



# **The Grand Traverse Band of Ottawa and Chippewa Indians**

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7211

## **Certification of Tribal Council Action** Regular Session of March 20, 2024

**I hereby certify as the Tribal Council Secretary that the foregoing  
Motion was Approved and Adopted at the Regular Session of the  
Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council**

### **Housing Background Disqualifiers Update**

Motion made by Tribal Council Member Napont and Supported by Tribal Council Secretary Marshall to approve the attached Grand Traverse Band Housing Background Rejection Criteria (for all programs) to be sent out for a 30-day posting; and to revisit for approval after the comment period has ended.

5-FOR; 0-AGAINST; 1-ABSENT (Rohl); 0-ABSTAINING

**Motion Carries**

Theresa M. Marshall, GTB Tribal Council Secretary

CC: Nicki Basch

# TRIBAL COUNCIL AGENDA REQUEST

## The Grand Traverse Band of Ottawa and Chippewa Indians

**This Original agenda request must have all original materials pertaining to it attached.**

Agenda Topic/Title: Housing Background Disqualifiers Update

Requested/Presented by: Nicki Basch

*If required, all signed documents will be returned to the above individual who is responsible to complete with the appropriate offices at GTB.*

☒ Regular Session

Date: 3/20/24

☐ Special Session

Date: \_\_\_\_\_

☐ Emergency Session

Date: \_\_\_\_\_

RECEIVED  
3-8-24

### Placement on Agenda:

☐ Unfinished Business

☒ New Business

☐ Closed Session

### Action Requested:

☒ Approval by Motion

☐ Information Only

☐ Resolution Approval #

☐ Other (please specify)

Was a Work Session held for this Agenda Request? (date) 2/26/24, 3/6/24

Do you have a past resolution: ☒ No ☐ Yes, (please attach)

Do you have a past motion: ☒ No ☐ Yes, (please attach)

**Rationale/Explanation:** (use second sheet as needed for clarification and attach all appropriate materials prior to submission to the Tribal Manager's Office.

### Purpose:

To align the background rejection criteria across all Housing programs while maintaining anything specifically prohibited under 24 CFR

### Outcome Requested:

To approve by motion the attached Grand Traverse Band Housing Background Rejection Criteria (for all programs) to be sent out on a 30-day posting. Revisiting for approval after comment period has concluded.

☐ Attached signed legal review form

☐ Attached signed CFO review form

☐ Legal/CFO review not applicable

Signatures: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Department Manager: Nicole Basch Date: 3/7/24

**Please ensure that ALL proper and correct documents are attached prior to obtaining the TM signatures.**

Tribal Manager: Rebecca L. Olin Date: 3/8/2024

Signature of TM needed before this Agenda Request can be added to the TC Agenda

### Tribal Council Directive Issued:

It is the directive of the Tribal Council that any topics that have not been included on the POSTED agenda must be brought to the attention of the Tribal Council PRIOR to the meeting. This information must be presented in written form. Please note that the agenda is posted one (1) week prior to Regular & Special sessions, and completed agenda items are due at 10:00 a.m. to the Tribal Manager Office 9 days before each session. **Please plan accordingly.**

rev 9/07 – MP 1/11 – 5/11 TMO 4/12 TMO 5/12 TMO 2/15 TMO

GTB Forms\Tribal Council\ Tribal Council Agenda Request Form

## GRAND TRAVERSE BAND LEGAL DEPARTMENT REVIEW APPROVAL FORM

Date: 3/5/2024

Presented By: Nicki Basch

Department: Housing

Resolution Number(s):

Document Title(s)/Subject Matter:

Housing Background Disqualifiers Update

☐ ☐ ☐ The above document(s) have been reviewed by the GTB Legal Dept. and are approved for signature &/or further action.

☐ ☐ ☐ The above document(s) have been reviewed by the GTB Legal Dept. and are NOT approved. Reason:

Reviewed by:

Signature

Date

Please note: Approval of Documents Does NOT Guarantee Approval by Tribal Council

Rev: 12-04

Do Not Seperate Form

## GRAND TRAVERSE BAND CFO GRANT REVIEW APPROVAL FORM (MATCH GRANTS)

Date:

Presented By:

Department:

Grant Number(s):

Grant Title(s)/Subject Matter:

☐ ☐ ☐ The above document(s) have been reviewed by the CFO and are approved for signature &/or further action.

