

**THE NAVAJO NATION VETERANS
ADMINISTRATION**

**NAVAJO NATION VETERANS
HOUSING PROGRAM POLICY**

September, 2021

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SECTION I.

INTRODUCTION

- A. POLICY STATEMENT.** It is the policy of the Navajo Nation Veterans Administration (hereafter referred to as the NNVA) to provide every eligible Navajo Nation Veteran an opportunity to apply for housing assistance under the Navajo Veterans Housing Program with the intent of providing safe, decent, and sanitary housing services.
- B. PURPOSE.** The purpose of the Navajo Nation Veterans Housing Program (NNVHP) is to identify, assess and prioritize the housing needs of Navajo Veterans. The NNVA shall monitor, advocate, promote, and administer NNVA efforts towards housing needs of Navajo Veterans. The NNVHP is to provide and assist with the construction of homes, consistent with applicable industry standards, for Navajo Veterans. Such consideration of homes shall be for qualified Navajo Veterans. These homes are built and provided to the veteran with the intent and understanding that these homes shall remain the property of the qualified veteran.
- C. POSTING OF POLICIES.** A copy of these policies shall be prominently posted in every local NNVA office and shall be provided to all veterans and the general public upon request.
- D. WAIVERS.** Upon determination of good cause, the NNVA Executive Director may waive any provisions of these policies, which will not impede Federal or Tribal statutory requirements. To be consistent with the requirements of the Tribal General Welfare Exclusion Act and applicable Navajo law, the NNVA Executive Director's waiver authority shall not be used to favor members of the governing body of the Nation or other Navajo Nation elected officials. Requests for waiver shall be in writing and clearly indicate the provision of the policies requesting to be waived and shall be supported by documentation of the pertinent facts and grounds. All requests must be submitted to the NNVA Central Administration office for resolution.
- E. TRIBAL GENERAL WELFARE EXCLUSION ACT.** This Program Policy is adopted consistent with the requirements of the Tribal General Welfare Exclusion Act, P.L. 128 Stat. 1883 ("TGWEA"), and related IRS guidance. Consistent with the TGWEA, need is deemed presumed for tribally enrolled members of the Navajo Nation for housing purposes, including veterans eligible for assistance under this policy. Homes provided under this Program shall not be "lavish and extravagant" pursuant to the TGWEA. The size of the home shall be reasonable and appropriate for the size of the family to reside therein. The size, features, and finishes of the home being provided, shall be comparable in nature to homes constructed pursuant to the Navajo Nation's other housing programs funded through NAHASDA or other HUD programs. This Program is available to all Navajo Veterans who satisfy the Eligibility Criteria. The Applicant Screening Listing and Ranking System shall not discriminate in favor of members of the governing body of the Nation or other Navajo Nation elected officials. The housing benefits under this Program shall not be considered compensation for a Veteran's or family member's time and labor under any Sweat Equity component of this Program.

SECTION II.

