

OSLH Resolution 2007-16

-Policy Definitions -

OGLALA SIOUX (LAKOTA) HOUSING POLICY

(Summary Sheet)

Title of this Policy (see attachment): Policy Definitions

Date this Policy is Adopted: December 6, 2007

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POLICIES: Oglala Sioux (Lakota) Housing and its Board of Directors have adopted a series of *Policies* that establish basic requirements for its programs. The OSLH Board, employees, sub-grantees and sometimes OSLH contractors are required to adhere and conform to these Policies and requirements. Listed below are OSLH's current Policies, with the Policy attached to this sheet denoted with a checked box. OSLH actions, programs and decisions must conform to this and the other OSLH Policies. Though OSLH Policies are divided into topics, please note that often requirements governing particular OSLH actions are contained in more than one Policy.

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|--|---|
| <input type="checkbox"/> Admissions & Eligibility Policy | <input type="checkbox"/> Maintenance & Asset Management Policy |
| <input type="checkbox"/> Participant Grievance Policy | <input type="checkbox"/> Investment & Financial Management Policy |
| <input type="checkbox"/> Personnel Policy | <input type="checkbox"/> Ethical Standards of Conduct Policy |
| <input type="checkbox"/> Procurement Policy | <input checked="" type="checkbox"/> Policy Definitions |
| <input type="checkbox"/> Program Administration & Occupancy Policy | |

RULES: Oglala Sioux (Lakota) Housing also has adopted a series of *Rules* that contain additional requirements. These are established through a formal process with OSLH's Chief Executive Officer officially adopting them. The Rules provide more detailed requirements for OSLH actions, programs and decisions. No Rule, however, can violate or contradict any OSLH Policies. The OSLH Board, employees, sub-grantees and sometimes OSLH contractors are required to adhere to and conform to these Rules and requirements.

PROCEDURES: In establishing organizational requirements, Oglala Sioux (Lakota) Housing has a third level of requirements known as *Procedures*. These are specific written procedures that from time-to-time are developed by OSLH's staff and are officially adopted by OSLH's Chief Executive Officer. OSLH employees are required to adhere and conform to these Procedures. These Procedures, however, cannot violate any OSLH Policy or OSLH Rule.

Attach to Policy

DEFINITIONS FOR OSLH POLICIES
(Oglala Sioux (Lakota) Housing)

Adopted by Resolution 2007-16 on December 6, 2007

The following definitions apply to and throughout all OSLH Policies, Rules and Procedures:

Accessible, with respect to the design, construction, or alteration of an individual dwelling unit, means that a unit is located on an accessible route and can be approached, entered, and used by a Person with Disabilities. A unit that is adaptable and otherwise in compliance with the Uniform Federal Accessibility Standards (see 24 C.F.R. part 40) is Accessible. When a unit in an existing facility that is being made Accessible as a result of alterations is intended for use by a specific qualified Person with Disabilities, the unit will be deemed Accessible if it meets the requirements of applicable standards that address the particular disability or impairment of such person.

Adjusted Income, also referred to as "Net Family Income," means "Annual Income" minus the allowable deductions.

Administration Charge means the amount budgeted by OSLH for monthly operating expenses of a Mutual Help unit.

Annual Income, also referred to as "Total Household Income," means that income, before deductions, from all sources of income received by the Head of the Household and Spouse (even if either are temporarily absent), and by each additional member of the household residing in the unit who is at least eighteen years of age, which income is anticipated to be received during the twelve months following the effective date of the initial determination or reexamination of income.

Applicant means any person who has submitted to OSLH a complete written OSLH application for participation in the program.

Board means the OSLH Board of Directors.

Building includes but is not limited to roofs, attic spaces, gutters, and downspouts, walls, porches, foundations, crawl spaces, windows, floors, doors, etc.

Complainant means any Participant who has presented a grievance to the OSLH in accordance with a Grievance Policy.

Contract or Financial Interest means a contract, agreement or interest that causes or could cause services, benefits, monies, or anything of value to be received.

Direct or Indirect, in relation to a contract or financial interest, means a contract, agreement or interest that causes or could cause services, benefits, monies, or anything of value to be received by an individual or an individual's immediate family.

Disabled Person or Person with Disabilities means a person with disabilities further described in the regulations promulgated under NAHASDA at 24 C.F.R. § 1000.10.

Disabled Household means a Household or Family whose head of household or Spouse is a Person with Disabilities.

Displaced Person or Family means any person or Family that moves from real property, or moves his/her/its personal property from real property, permanently, as a direct result of rehabilitation, demolition, or acquisition of the real property for a OSLH project, and as more fully described in the regulations promulgated under NAHASDA at 24 C.F.R. § 1000.14(g).

Elderly Household and Elderly Families means a household or family whose Head of Household or Spouse is an Elderly Person. Such terms may include two or more Elderly Persons living together, or one or more such persons living with one or more persons determined under OSLH's IHP to be essential to their care or well-being.