☐ ☐ ☐ The above document(s) have been reviewed by the CFO and are NOT approved. Reason:

Dollar Amount Requested:

Reviewed by:

Signature

Date

Please note: Approval of Documents Does NOT Guarantee Approval by Tribal Council

Rev: 12-04





# Grand Traverse Band of Ottawa and Chippewa Indians

Housing Department  
2605 N West Bay Shore Drive  
Peshawbestown MI 49682

Office: (231) 534-7800

Fax: (231) 534-7025



## Grand Traverse Band Housing Background Rejection Criteria (all programs)

### Criminal History

Criminal backgrounds on all leaseholders and occupants age 18 and over will be checked. Background checks will be completed at least on an annual basis, while on the waiting list and as a tenant within the Grand Traverse Band units.

### *Criminal History Screening Criteria:*

#### **LIFETIME BANS**

- *CSC with lifetime registration under a State Sex Offender Registration Program;*
- *Conviction of manufacturing/producing methamphetamine on the premise of federally assisted housing.*

#### **OFFENSES WITH WAITING PERIODS**

- *Sex Offenders currently on Public Sex Offender Registry: allowable after registration timeframe is complete, with no additional CSC charges or convictions.*
- *Violent & Weapon Offenses: Felonies within 7 years not accepted, misdemeanors within 2 years not accepted;*
  - *Examples include but are not limited to: Assaulting, battering, resisting, obstructing, opposing a person performing duty; robbery; assault/battery; domestic violence; gun/weapons violations; hate crimes; gang activity.*
- *Drug Offenses,: Felonies within 7 years not accepted and Misdemeanors within 2 years not accepted.*
  - *Examples include but are not limited to: Drug trafficking; paraphernalia; possession; cultivation/manufacturing; use; distribution; controlled substance fraud.*

Persons will not be allowed on the waiting list, may be removed from waiting list, and current tenants may have their lease terminated, become ineligible to reside in GTB Housing, based on the rejection criteria listed here.

**Those that have been previously denied due to background are encouraged to reapply under these updated criteria guidelines.**

Approved by Tribal Council: xx/xx/xxxx

This will update Section 5 REJECTION CRITERIA of the ADMISSIONS POLICY.  
Specifically 5.5 B, C, F, G, K, M, R, and X

This will also update the DISQUALIFIERS FOR GTB HOUSING OCCUPANCY BACKGROUND  
CHECKS chart

And will update the RESIDENT SELECTION CRITERIA for Herkner Market Rentals

## **Herkner Resident Selection Criteria**

Welcome! Before you complete your application for a home here, please review our resident selection criteria. The term "applicant(s)" under these criteria mean the person(s) that are over the age of 18 and will be occupying the apartment home. The term "occupant(s)" in these criteria means the person(s) that are under the age of 18 that will be occupying the apartment home.

### **Occupancy Guidelines**

Lease signers must be at least 18 years of age. Our properties allow up to the following number of occupants per unit. One bedroom units - three persons; Two bedroom units – five persons; Three bedroom units – seven persons.

Any person over the age of 18, must qualify as a new resident and be placed on the lease. The addition of a Resident to the residential lease agreement that results in exceeding the Occupancy Guidelines will not be allowed.

### **Identification**

A copy of both the state issued ID(s) and social security card will be required upon application for residency.

### **Application for Residency**

An Application for Residency must be completed and maintained for each person over the age of 18.

### **Qualifying Standards**

- **Rental History**: Up to 36 months of rental history may be verified on present and previous residences. A positive record of prompt monthly payment, sufficient notice, with no damages is expected. For applicants who are homeowners, permission must be granted to verify payment history with bank or lending institution. If there is an eviction or balance due to any apartment community or private owner reflective on the credit report, it must be at least 3 years old, and positive rental history must be established in the interim.
- **Credit History**: An unsatisfactory credit report can disqualify an applicant from renting an apartment home. An unsatisfactory report is one which reflects past or current bad debts, late payments or unpaid bills, liens, judgments, foreclosures or bankruptcies. If the applicant is rejected for poor credit history the applicant may contact the reporting agency that provided the credit report. An applicant rejected for the unsatisfactory credit is encouraged to obtain a copy of the credit report from the agency and correct any erroneous information that may be on the report.