DEFINITIONS

- A. **BUSINESS DAYS.** Working days from Monday through Friday, 8 am to 5 pm.
- B. **CALENDAR DAYS.** Calendar days are any day of the week including weekends.
- C. **CRITICAL HOUSING NEEDS.** As determined based on results of the Eligibility Criteria & Preference Rating Sheet.
- D. **DEPENDANT.** A member of the household (excluding foster children), other than the Family Head or Spouse, who is under twenty-five (25) years of age, a person with disabilities or handicapped person, or is a full-time student. Certification by qualified or certified governmental or educational institution is required for disabilities and student status.
- E. **DISABLED VETERAN.** An individual who has served on active duty in the Armed Forces, was honorably discharged, and has a service-connected disability or a disability that was aggravated during active duty, or is receiving compensation, disability retirement benefits, or pension because of a service-connected disability.
- F. **DISPLACED VETERAN.** A Veteran that is relocated on a permanent basis due to unforeseen events, cultural displacement, or natural disasters.
- G. **ELIGIBILITY CRITERIA.** Navajo Veterans who have been deemed by the Program to meet the definition of "Homeless Veteran," and who possess an honorable discharge, and a valid homesite lease or equivalent, shall be considered eligible to apply for a home under this program. Veterans who already own a home, unless it meets the definition of Substandard Housing, and Veterans who have obtained prior housing assistance from the Veterans Housing Program or any other governmental housing agency for a new home shall not be eligible to apply.
- H. **ELDERLY PERSON.** A person who is sixty-two (62) years of age and older.
- I. **FAMILY.** Shall mean: a. Legally married couple with or without children; b. Single or widowed parent with children; c. Single person with guardianship or custody of children or is in the process of securing legal custody of children under the age of 18 years verified by supporting documents.
- J. **GRANTEE.** A Veteran who is selected to be a recipient for housing assistance from the Navajo Nation Veterans Housing Program.
- K. **HEAD OF HOUSEHOLD.** The Veteran is the main adult family member who is held responsible and accountable for the family.
- L. **HOME or HOME CONSTRUCTION.** A residential dwelling, permanently located due to custom on-site construction, modular, or mobile with access to power, water, and sewer.
- M. **HOMELESS VETERAN.** A Veteran who lives in Substandard Housing or a Veteran who is unable to maintain a steady residence due to an inability to obtain and maintain steady employment and have limited income.
- N. **HOUSING SELECTION COMMITTEE.** The Housing Selection Committee will consist of the Program Supervisor and Housing Specialists.

- O. HOUSING SPECIALIST.** As defined by Navajo Nation Department of Personnel Management.
- P. MILITARY SERVICE OF THE UNITED STATES.** The armed forces of the U.S. Government consisting of the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard. Such service does not include the Merchant Marines, Red Cross, IHS or any other organization not part of the United States Department of Defense.
- Q. MOBILE HOME.** A residential unit able to be moved from one location to another, either by towing or self-propulsion.
- R. MODULAR HOME.** A residential unit consisting of parts of a completed home constructed in a location other than the permanent residential location.
- S. NAVAJO NATION VETERANS ADMINISTRATION LOCAL OFFICES.** The five (5) Agency offices of the NNVA are:
- Chinle
 - Eastern
 - Ft. Defiance
 - Shiprock
 - Western
- T. NNVHP.** Navajo Nation Veterans Housing Program.
- U. NAVAJO.** A person who is an enrolled member of the Navajo Nation and whose name appears on the Certificate of Indian Blood (CIB) or Navajo Nation ID card issued by the Navajo Nation.
- V. PREFERENCE RATING.** Rating given to an application based on points awarded for various criteria as verified through supporting documentation provided by the applicant to ensure that the Veterans most in need of housing have an equal opportunity to be placed near the front of the waiting list.
- W. SPOUSE.** The legal domestic partner of the Navajo Veteran.
- X. STICK-BUILT HOME.** A residential structure built on location, un-moveable.
- Y. SUBSTANDARD HOUSING.** Housing which meets any of the following criteria: (i) the home lacks essential utilities, including but not limited to water, sewer or electricity; (ii) the home fails to meet generally applicable building code standards for similar housing stock constructed in the region; (iii) the home fails to meet the recommended federal size standards for the number of individuals residing in the home; or (iv) the home requires significant repairs that are in excess of fifty percent (50%) of the value of the home.
- Z. VETERAN.** A person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable. This definition explains that any individual that completed a term of service not less than 180 days for any branch of the armed forces classifies as a veteran as long as they were not dishonorably discharged.
- AA.VSO.** Veteran Services Officer

BB. WIDOW or WIDOWER. A surviving spouse who was legally and validly married to and lived with a Veteran continuously from the date of marriage to the date of the Veteran's death, other than when the Veteran was away from home for an Armed Forces tour of duty, or if the couple temporarily separated but reconciled, and the surviving spouse is not remarried.

SECTION III.

SCREENING FACTORS

A. Applicant Screening Listing and Ranking System. In order to ensure that the NNVHP services veterans with the most critical housing needs, a screening and ranking system has been established. The screening and ranking system shall not discriminate in favor of Navajo Nation employees, elected officials, or members of the governing body of the Nation. The cumulative total of points determines the applicant's position on the waiting list. Ties are broken by the chronological order of application (date in which the application was received).

