applicant, or a Court Order awarding guardianship, proof of foster care license for a child, etc.
- C. Sign HUD 9886 Release Form and/or the Band Release Form to authorize the Housing Department to request information concerning eligibility for Band and/or Federal Housing Assistance. If an applicant refuses to sign the release form, processing of the acceptance will end.
- D. A Criminal Background Check for all individuals over the age of eighteen (18) listed as potential occupants of the unit shall be conducted by the Housing Department. Prior to such background



check, all individuals must sign a Consent Form to initiate this process.

e. Conducting the Background Check

- i. Purpose. The purpose of conducting a criminal background check is to ensure that the applicant or other individual over the age of eighteen (18) years who will occupy the rental unit does not have a criminal record such that he/she would pose a possible danger to the community.
- ii. Authority. The authority to perform criminal background checks is set forth in NAHASDA (Public Law 104-330 and Federal Regulation 24 CFR Part 1000).
- iii. Cost. The Housing Department will be responsible for the costs of all criminal background checks.
- iv. Reviewing the Background Check. Upon receipt, the Executive Director of the Housing Department will review all criminal background checks of applicants and other individuals between eighteen (18) years of age and over who plan to live in the rental unit to determine eligibility. **All background check information will be maintained in a secure and locked cabinet. Only the Commissioner of Community Development and Executive Director shall have access to such background information. Confidentiality shall be maintained at all times.**

After review, if the Executive Director determines that the applicant or other individuals eighteen years of age and over who plan to live in the rental unit do not pose a threat to the community, the Executive Director will indicate his/her approval on the cover sheet. The background check information shall be placed in a locked cabinet for one (1) year from the date of such review. After such time, the record will be shredded. These reports will not be reproduced and shall not be placed in the applicant's file. Confidentiality shall be maintained at all times.

The Executive Director will review with the Commissioner of Community Development any questionable reports. This provides the Executive Director with another resource to help make decisions with difficult circumstances.

v. Situations Where Housing Assistance is Denied.

A. Notification of Denial.

Housing assistance will be denied based on the criteria in Section III of this policy. In these circumstances, the Executive Director of the Housing Department will indicate on the cover sheet that the applicant is not eligible for housing assistance and forward the cover sheet and application to the Director of Property Management.

The Executive Director will arrange to meet privately with the applicant and any other individual listed on the application whose background check resulted in a negative rating to discuss the reasons for the rejected application. At that meeting, the Executive Director shall provide a written statement to the applicant and other individual listing the reason(s) for rejection. The Executive Director shall retain a copy of such written statement and file with the confidential criminal background check information. The Executive Director will determine with the applicant what actions, if any, are available to clear the rejection.

If a rejection of housing assistance is based on an individual who is not the Head-of-Household, the applicant may be approved if the rejected individual's name is removed from the application. In these circumstances, the Head-of-Household shall sign an agreement showing their understanding that if the rejected individual is found at any time to be living in the rental unit, that the family will be evicted.

B. Right to Refuse to Submit to Background Check

Any individual who is eighteen (18) years of age or over listed on the application may refuse to submit to a criminal background check. If the individual who refuses to submit to such a background check is the Head-of-Household, the application process would end. If the individual who refuses to submit to such background check is not the Head-of-Household, the application process would continue if an agreement were signed as indicated above.

f. Conflict of Interest with Housing Staff – Federally-funded Assistance

- i. Housing staff may not make eligibility determination for federally-funded assistance if a conflict of interest exists. A conflict of interest exists where

the applicant is an immediate family member (defined as mother, father, brother, sister, husband, wife, son or daughter, or any in-law of the same relationship) of the staff member. Where such a conflict of interest exists, the staff person will find another staff member to make the necessary determination. The application for housing assistance will ask applicants to list any immediate family members that are employed in the Housing Department.

- ii. Where it is not feasible for another staff member to make the eligibility determination, the staff member shall report the conflict, including the nature of the assistance to be provided and the specific basis for which the selection of the individual was made to the Eastern/Woodlands Office of Native American Programs.
- iii. Once the E/WONAP has approved the decision, the Housing Department must disclose the conflict to the public, by posting the report of the conflict on the Housing Department bulletin board, with the name of the applicant and any other confidential information redacted. The posting should remain for one (1) month.
- iv. Conflict reports must be retained in Housing files for a minimum of three (3) years.

#### V. CONFIDENTIALITY

The Housing Department requires individuals to disclose personal information about themselves and their finances in order to allow a determination of eligibility.

All Housing Department staff shall maintain confidentiality of all information provided by any applicant or other individual and will act in a professional and respectful manner at all times.

A violation of any applicant's confidential information shall be grounds for immediate dismissal.

#### VI. RECORDS TO BE MAINTAINED

The Housing Department must maintain records of all applications and other transactions completed by the applicant. These records include a hard copy and computer files.

These records include the following:

- a. Original application;

- b. Updated Verifications;
- c. Income Verifications;
- d. Income Tax Forms;
- e. Copies of W-2 Forms;
- f. Check Stubs or other payroll information;
- g. Release Forms;
- h. Documents submitted by the applicant substantiating any needed or other pertinent information; and
- i. Cover Sheet of Criminal Background Check.