- **Income:** Applicants must have a gross income source that can be verified and is at least three times the monthly rent of the apartment being rented. Up to 2 years of previous employment history may be reviewed. If an applicant does not have a monthly income, proof of available funds equal to three times the total lease value will be required. Acceptable income verification is required which includes applicants' 2 (two) most recent pay stubs, their most recent W-2. Self-employed applicants may be required to supply the most recent tax return or certified verification from their associated bank account.
  - A total household income of **\$34,640** will be required for a 1-bedroom unit
  - A total household income of **\$40,880** will be required for a 2-bedroom unit

### **Pets**

Authorized pets are welcome. Proper paperwork (photo of the pet, documents of inoculations and spay/neuter), \$100 deposit and fees must be completely fulfilled before the pet joins the household. Tenants are limited to one pet per household. Pets are limited in weight to no more than fifty (50) pounds (adult weight). No vicious or otherwise dangerous pets shall be allowed (i.e. pit bulls or other large/aggressive dogs, wolf hybrids or other wild animals, poisonous or vicious reptiles, etc.)

### **Criminal History**

Criminal backgrounds on all leaseholders and occupants age 18 and over will be checked.

Background checks will be completed on an annual basis, while on the waiting list and as tenant within the Grand Traverse Band units.

### **Criminal History Screening Criteria:**

#### **LIFETIME BANS**

- CSC with lifetime registration under a State Sex Offender Registration Program;
- Conviction of manufacturing/producing methamphetamine on the premise of federally assisted housing.

#### **OFFENSES WITH WAITING PERIODS**

- Sex Offenses: not acceptedders currently on Public Sex Offender Registry: allowable after registration timeframe is complete, with no additional CSC charges or convictions;
- Violent & Weapon Offenses: Felonies within 7 years not accepted, misdemeanors within 2 years not accepted;
  - Examples include but are not limited to: Assaulting, battering, resisting, obstructing, opposing a person performing duty; robbery; assault/battery; domestic violence; gun/weapons violations; hate crimes; gang activity
- Drug Offenses,: Felonies within in 7 years not accepted and Misdemeanors within 2 years not accepted;
  - Examples include but are not limited to: Drug trafficking; paraphernalia; possession; cultivation/manufacturing; use; distribution; controlled substance fraud.

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Persons will not be allowed on the waiting list, may be removed from waiting list, and current tenants may have their lease terminated based on the rejection criteria listed here.

All persons and entities identified above, and any court (including any state or county office maintaining criminal and sexual offense records) or credit information service are hereby authorized to release any requested information concerning me/us, in furtherance of consideration of my/our application and/or in subsequent attempts to collect unpaid obligations arising under a residency established hereunder. I/we hereby waive all rights of action for any consequences resulting from the release of such information. I/we further certify that I/we have read and agree to all entries made hereon and acknowledge that I/we have received a copy of same. I/we do further agree to comply with all of the provisions hereof. Management reserves the right to deny an application if false information is provided hereon.



## SECTION 5

### REJECTION CRITERIA

51. **GTB Housing Department** Management is required by Federal Law (NAHASDA) to notify applicants, in writing, as to why their application for Housing Assistance has been denied. The purpose of this Section is to outline the **GTB Housing Departments** guidelines and criteria for "**rejecting**" or "**disapproving**" an application.
52. **GTB Housing Department** Management reserves the right to reject the application of individuals, applying for Housing Assistance programs managed by the **GTB Housing Department**, in those 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 project.
53. Individuals who already participate in Housing Assistance programs managed by the **GTB Housing Department**, can have their Rental Lease / Homebuyer (MHOA) Agreements terminated based on the Rejection Criteria listed here as well.
54. After move-in, a head of household may request permission to add a family member (i.e., significant other, extended family member, friend, etc.) to the Household Composition and reside in the assisted unit. Such individuals shall be screened for suitability and where warranted denied access / participation based on the Rejection Criteria listed here.
55. In order to help the **GTB Housing Department** staff / management determine whether an applicant should be "**denied**" Housing Assistance, the **GTB Housing Department** shall take into account the following factors:
  - A. **Abandonment.**
    - (1) Applicants who previously participated in a HUD assisted housing program (of any type), and who abandoned the dwelling unit, shall **NOT** be eligible for any type of future Housing Assistance program, managed by the **GTB Housing Department**, for a period of two (2) years.
    - (2) That two (2) year period is based on date of abandonment.
    - (3) Any debts incurred, as a result of that abandonment, would also have to be taken care of (see **Debt Obligations** below) prior to

