



## **WICHITA AND AFFILIATED TRIBES ARPA HOME REPAIR PROGRAM POLICY**

### **BACKGROUND**

On July 19, 2020, the Tribal Council passed Resolution-WT-19-015 directing the Wichita Executive Committee to authorize funds in the FY-2020 budget for a Home Improvement Program. The program was to be open to those owning their homes that may need repairs related to health and safety with the understanding that tribal elders would have first priority and that only a limited number of homes could be done each year.

In October of 2019, the President of the Wichita and Affiliated Tribes began working with the City of Anadarko to conduct home energy audits. These audits were completed for Renee Lonewolf (Jesse Lonewolf), Shirley Davilla, Myles Stephenson, Stuart Owings, Abbie Spence (Josh Spence), David Williams and Charlene Harris. These were completed with the understanding that these homes would be first priority for a home improvement program to address regarding the issues identified in the home energy audits.

The Wichita Executive Committee had intentions of implementing the program in FY-2020, however due to the COVID-19 pandemic and closure of tribal businesses that would have provided funds to support a home improvement program, the Wichita Executive Committee was unable to address the need in FY-2020.

### **WICHITA AND AFFILIATED TRIBES GENERAL WELFARE PROGRAM**

The ARPA Home Repair Program is being established under the Wichita and Affiliated Tribes Pandemic Recovery Program (PRP) and under the Wichita and Affiliated Tribes General Welfare Program Ordinance that was approved on May 14, 2020 by Resolution-WT-20-172. The United States, pursuant to the federal trust responsibility, has established tribal self-determination, including deference to tribal decision-making and respect for tribal methods to maintain, restore, practice, and transmit tribal culture and traditions, as fundamental principles of its government-to-government relationship with the Tribe. These principles affirm the authority of the Tribe to create, modify, and operate governmental programs (including general welfare programs) of the Tribe's own design, based on the Tribe's own priorities, in order to best meet the needs and interests of the Tribe and its people.

The United States Congress, through enactment of the Tribal General Welfare Exclusion Act (26 U.S.C. § 139E), has established specific requirements for tribal benefits programs that,

when in place, provide tribes and their members certainty that the benefits provided will not be subject to federal tax.

The Internal Revenue Service (“IRS”) has published Revenue Procedure 2014-35 as official guidance, which confirms that benefits provided by tribal government programs meeting certain criteria are excluded from taxation under the IRS’s longstanding administrative rule governing general welfare program benefits and also identifies programmatic criteria and 23 specific qualifying programs in five broad areas (housing programs, educational programs, elder and disabled programs, other qualifying assistance programs, and cultural and religious programs) for which benefits provided by tribal governments are presumed to be “for promotion of the general welfare” and excluded from federal tax.

Article III. Tribal General Welfare Program Establishment, Administration, and Oversight- Section 1. Program Establishment and Requirements states:

“(b) All tribal benefits shall be provided pursuant to a program for the promotion of the general welfare of the Tribe. Such programs may include assistance for medical care, food, shelter, health, education, subsistence, housing, elder, and disabled care, emergency and disaster relief, assistance to meet cultural, traditional and religious needs of the Tribe and its membership, and assistance to promote self-sufficiency, self-determination, entrepreneurship, and the employment of tribal members, as well as other qualifying assistance programs.”

## **CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

**DEPARTMENT OF THE TREASURY 31 CFR Part 35 RIN 1505-AC77 Coronavirus State and Local Fiscal Recovery Funds** AGENCY: Department of the Treasury ACTION: Interim Final Rule:

*Eligible Uses.* Sections 602(c)(1)(A) and 603(c)(1)(A) permit use of payments from the Fiscal Recovery Funds to respond to the negative economic impacts of the COVID-19 public health emergency. Eligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency. In considering whether a program or service would be eligible under this category, **the recipient should assess whether, and the extent to which, there has been economic harm, such as loss of earnings or revenue, that resulted from the COVID-19 public health emergency and whether, and the extent to which, the use would respond or address this harm. A recipient should first consider whether an economic harm exists and whether this harm was caused or made worse by the COVID-19 public health emergency. While economic impacts may either be immediate or delayed, assistance or aid to individuals or businesses that did not experience a negative economic impact from the public health emergency would not be an eligible use under this category.**