Qualification criteria are summarized below. When a veteran completes the application form, they will be asked a series of questions that determine their qualifications relative to the selection criteria. It is very important that veterans (demonstrate understanding of) read and understand the entire application before submitting their screening packet. The local agency office will be available to answer any questions the applicant may have.

Once on the waiting list a veteran may be called in to update their application once a year. Failure to update the application as requested may result in the Veteran being removed from the waiting list. During the update process the information on the application will be verified.

An Eligibility Criteria & Preference Rating Sheet shall be applied to the Navajo Nation Veterans Housing Program.

B. Ranking System. The Ranking System shall prioritize applications based on points calculated from supporting documentation provided by the applicant. Each document will have a point value assigned, and such point values may either be fixed, or adjustable based on criteria. Each applicant shall receive a final rating score that totals all of the points awarded based on the supporting documentation. This final score shall be the sole determining factor of the applicant's position on the waiting list. The waiting list shall be adjusted annually to accept new applications, and award additional points to existing applicants based on adjustable point criteria, and any other changes the veteran may have with their supporting documentation. Annually, an applicant's position may move up or down the waiting list based on point values assigned to additional applications received by the program at the beginning of a new assessment period. This

system is designed make the process fair and equitable and to prevent outside influence from or advantage to members of the governing body of the Nation or other elected officials.

SECTION IV.

ADMISSION ELEGIBILITY REQUIREMENTS

- A. Application for Eligibility and Selection.** The NNVA shall accept applications for all eligible Navajo Veterans provided that:
- 1. PREVIOUS HOUSING ASSISTANCE.** Applicants must not have obtained prior housing assistance from the NNVA NNVHP or any other governmental housing agency (including the Navajo Housing Authority) for the procurement or construction of a new house. Applicants must disclose any applications pending or resolved with other governmental housing agencies within the past 15 years.
 - 2. PRIMARY RESIDENCE.** Applicants shall certify that they do not own another home, or that their existing home meets the definition of Substandard Housing, and that they meet the definition of a Homeless Veteran. If the Veteran owns another home that meets the definition of Substandard Housing, the Veteran shall be required to sell or transfer the existing home prior to receiving the new home from the Program. Applicants shall agree to reside at the newly procured or constructed home as their primary residence, and shall not use the home as a rental or investment property or a seasonal or secondary home.
 - 3. HOME RESALE.** The applicant shall agree that the home shall not be sold or transferred without prior written consent from the NNVA Executive Director. In the event of the Qualified Veterans death, the home will transfer in accordance with the veterans last will and testament or a court decision.
 - 4. SWEAT EQUITY.** The applicant shall participate in the construction of their new home to gain a sense of pride in homeownership. Participation may vary based on the applicant's ability to perform various tasks. Hours must be logged by either the applicant, a family member(s), or the local Chapter Veterans Organization. The number of hours shall be determined by the NNVA Executive Director. Failure to log the appropriate hours prior to the completion of the veterans home may result in denial of future home improvement assistance or self-help assistance.

B. The NNVA Executive Director, alone, shall not make decisions regarding screening, selection, awarding, and home ownership within the Navajo Nation Veterans Housing Program without first consulting the Housing Selection Committee.

SECTION V.