**B. ~~Confirmed Drug / Alcohol Addiction or Abuse~~**

- (1) ~~**General.** Applicants who are confirmed to have a Drug / Alcohol Addiction / Abuse problem shall be **permanently** denied access to any type of Housing Assistance program managed by the **GTB Housing Department**. This would be based on evidence that confirms drug / alcohol addiction / abuse. For example:~~
- ~~(a) A record of conviction for possession or use of heroin, narcotics or controlled substances;~~
  - ~~(b) A record of conviction for activity relating to the misuse of alcohol;~~
  - ~~or~~
  - ~~(c) Written reports from a probation officer, a recognized public social agency, or the family itself to the effect that the individual is addicted to or is misusing drugs / alcohol.~~
- (2) ~~**Detection.** This type of information would normally be uncovered during the "*Criminal Background Check*".~~
- (3) ~~**Exceptions:** In cases where the individual has undergone follow-up treatment by a professional agency, he / she may be considered for participation in any Housing Assistance program managed by the **GTB Housing Department** after a period of two (2) years has elapsed.~~
- ~~(a) Such agency must confirm, in writing, that said individual(s) is rehabilitated and has not been involved in any further drug / alcohol misuse.~~
  - ~~(b) The two (2) year period is calculated based on the most recent date of conviction.~~

**C.B. Criminal Activity**

Criminal backgrounds on all leaseholders and occupants age 18 and over will be checked. Background checks will be completed at least on an annual basis, while on the waiting list and as a tenant within the Grand Traverse Band units.

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**Criminal History Screening Criteria:**

**LIFETIME BANS**

- CSC with lifetime registration under a State Sex Offender Registration Program;
- Conviction of manufacturing/producing methamphetamine on the premise of federally assisted housing.

#### **OFFENSES WITH WAITING PERIODS**

- Sex Offenders currently on Public Sex Offender Registry: allowable after registration timeframe is complete, with no additional CSC charges or convictions.
- Violent & Weapon Offenses: Felonies within 7 years not accepted, misdemeanors within 2 years not accepted;
  - Examples include but are not limited to: Assaulting, battering, resisting, obstructing, opposing a person performing duty; robbery; assault/battery; domestic violence; gun/weapons violations; hate crimes; gang activity.
- Drug Offenses: Felonies within 7 years not accepted and Misdemeanors within 2 years not accepted.
  - Examples include but are not limited to: Drug trafficking; paraphernalia; possession; cultivation/manufacturing; use; distribution; controlled substance fraud.

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Persons will not be allowed on the waiting list, may be removed from waiting list, and current tenants may have their lease terminated, become ineligible to reside in GTB Housing, based on the rejection criteria listed here.

- ~~(1) **General.** Applicants who are known to have engaged in Criminal Activity shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department.** This includes cases in which the applicant or a member of the applicants family, who is expected to reside in the affected household, **was or is engaged in any criminal activity which involves crimes of**~~



~~physical violence to persons or property or the nature of which would be detrimental to the safety and welfare of other tenants or their peaceful occupancy of the premises.~~

- ~~(2) **Violent Crimes.** Anyone convicted of "*violent crimes*" shall be permanently ineligible for any type of Housing Assistance from the **GTB Housing Department**. (This is in line with HUD's "*ONE STRIKE*" policy.) For the purposes of this policy, "*violent crimes*" include, but are **NOT** limited to, the following: murder, assault with a deadly weapon, etc.~~
- ~~(3) **Lesser Crimes.** Persons convicted of "*lesser crimes*" can be eligible for Housing Assistance again after the following criteria are met.~~
  - ~~(a) If after a period of two (2) years, and there are **NO** further instances of criminal activities, the individual may be considered for Housing Assistance programs managed by the **GTB Housing Department**.~~
  - ~~(b) An agency (local, state or Federal) must confirm, in writing, that said individual(s) is **NO** longer involved in any type of criminal activity.~~
  - ~~(c) The two (2) year period is calculated based on the most recent date of conviction.~~
- ~~(4) **Detection.** This type of information would normally be uncovered during the "*Criminal Background Check*".~~

D.C. **Debt Obligations** – Applicants who have Debt Obligations shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This includes any of the following situations where there was non-payment of a rightful obligation:

- (3) **General.** Applicants who owe the **GTB Housing Department** or other Tribal Programs, (A notification that you are applying for housing will be sent to the Departments of the GTB), other Federal programs, private landlords, utility companies, etc.) A balance from present or prior occupancy shall **NOT** be considered for Housing Assistance until their account is **PAID IN FULL** and reasonable assurance is obtained that the contributing causes for nonpayment during the present or prior occupancy have been sufficiently changed to enable the family to pay when due, monthly Homebuyer payments, Rent and other expenses relating to the occupancy of the home.