In addition, the eligible use must “respond to” the identified negative economic impact. Responses must be related and reasonably proportional to the extent and type

of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Where there has been a negative economic impact resulting from the public health emergency, States, local, and Tribal governments have broad latitude to choose whether and how to use the Fiscal Recovery Funds to respond to and address the negative economic impact. Sections 602(c)(1)(A) and 603(c)(1)(A) describe several types of uses that would be eligible under this category, including assistance to households, small businesses, and nonprofits and aid to impacted industries such as tourism, travel, and hospitality. **To facilitate implementation and use of payments from the Fiscal Recovery Funds, the Interim Final Rule identifies a non-exclusive list of eligible uses of funding that respond to the negative economic impacts of the public health emergency. Consistent with the discussion above, the eligible uses listed below would respond directly to the economic or financial harms resulting from and or exacerbated by the public health emergency.**

*Assistance to Households.* Assistance to households or populations facing negative economic impacts due to COVID-19 is also an eligible use. This includes: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance (discussed below); emergency assistance for burials, **home repairs, weatherization, or other needs**; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training. As discussed above, in considering whether a potential use is eligible under this category, a recipient must consider whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low-or moderate-income experienced negative economic impacts resulting from the pandemic.

## **POLICY STATEMENT**

The Wichita Executive Committee recognizes the need to establish procedures regarding the repair of homes that belong to tribal members who are unable to acquire assistance from other agencies and that have been directly affected and suffered financial hardship due to the COVID-19 Pandemic. The Wichita Executive Committee has elected to provide American Rescue Plan Act (ARPA) funding to provide home repair assistance during FY-2022 and maybe carried over into FY-2023, providing that ARPA Funds are still available and budgeted in FY-2023. The applicant must be an enrolled Tribal member and be living in the structure they desire to repair. There exists in the Wichita Tribal area of jurisdiction a need for home repair assistance. Individuals and families who apply for assistance under the ARPA funded Home Repair Program of the Wichita and Affiliated Tribes will have to meet eligibility standards established by the Wichita Executive Committee. The Home Repair Program will be done on a first come, first serve basis with the exception of two roof replacements for two tribal members due to natural disaster approved prior to FY-2022. Preference will be given to tribal

members who participated in the energy audit in 2019, elders, disabled and then other tribal members meeting the jurisdictional requirements.

## 1. **General Information.**

- a. The Wichita and Affiliated Tribes will provide assistance to pay for demolition, repairs and corrective rehabilitation/expenses, building permits, local licensing requirements, related to individually owned homes that are owned by an eligible tribal member.
- b. Priority: First Priority: Those tribal members that participated in energy audits in 2019. Second Priority: Tribal elders ages fifty-five (55) and over. Third Priority: Families directly affected by COVID-19 and that have immediate health and safety concerns.
- c. Participation in the Home Repair Program is not limited to low-income families as defined by the Wichita and Affiliated Tribes. Families must have identified as being directly impacted by the COVID-19 on their applications. Participants will be required to provide limited basic income documentation.
- d. The Wichita Executive Committee or some other designated employee shall review and approve each Home Repair Program application. Eligible families must make their request for home repairs on an approved application form developed by the Tribe.
- e. This assistance is to the tribal member and is paid directly to the vendor or contractor or appropriate agency that requires specific types of fees for permits, fees, or licensing requirements to repair a house. The payment is only made after the Wichita Executive Committee has approved the application and the tribal member has received a letter of approval from the Wichita Executive Committee or its designee. A copy of this letter must be submitted with each payment made to each vendor and is verified before payment is made.
- f. The Wichita Executive Committee shall determine the maximum dollar amount that may be spent on the repairs of an eligible home.

2. **Purpose.** This policy describes the type of work that is allowable and the steps that must be followed to request payment for the repair work. The homeowner that requests this assistance will not be allowed to use repair funds for luxury items, as determined by the Wichita Executive Committee. Each request will be considered on a prioritized basis. The following will apply:

1. Any repairs made to the home or grounds that do not result in additional square footage are allowable as long as they pertain to health and safety and are not considered luxury items.
2. Periodically, the Wichita Executive Committee may plan certain repair categories (roofing, plumbing, weatherization, etc.). The categories will be based upon unfunded requests received during the preceding fiscal cycle.