Elderly Person means a person who is at least sixty-two (62) years of age.

Equipment includes but is not limited to utility lines, piping, heating, cooling, and plumbing equipment and fixtures, pumps, tanks, ranges, refrigerators, incinerators, and tools.

Emergency Maintenance means the immediate repair and/or replacement of items as required for situations in which life, property, both, or other physical assets will be placed in danger if repairs are not accomplished immediately.

Estimated Average Monthly Utility Costs means an amount equal to the estimate made or approved by OSLH of the monthly cost of a reasonable consumption of Utilities for a unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Family and Household mean a household with or without children and a single person.

Grounds means common areas, roads, walks, other paved areas, drainage facilities, septic systems, sewerlines, waterlines, etc. located within the property boundaries of any Physical Asset owned by the OSLH.

Head of the Household means the person who is held responsible and accountable for the Family and is at least one of the Participants in an OSLH program or is applying to be a Participant.

Hearing Panel means a panel selected to hear grievances and render a decision on a grievance under the Participant Grievance Policy. In some cases this may be the OSLH Chief Executive Officer or the Chief Executive Officer's designee.

Homebuyer means a person who has executed an MHOA or a Homebuyer Occupancy Document and has not yet achieved home ownership.

Homeowner means a former Homebuyer who has achieved home ownership.

HUD means the United States Department of Housing and Urban Development.

Immediate Family means a wife, husband, brother, sister, mother, father, grandmother, grandfather, son, daughter, grandson, granddaughter, the spouses of these people and any relative or any other party that is living with or intends to live in the individual's house or household.

Indian means any person who is a member of a federally recognized tribe or a state recognized tribe or is an Alaskan native determined to be eligible for federal Indian services.

Indian Area means the area within which OSLH is authorized to and is providing assistance for affordable housing.

Low Income Family or Low Income Household means a household whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as periodically established and published by HUD, with adjustments for small and larger families, or as otherwise established by HUD.

MEPA means the Monthly Equity Payments Account maintained for each Homebuyer under the Mutual Help and Occupancy Program pursuant to a Mutual Help and Occupancy Agreement ("MHOA").

MHOA means Mutual Help and Occupancy Agreement.

MHO Program means the Mutual Help Homeownership Opportunity Program.

Net Family Income or Net Household Income means "Adjusted Income" or the income after certain adjustments are made.

Non-Routine Maintenance means the replacement, betterment or improvement of the structure, systems or major equipment in, or related to, the physical asset. This includes, but is not limited to, modernization or rehabilitation of the property and

maintenance involving substantial expenditure arising out of foreseen or unforeseen events. Routine maintenance is specifically excluded.

OSLH means Oglala Sioux (Lakota) Housing.

Occupancy Document means the document giving rise to a Participant's right of occupancy or use of a housing unit. An Occupancy Document may be a Tenant's Occupancy Document or a Homebuyer's Occupancy Document.

Occupant means a Participant occupying an OSLH unit pursuant to a lease, an occupancy agreement, a lease purchase agreement, or a lease to own agreement.

Participant means an individual participating in an OSLH program or applying for participation in an OSLH program.

Physical Asset means OSLH rental or homeownership housing, vehicles, equipment, tools, offices and administration buildings, workshops, equipment barn, or other outbuilding including the grounds, related structures, appliance, furniture and equipment therein, both moveable and stationary. This may include undeveloped and/or vacant property owned or leased by the OSLH.

Preventative Maintenance means those maintenance tasks which provide for the inspection, monitoring, and care of physical assets to prevent the need for future emergency maintenance, major structural or system failures, and/or unnecessary deterioration of the physical asset. Examples of specific preventative maintenance shall be set out in OSLH rules.

Routine Maintenance means the ordinary and regular maintenance of structures, equipment, and other physical assets that deteriorate over time. It is the routine work of keeping the physical assets in such condition that they may be utilized continually at their original or designed capacities and efficiencies for their intended purposes. Such routine maintenance prolongs the useful life of the property and reduces the need and cost of other maintenance.

Spouse means the husband or wife of the Head of the Household.

Tenant means a person who occupies or has the right to occupy a rental unit operated by OSLH by virtue of having signed a lease with OSLH or who should have signed a lease with OSLH.

Tenant Rent means the amount payable monthly as rent by a Family in a rental unit, calculated on a monthly basis, under a lease agreement.

Total Family Income means gross "Annual Income."

Useful Life as determined and/or re-determined over time shall mean the period

for which the use of the house is limited to low income Indian use.

Utilities include electricity, gas, heating fuel, water, sewerage service, septic tank pumping/maintenance, sewer system hookup charges (after development), and trash and garbage collection.

Utility Deduction means the amount estimated by OSLH for the monthly cost to the Homebuyer for the reasonable use of Utilities that he is obligated to provide under a Mutual Help and Occupancy Agreement or some other agreement.

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