- (2) **Repayment - Unmarried Couples.** In those instances where two (2) unmarried individuals were the leaseholders, and an arrears balance was incurred, the arrears balance shall be split between the two (2) individuals. (Since the Grand Traverse Band has made Tribal Members and their families a priority in the Housing units, it will be required for the non-member to vacate the premises unless custody of the children determines otherwise).
- (a) If, one (1) of the leaseholders pays his / her share of the arrears balance, he / she shall be considered for Housing Assistance.
  - (b) The arrears balance of the other individual shall **NOT** be held against him / her.
  - (c) In any event, the other former lease holder, with an unpaid arrears balance shall remain **ineligible** for Housing Assistance and can **NOT** be added to the Household Composition of any household under management of the **GTB Housing Department**, until such time as his / her arrears balance is **PAID IN FULL**.
- (3) **Repayment - Married Couples.** In those instances where two (2) married individuals were the leaseholders, and an arrears balance was incurred, the arrears balance is considered to belong to the "married couple". In other words, both are "legally" responsible for the debt and repayment of that debt.
- (4) **Repayment - Divorced / Separated Couples.** Should there be a "divorce" or "legal separation" and one (1) of those individuals seeks Housing Assistance again, the applicant would only be required to pay his / her half of the arrears balance before being considered for Housing Assistance again.
- (a) This approach to payment requires that there be "legal" documentation from the courts evidencing a "divorce" or "legal separation".
  - (b) It shall be the responsibility of the applicant to provide the **GTB Housing Department** with a copy of the "divorce decree" or "legal separation papers".
  - (c) In any event, the other former leaseholder, with an unpaid arrears balance shall remain **ineligible** for Housing Assistance and can **NOT** be added to the Household Composition of any household under management of the

**GTB Housing Department**, until such time as his / her arrears balance is **PAID IN FULL**.

**(5) Failure to Pay Debt After Move-Out.**

- (a) In **ALL** instances, former **GTB Housing Department** leaseholders who move out and fail to pay their arrears balance within ninety (**90**) days of notification shall be **INELIGIBLE** for any Housing Assistance program for a period of one (**1**) year.
- (b) The one (**1**) year time frame shall be based on the most recent move-out / eviction date.

**(6) Pay- Back Agreements.**

- (a) Former recipients of Housing Assistance often seek to address their arrears balances via Pay-Back Agreements with the **GTB Housing Department**.
- (b) Applicants who are signatories to **Pay- Back Agreements** (to take care of previous account arrears) shall **NOT** be eligible for any type of Housing Assistance program or placement on any Housing Assistance Waiting List(s) until such time as the debt is **PAID IN FULL**.

**(7) Bad Debt Database.** To help the **GTB Housing Department** staff monitor outstanding debts, a database shall be maintained by the **Occupancy Specialist** that lists all former residents / program participants who owe the **GTB Housing Department** money. That database shall be updated on a regular basis but not less than quarterly. The report generated from the database shall be stamped "*confidential*" and controlled as such.

**(8) Other Considerations.** Applicants should bear in mind that in addition to the Debt Repayment obligations, they must also meet **ALL** other edibility criteria prior to re-admission to a Housing Assistance Program.

**E.D. Destruction of Property.**

- (1) Anyone who has received Housing Assistance from the **GTB Housing Department**, other State / Federal Housing Programs, or private landlords and is known to have intentionally Damaged or Destroyed the rental (or lease to own) property shall **NOT** be eligible for any type of Housing Assistance program, managed by the **GTB Housing Department**, for a period of two (**2**) years.



- (3) That two-year period shall be based on the date of MOVE-OUT/  
EVICTION.