APPLICATION PROCEDURES

- A. NNVA NNVHP applications will be received and maintained by each local NNVA office through the Agency Housing Specialist. The Housing Specialists will meet with individual veterans to discuss the family's housing situation and housing assistance request. Housing assistance will be explained to the veteran and the required procedures for acquiring assistance. Other available housing assistance programs will also be explained to each applicant and appropriate referrals will be made.
- B. NNVHP eligibility determinations shall be made using the Eligibility Criteria and Preference Rating sheet. The selection criteria are structured to assist the neediest veteran first. The Housing Specialists shall review and complete the Eligibility Criteria and Preference Rating sheet ensuring to remove personnel identifying information from the score sheet. The Eligibility Criteria and Preference Rating sheet will be included as part of the applicants' application and supporting documents package.
- C. **VERIFICATION OF INFORMATION**
1. **Verification.** All housing needs and information provided by the applicant as part of the application process shall be verified by the NNVA.
 - a. An on-site visit will be made by the Program Supervisor, Senior Housing Specialist or Housing Specialist.
 - b. During the on-site visit, documentation supporting family structure and composition will be verified in person.
 - c. The NNVA will require successful submission of all required documentation prior to placing a Veteran on the waiting list.
- D. **CERTIFICATION OF APPLICATIONS.** Completed applications shall be certified by the Housing Program Supervisor. A letter will be mailed to the applicant notifying them if they have met the official requirements for completion of the application. This is not an approval of the application, simply an acknowledgement that the Veteran has submitted all required documentation and the application is being processed.

SECTION VI.

HOMESITE/RESIDENTIAL SITE LEASE REQUIREMENTS

- A. Veteran applicants who desire to have a home built or procured under the NNVHP shall be required to obtain a valid homesite lease or residential site lease. The NNVA provides no oversight on this process. A valid and completed copy of a lease will be required from the applicant as part of the process.
- B. In order for the home to be connected to existing infrastructure, and have that cost covered by the program, each applicant choosing to obtain a homesite lease will be required to select a location within 1,500 feet of existing infrastructure, i.e. electric, water. If the applicant chooses a site beyond 1,500 feet from existing infrastructure, the program will require cost matching by the applicant for connections to existing utilities, or else solar and cistern options will be available. Locations must be able to support septic systems, or have access public sewer systems.

SECTION VII.

SELECTION OF NAVAJO VETERAN HOUSING PROGRAM APPLICANTS

A. SELECTION OF NAVAJO VETERAN FOR HOUSING

The Housing Selection Committee shall select potential grantees for the NNVHP projects, to be added to the waiting list, according to the Eligibility Criteria and Preference Rating sheet. The list shall be updated by the NNVA monthly.

B. NOTIFICATION TO ELEGIBLE APPLICANTS

- 1. Once an applicant has been interviewed and has completed and submitted all of their necessary documents, their application packet will be evaluated. Those applicants who are found to be eligible will be notified in writing within fifteen (15) days of the determination. The eligible applicant will then be placed on the waiting list.
- 2. At this time, the applicant will be permitted to state, in writing, their housing preference of either a) modular home, or b) stick-built home.
- 3. A valid and complete homesite lease must be provided to the local NNVA agency office at this time.
- 4. If the applicant has failed to obtain a lease, or chooses not to obtain a lease, they will not be placed on the waiting list.
- 5. The Housing Selection Committee shall make a determination about the reasonable and appropriate size of the home to be provided based upon the number of family members listed in the initial application, and the Program's verification of Applicant's family size. The Housing Selection Committee shall use the following table as a guide for what is presumptively reasonable. The Committee may deviate from the table to accommodate special needs and

circumstances, such as the need for a person with a disability to have additional space for equipment and mobility.

<u># Occupants</u>	<u># Bedrooms</u>	<u>Maximum Square Footage</u>
<u>Up to 4</u>	<u>2</u>	<u>1,200</u>
<u>Up to 6</u>	<u>3-4</u>	<u>2,500</u>
<u>7 or More</u>	<u>4-5</u>	<u>3,000</u>

6. The NNVA shall establish individual folders on applicants placed on the waiting list. The NNVA shall maintain and secure all records of eligible applicants at the NNVA Agency Offices.

C. NOTIFICATION OF INELIGIBILITY & APPEAL PROCESS

1. Each applicant determined to be ineligible will be promptly notified in writing by the NNVA. The notice shall state the reason(s) for the applicant's ineligibility and will explain his/her right to request a meeting with the NNVA, within thirty (30) days from the date of receipt of the notice. The applicant shall be given an opportunity at the meeting to appeal by:
 - a. Responding to the NNVA's reasons for determining his/her ineligibility, and;
 - b. Providing any other evidence of his/her eligibility, including any evidence that may overcome any discrepancies in his/her application.
2. Upon review of all information presented at the meeting, the NNVA shall make a determination on whether or not the applicant is now eligible.
3. The NNVA shall inform the applicant of his/her determination within five (5) days of the meeting.
4. The decision shall be final.
 - a. Applicants declared ineligible will have their information kept in the NNVA's inactive files for one (1) year from the date of initial application.
 - b. After the one year, the applicant may reapply.