**3. Approval Process.** The Wichita Executive Committee will require the homebuyer to submit the following documents.

- a. An application to use the home repair funds for specific repairs, and/or additions to the unit, including accessibility.
- b. Proof of ownership of the structure to be rehabilitated, and identifying any encumbrances against the property such as loan collateral or mortgages.
- c. The Wichita Executive Committee shall determine who has approval or denial authority subject to the availability of funds.

**4. Allowable Uses.**

- a. Repairs of the home to make or modify for accessibility to persons with disabilities including bathroom(s), doorways, entrance ramps, etc.
- b. Repairs and/or replacement of items that have been identified in a home inspection placing risk or damage in creating a hazard to the life, health, or safety of the occupants or cause serious damage to the property shall have priority over other requests.
- c. Improvements such as installation of floor covering such as tiles, carpet; upgrade of windows, cabinets, doors, lighting and plumbing fixtures, electrical, insulation, wood stoves, fencing, or other items as determined by the Wichita Executive Committee that are considered issues related to health and safety.
- d. Replacement of appliances such as kitchen stoves, refrigerators, water heaters, furnaces and other items as determined by the Wichita Executive Committee.
- e. Repairs shall be made in accordance with the Wichita Executive Committee prioritization schedule.
- f. Roof overlay and/or replacement.

g. HVAC Unit Replacement.

5. **Unallowable Uses.** Repair funds shall not be used for luxury items as determined by the Wichita Executive Committee. Luxury items are defined as items which are non-essential or beyond the basic need.

6. **Payment for materials, construction costs and/or contractor services.**

a. The Tribe will make direct payment to the party performing the work or to the vendor where the purchase for material was made using the Wichita and Affiliated Tribes Purchase Order System. At no time will payments be made directly to the homebuyer for any material or contractor invoices.

b. For the construction of additions or major improvements, payments shall be processed in accordance with the adopted Procurement Policy and/or contract documents.

7. **Inspections.**

a. For construction of additions or structural changes or repairs, the Wichita and Affiliated Tribes will conduct an interim inspection, and upon completion of the project, a final inspection will be performed with the homebuyer or homeowner. A certification of completion will be signed by the homebuyer or homeowner along with the Wichita and Affiliated Tribes designee and the contractor prior to final payment being issued.

b. All completed repair work must be inspected to assure that work completed meets any Housing Quality Standards established by the Wichita Executive Committee, if applicable.

c. All homes must be inspected prior to being repaired to assure that the proper level of environmental review has been conducted in accordance with the National Environmental Policy Act (NEPA) and any other applicable statutes, regulations and Executive Orders, if applicable.

8. **Eligibility Requirements.** An enrolled tribal member, must first meet the following eligibility requirements to be eligible for the Home Repair Program from the Wichita and Affiliated Tribes:

a. Demonstrate a home repair need as a tribal member defined by the Wichita and Affiliated Tribes.

- b. Reside within the service area as defined in the Tribe's Indian Housing Plan under the Wichita Housing Authority.
- c. Tribal members living outside the service area of the Wichita and Affiliated Tribes may apply for assistance. The Wichita Executive Committee will review each individual application to determine whether or not the home repairs can be monitored and inspected. The following **MUST** be provided by the homeowner.
  - 1. Application
  - 2. Homeownership documents.
  - 3. Wichita and Affiliated Tribes CDIB card
  - 4. Three quotes for any repairs, HVAC replacement, roof replacement shall be the sole responsibility of the homeowner to provide from reputable businesses.
  - 5. Business information for each vendor that you submitting quotes from.
  - 6. Pictures of repairs/replacements needed.
  - 7. Warranty information, dates of purchase, etc. on items that need repair.
  - 8. W-9 for any vendor selected to do the work. This must be provided before any work is completed.
  - 9. Other documentation requested is the sole responsibility of the homeowner living outside of the jurisdictional boundaries of the Wichita and Affiliated Tribes. By not providing the required documents or additional supplemental documents, the homebuyer/homeowner forfeits their place in line in order of the first come-first serve, first basis, requirement for accepting and processing applications.