~~F. Drug Dealers:~~

- (1) ~~Anyone convicted of Dealing Drugs shall be permanently ineligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This is in line with HUD's "**ONE STRIKE**" policy.~~
- (2) ~~For the purposes of this subsection, "*dealing drugs*" shall mean manufacturing, distributing, delivering or selling with intent to distribute, deliver, or sell controlled substances contrary to the laws of the United States, or any state, or any federally recognized Indian Tribe.~~
- (3) ~~**Detection.** This type of information would normally be uncovered during the "*Criminal Background Check*".~~

~~G. Drug Possession:~~

- (1) ~~Anyone convicted of "*Possessing of Illegal Drugs*" shall **NOT** be eligible for any type of Housing Assistance program, managed by the **GTB Housing Department**, for a period of two (2) years.~~
- (2) ~~That two-year period being from the date of conviction.~~
- (3) ~~Reinstatement of eligibility shall be based on a follow-up Criminal Background Check to ensure the applicant (or household member) has a clean record and **NO** pending court actions for similar drug offenses.~~
- (4) ~~**Detection.** This type of information would normally be uncovered during the "*Criminal Background Check*".~~

~~H.E. Evictions:~~

- (1) If it is determined that the applicant has been previously Evicted for non-payment or non-compliance with any Tribe / TDHE, IHA, Tribal or Public Housing Authority (PHA) policy, they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**.

- (2) Applicants with EVICTIONS on their records (as noted here) shall **not** be eligible for any type of Housing Assistance for a period of two (2) years.
- (3) That two (2) year period being from the date of eviction.

**F Failure to Cooperate** - By Failing to cooperate with the application process, applicants shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This can include, but is not limited to:

- (1) Refusing or failing to sign and complete required forms.
- (2) Refusing or failing to supply requested information.

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**G Fraud** - Applicants who are found to have committed Fraud, in connection with any HUD program, or failing to disclose previously committed Fraud in connection with any HUD program, shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**.

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**K. Gang Involvement**

~~(1) **General.** If an applicant or any of his /her family members (listed on the Household Composition form) has a confirmed police record of Gang Involvement then the applicant shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**.~~

~~(2) **Exception:**~~

~~(a) If, after a period of two (2) years, there are **NO** further instances of Gang related activities, said individual(s) shall be eligible for Housing Assistance programs managed by the **GTB Housing Department**.~~

~~(b) A local / state / Federal agency must be able to confirm, in writing, that said individual(s) has **NOT** been involved in any further Gang activity.~~

~~(c) The two (2) year period is calculated based on the most recent date on which the Law Enforcement Agency (incident report or other similar document) denotes gang involvement.~~

~~(3) **Detection.** This type of information could possibly be revealed through a "*Criminal Background Check*"; however, because laws~~

~~limit the release of information involving "juveniles" it may be hard to substantiate this through local law enforcement agencies.~~

~~L~~ **HGrossly Unsanitary or Hazardous Housekeeping**

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- (1) If it can be determined that an applicant has a history of or is known to utilize Grossly Unsanitary or Hazardous Housekeeping practices, they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This can include, but is **NOT** limited to:
  - (a) Generally creating any health or safety hazard through acts or neglect.
  - (b) Causing any health or safety hazard through misuse of the premises and equipment, if the family is responsible for such hazard, damage or misuse.
  - (c) Causing or permitting infestation, foul odors or other problems injurious to another person's health, welfare or enjoyment of the premises.
  - (d) Disposing of or depositing garbage improperly.
  - (e) Failing to use, in a reasonable and proper manner, all utilities, facilities, services, appliances and equipment within the dwelling unit.
  - (f) Failing to maintain the dwelling unit in a good and clean condition.
  - (g) Failing to maintain the property (yard, driveway) of the dwelling in a good and clean condition.
  - (h) Any other conduct or neglect which could result in health or safety problems or in damage to the premises.
- (2) In those cases where a qualified agency is working with the family to improve housekeeping and the agency reports that the family shows potential for improvement, decisions as to eligibility shall be reached after referral to and recommendation by such agency.
- (3) This category does **not** include families whose housekeeping is found to be superficially unclean or the lack of orderliness, where such conditions do **not** create a health and safety problem, do **not** result in damage to or deterioration of the premises and do **not** adversely affect the peaceful occupancy of neighbors.



- (4) The **GTB Housing Department** may (at its discretion) seek a home visit at the applicant's current residence to ensure the poor housekeeping habits have been corrected. The results of such visits shall be documented and included in the applicants file.