D. VETERANS WAITING LIST. The NNVA shall maintain a waiting list of applicants that have been determined to be eligible for assistance from the NNVHP. The list shall be separated by those applicants who wish to a) have a modular home provided, or b) have a stick-built home. Eligible applicants will be placed on the respective waiting list according to: 1) listing and ranking score; and 2) time and date of the initial application so long as such application is updated annually by the applicant based on the date of the initial application.

1. Applicants on the respective waiting list shall have at least the following information on file:

- Name and address of applicant(s) and household members
 - Social Security Numbers of all household members
 - Census Numbers of all household members (if applicable)
 - Family composition
 - Completed Homesite Lease
 - DD-214 with Honorable Discharge (case by case for other discharge types other than Dishonorable.)
2. Each applicant on file will be notified in writing to update their application annually. At that time the NNVA will reaffirm the applicant's eligibility and need for housing. Annually, the veteran will sign an affirmation acknowledging that the home being awarded will remain with the Navajo veteran in the event of divorce/dissolution of the family unit.
 3. In order for the program to fully cover the cost of connecting the home to electric and water services, each applicant choosing to obtain a homesite lease will be required to select a location within 1,500 feet of existing infrastructure.
 4. Applicants who fail to update their application annually either by mail or in person will lose their place on the waiting list and their file will automatically become inactive after 6 months. Upon re-application, they shall be considered new applicants.
 5. Any applicant on the waiting list who wishes to be removed from the Veterans waiting list shall submit a Notice in writing to the NNVA.

E. NOTIFICATION OF SELECTED APPLICANTS. The NNVA shall notify each applicant selected for Veteran Housing which shall include the following:

1. The applicant has been selected for Veteran Housing.
2. The number of bedrooms the home will have.
3. The location of the home.
4. The NNVA shall require the applicant to participate in all homeownership orientation and education activities.

SECTION VIII.

**NAVAJO NATION VETERAN HOUSING PROGRAM PRE-CONSTRUCTION AGREEMENT
(NNVHPPCA)**

A. The Agreement (hereinafter referred to as NNVHPPCA) is an agreement prior to the beginning of the construction, which will encompass the rights and responsibilities of the NNVA and the grantee.

1. The grantee will sign the respective NNVHPPCA for the family. The Program Supervisor or the Housing Specialist will sign on behalf of the NNVA.
2. The NNVHPPCA shall be executed in duplicate originals. The grantee shall receive one original document and the other shall be retained in the Veteran's file.
3. Prior to start of housing construction or procurement a grantee may voluntarily relinquish his/her rights to the Veteran Housing Program home. Such relinquishment must be made by signing a waiver of rights under the NNVHP. The NNVA shall then amend the waiting list to remove the Veteran relinquishing the home. The home shall be offered to the next qualified Veteran on the appropriate waiting list.
4. In the event of a grantees death, after the start of construction but prior to completion of the construction of the home, the construction will continue to completion and the home will be given to the legal spouse. If the grantee is unmarried, the home shall pass to the individual(s) awarded the house and homesite lease through a Navajo Nation probate court order.
5. In the event of any domestic issues that may arise, the NNVA shall not intervene. The Veterans place on the waiting list will be held until the issue has been remedied by the Navajo Nation courts.

SECTION IX.

FINAL ACCEPTANCE

Upon acceptance of the home from the Contractor by the NNVA, a Certificate of Occupancy will be issued by the NNVA, and then the NNVA shall give the key to the new homeowner. The Housing Program Supervisor, Housing Specialist and Contractor of Record will be required to conduct a 90-day final inspection and correct any deficiencies.