## **9. Resale Restriction**

- a. Documents for the Home Repair Program shall include resale restrictions. (For example, if the owner sells or transfers title to the home within five years of the completed work by the Wichita and Affiliated Tribes the entire amount or a designated % of the cost of repairs to the home may be required to be paid back to the Wichita and Affiliated Tribes. Funds repaid shall be used to repair another tribal member's home.)

## **10. Other Requirements (optional).**

- a. The homebuyer/homeowner shall be responsible for having warranty work performed on any manufactured appliances or materials used in the repair of their home. For instance, once the work is completed, it is the responsibility of the homebuyer/homeowner to follow up with the company that replaced the roof

or installed the HVAC to address any issues. This will NOT be the responsibility of the Tribe once the final inspection is signed off on.

- b. The Wichita and Affiliated Tribes MAY establish warranty periods (for example, 1 year) on workmanship and products used in rehabilitation activities. This is at the sole discretion of the Tribe and must be documented in writing should the Wichita Executive Committee desire to provide the warranty period.
- c. The Wichita and Affiliated Tribes encourages the participants in any Home Repair Program to participate in counseling programs sponsored and paid for by the Tribally Designated Housing Entity (TDHE) or the Tribe.
- d. All eligible applicants selected to participate in the Wichita and Affiliated Tribes Home Repair Program shall sign a Home Repair Program Scope of Work with the Wichita and Affiliated Tribes prior to the commencement of rehabilitation activity.

## 11. **Appendices**

- a. Home Repair Program Application

**WEC Approved 09/30/2021  
Vote 5-0-0  
Resolution-WT-21-237**



# WICHITA AND AFFILIATED TRIBES HOME REPAIR PROGRAM APPLICATION

**REQUIRED DOCUMENTS FOR ALL APPLICATIONS: CDIB CARD, DEED TO HOME. OTHER DOCUMENTS ARE REQUIRED FOR THOSE LIVING OUT OF THE SERVICE AREA.**

Name: \_\_\_\_\_

Street Address or P.O. Box #: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone # where you can be contacted: \_\_\_\_\_

**1. Family Composition:**

**A. Persons who live in your home**

Family Member Number	Name(s) of Your Family Members	Relationship To You	Date of Birth	Sex (M or F)	Social Security Number*
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					

\*Social Security number is required for all family members

**B.** Are you an enrolled member of the WICHITA Tribe?  Yes  No

**C.** Are you or your spouse a person with a disability?  Yes  No

**D.** Are any other members of your family who will live in your home persons with disabilities?

Yes  No

If yes, which family members \_\_\_\_\_

Each claim of Disability must be documented by a letter or statement of a qualified determining entity such as the Veteran's Administration, Social Security, and or the Oklahoma Department of Human Services.

**2. Present housing condition and repair needs:**

Describe the home repairs you are requesting and problems you are requesting:

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**AMERICAN RESCUE PLAN-COVID-19 PANDEMIC DIRECT IMPACT**

PLEASE CIRCLE AS MANY AS POSSIBLE THAT RELATE TO THE DIRECT IMPACT OF THE COVID-19 PANDEMIC ON YOUR IMMEDIATE FAMILY. YOU MUST PROVIDE DOCUMENTATION RELATED TO ANYTHING CIRCLED EXCEPT FOR #1.

1. Direct Economic Impact to household due to the COVID-19 Pandemic
  - EXPLAIN: \_\_\_\_\_
2. Elder or disabled and at high risk for contracting COVID-19
3. Tested Positive for COVID-19 resulting in time off work
4. Quarantined due to COVID-19 resulting in time off work
5. Job Loss
6. Teleworking due to COVID-19
7. Children in the home subject to distance of virtual learning due to COVID-19
8. OTHER: \_\_\_\_\_

\_\_\_\_\_  
**Signature of Tribal Member Homeowner**

\_\_\_\_\_  
**Date**