**M. ~~Habitual Criminal~~**

- (1) ~~Applicants who are determined to be Habitual Criminals shall be **Permanently** ineligible for any type of Housing Assistance program managed by the **GTB Housing Department**.~~
- (2) ~~This includes cases in which an applicant or a member of the applicant's family, who is expected to reside in the household, has demonstrated over time that he / she is a habitual criminal.~~
- (3) ~~While individually, the crimes on the individuals record may **NOT** warrant REJECTION, collectively they would.~~
- (4) ~~For example, say the individual had ten (10) or more arrests and convictions within the past three (3) years. This shows a pattern of criminal activity and is **NOT** a person we want in our housing units. Their demonstrated behavior would likely be detrimental to the safety and welfare of other tenants or the other tenants enjoyment and peaceful occupancy of the premises.~~
- (5) ~~**Detection.** This type of information would normally be uncovered during the "*Criminal Background Check*".~~

**N. *Misrepresentation***

- (1)(5) Should an applicant willfully or seriously misrepresent items on the application or during the application screening process, they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**.
- (2)(6) This includes providing "*false*" or "*misleading*" information on the application.

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**O. *Non – Compliance with Rental Agreements***

- (1)(7) Applicants who are found to have a history of Non-Compliance with Rental Agreements shall **NOT** be eligible for any type of Housing Assistance programs managed by the **GTB Housing Department**.

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(2)(8) This includes, but is **NOT** limited to evidence of failure to comply with the terms of a Rental Lease / Homebuyer (MHOA) Agreement involving prior residences, such as:

- (a) Providing shelter to unauthorized persons;
- (b) Keeping pets in violation of policies;
- (c) Painting or decorating a unit without permission of the landlord / owner / manager;
- (d) Failure to control children / guests;
- or
- (e) Other acts in violation of established rules and regulations.

P. **Over-Income** - Most of the HUD funded Housing Assistance programs are intended to serve "**low-income**" families.

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(4)(9) Applicants, whose income is determined to be OVER those income limits shall **NOT** be eligible for entry into any of HUD's "**Low-Income**" Housing Assistance programs that are managed by the **GTB Housing Department**.

(2)(10) HUD defines "**Low-Income**" as being at or below **80%** of median area income.

(3)(11) To determine if a family meets HUD's definition of "**Low-Income**" and is "*income eligible*" one needs to refer to the income tables published by HUD.

- (a) These tables are updated annually and are broken down by state and county.
- (b) To increase the eligibility pool, HUD allows the **GTB Housing Department** to look at the "*National Average*". If the National Average is higher than the local county rate, then HUD allows us to use the National Average rate.

See Appendix **38** for current copies of both the "**County**" and "**National Average**" median area income tables.

**Q. Past Negative Performance History in Meeting Financial Obligations.**

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(4)(12) If it is determined that the applicant has a past Negative Performance History in meeting Financial Obligations, they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This includes, but is **NOT** limited to such things as rent and utilities.

(2)(13) The **GTB Housing Department** may request information from utility companies, former landlords, other federal housing programs, etc. detailing payment history for as many as the past five (5) years.

**R. Rape, Prostitution or Sexual Deviation.**

(1) ~~General.~~ Applicants who have convictions for Rape, Prostitution or Sexual Deviation, shall be **permanently** ineligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This includes convictions for the offenses of:

(a) ~~Rape;~~

(b) ~~Prostitution;~~

(c) ~~Indecent exposure;~~

(d) ~~Sodomy;~~

(e) ~~Child molestation;~~

(f) ~~Carnal abuse;~~

(g) ~~Impairing the morals of a minor;~~

~~or~~

(h) ~~Similar crimes indicating sexual deviation.~~

(2) ~~Detection.~~ This type of information would normally be uncovered during the "~~Criminal Background Check~~".

**S. Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior** - If an applicant has a known history of disturbing neighbors, destruction of property or other disruptive or dangerous behavior, they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This includes documented behavior or conduct which:

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~~(1)~~(14) Adversely affects the safety or welfare of other persons by physical violence, gross negligence, or irresponsibility.

~~(2)~~(15) Damages the equipment or premises in which the family resides.

~~(3)~~(16) Is disturbing or dangerous to neighbors.

~~(4)~~(17) Disrupts sound family and community life.

~~T.~~ **NState, Federal, and Tribal Laws** - If an applicant has a known history of failing to meet the eligibility requirements imposed by applicable State, Federal, and Tribal Laws, or any regulations / requirements promulgated there under for Housing, then they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**.

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~~U.~~ **OSupervision of Children, Disabled, and Elderly Persons.**

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~~(1)~~(18) If it can be determined that an applicant has a history of leaving his / her minor (under age eleven (11)) alone / unsupervised or has a history of leaving elderly / disabled individuals (who are under his / her care) alone / unsupervised shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**.

~~(2)~~(19) **Exception.** If any child (11 years of age or under) or any disabled or elderly person who is unable to care for himself or herself is to occupy the dwelling unit, the applicant must demonstrate that proper supervision by a responsible person (12 years of age or older) will be provided during the period of time while the child or the disabled or elderly person is at home and the head or heads of the household are at work or otherwise absent from the dwelling unit.

~~V.~~ **PTribal Enrollment** - If an applicant can **NOT** show that he / she is an enrolled member of the **Grand Traverse Band of Ottawa and Chippewa Indians**, then they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**.

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~~W.~~ **QUnfavorable Tenancy or Credit Records** - If an applicant has a known history of Unfavorable Tenancy or Credit Records, then they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This includes:

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~~(1)~~(20) A consistent, severe or recent history of deficiencies in overall credit (with regards to rent / lease payments) which indicate the family would be unable to or would otherwise fail to pay monthly



obligations for the dwelling unit when due and / or other expenses relating to occupancy of the dwelling unit;

or

~~(2)~~(21) The absence of a timely payment history for rent / lease obligations or any other obligations, unless the family can show good cause for such absence.

~~X. **Violent Behavior.**~~

~~(1) **General.** If an applicant has a known history of Violent Behavior, then they shall **NOT** be eligible for any type of Housing Assistance program managed by the **GTB Housing Department**. This includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors.~~

~~(2) **Exception.**~~

~~(a) If after a period of two (2) years, and **NO** further instances of Violent Behavior the individual may be considered for Housing Assistance programs managed by the **GTB Housing Department**.~~

~~(b) A local / state / Federal agency must confirm, in writing, that said individual(s) have **NOT** been involved in any type of Violent Behavior for the past two (2) years.~~

~~(c) The two (2) year period is calculated based on the most recent date of conviction and / or most recent date on which the Law Enforcement Agency (incident report or other similar document) denotes the Violent Behavior occurred.~~

~~(3) **Detection.** This type of information would normally be uncovered during the "*Criminal Background Check*".~~

56. **Final Determination.** Before determining whether an applicant is suitable or **NOT** suitable for participation in any of the Housing Assistance Programs managed by the **GTB Housing Department**, the **GTB Housing Department** staff shall review **ALL** of the information gathered in the screening process, taking into consideration the date, nature, and severity of the occurrences and the probability of future occurrences.

57. **Unsuitable Applicants.**

A. **Notification.** The **Occupancy Specialist** shall promptly notify applicants, determined to be Unsuitable (*ineligible*) or whose application has been **rejected**, of those findings and the reason(s) behind the decision.

- (1) That action shall be accomplished, in writing, within ten (10) business days of the **GTB Housing Department** staff rendering such a decision.
- (2) This shall be accomplished by use of the "**Notification of Non-Eligibility**" form letter.

See Appendix **34** for a Sample of the **GTB Housing Department's "Notification of Non-Eligibility"** form letter.

- (3) That notice shall also contains a provision that advises the applicant of his / her right to appeal.

B. **Appeals.**

- (1) Applicants who are notified that they are Unsuitable (*ineligible*) or have had their application **rejected** shall be advised of their right to appeal using the **GTB Housing Departments** appeal process.
- (2) To do this, they may request a private conference with the **GTB Housing Department** staff regarding the unsuitability determination.
- (3) Appeal requests, from the applicant, must be in WRITING, and submitted within ten (10) business days of the date the "**Notification of Non-Eligibility**" form letter was mailed.

**NOTE:** Telephone requests from the applicant, for an appeal, shall **NOT** be accepted by the **GTB Housing Department**.

- (4) An appeal hearing, to make a final determination on the matter, shall be scheduled at the earliest convenience of both parties, but not later than ten (10) business days after receipt of the appeal letter from the applicant.
- (5) At the appeal hearing, the applicant shall be allowed the opportunity to produce evidence, clarify information, and / or ask questions regarding eligibility.

58. **Re-instating a Rejected Applicant.** If unfavorable information is verified about an applicant during the screening process and he /she was determined to be ineligible or had his / her application rejected, the **GTB Housing Department** staff may:

- A. Give consideration to the time, nature and seriousness of the applicant's behavior and to other factors, which might show a reasonable change of future favorable behavior or financial prospects. For example:
  - (1) Evidence of Rehabilitation.
  - (2) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling programs and the availability of these programs.
  - (3) Evidence of the applicant family's willingness to attempt to increase family income.
- B. Meeting such conditions can be grounds for re-instating an applicant's eligibility for Housing Assistance.