

**Bureau of Indian Affairs, Interior**

**§ 256.13**

You qualify for Category C assistance if * * *	And * * *	And * * *
You do not own a dwelling ...	You have a leasehold on land that is suitable for housing and the leasehold is undivided and for not less than 25 years at the time you receive assistance.	The land has adequate ingress and egress rights and economical access to utilities.

(b) If you qualify for assistance under paragraph (a) of this section, you must sign a written grant agreement stating that, if you sell the dwelling within 10 years of assuming ownership:

(1) The grant under this part will be voided; and

(2) At the time of settlement, you will repay BIA the full cost of the dwelling.

(c) If you sell the dwelling more than 10 years after you assume ownership, the following conditions apply:

(1) You may retain 10 percent of the original cost of the dwelling per year, beginning with the eleventh year.

(2) If you sell the dwelling after the first 20 years, you will not have to repay BIA.

[63 FR 10134, Mar. 2, 1998, as amended at 67 FR 77921, Dec. 20, 2002]

**§ 256.11 What are the occupancy and square footage standards for a dwelling provided with Category C assistance?**

A modest dwelling provided with Category C assistance will meet the standards in the following table.

Number of occupants	Number of bedrooms	Total dwelling square footage <sup>1</sup> (maximum)
1-3 .....	<sup>2</sup> 2	900
4-6 .....	<sup>2</sup> 3	1050
7 or more .....	<sup>2</sup> 4	<sup>3</sup> 1350

<sup>1</sup>Total living space; does not include hallways or modest-sized bathrooms or closets.

<sup>2</sup>Determined by the servicing housing office, based on composition of family.

<sup>3</sup>Adequate for all but the very largest families.

[67 FR 77921, Dec. 20, 2002]

**§ 256.12 Who administers the Housing Improvement Program?**

The Housing Improvement Program is administered by a servicing housing office operated by:

(a) A Tribe, under a Pub. L. 93-638 contract or a self-governance annual funding agreement; or

(b) The Bureau of Indian Affairs.

**§ 256.13 How do I apply for the Housing Improvement Program?**

(a) First, you must obtain an application, BIA Form 6407, from your nearest servicing housing office.

(b) Second, you must complete and sign BIA Form 6407.

(c) Third, you must submit your completed and signed application to your servicing housing office. Submission to the nearest BIA housing office does not preclude tribal approval of the application.

(d) Fourth, you must furnish documentation proving tribal membership. Examples of acceptable documentation include a copy of your Certificate of Degree of Indian Blood (CDIB) or a copy of your tribal membership card.

(e) Fifth, you must provide proof of income from all permanent members of your household.

(1) You must submit *signed* copies of current 1040 tax returns from all permanent members of the household, including W-2's and all other attachments.

(2) You must provide proof of all other income from all permanent members of the household. This includes unearned income such as social security, general assistance, retirement, and unemployment benefits.

(3) If you or other household members did not file a tax return, you must submit a signed notarized statement explaining why you did not.

(f) Sixth, you must furnish a copy of your annual trust income statement from your Individual Indian Money (IIM) account, for royalty, lease, and other monies, from your home agency. If you do not have an account, you must furnish a statement from your home agency to that effect.

(g) Seventh, you must provide proof of ownership of the residence and/or land:

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(1) For fee property, you must provide a copy of a fully executed Warranty Deed, which is available at your local county court house;

(2) For trust property, you must provide certification from your home agency;

(3) For tribally owned land, you must provide a copy of a properly executed tribal assignment, certified by the agency; or

(4) For multi-owner property, you must provide a copy of a properly executed lease.

[63 FR 10134, Mar. 2, 1998, as amended at 67 FR 77921, Dec. 20, 2002]

**§ 256.14 What are the steps that must be taken to process my application for the Housing Improvement Program?**

(a) The servicing housing office must review your application for completeness. If your application is incomplete,

the office will notify you, in writing, what is needed to complete your application and the date it must be submitted. If you do not return your application by the deadline date, you will not be considered for assistance in that program year.

(b) The servicing housing office will use your completed application to determine if you are eligible for the Housing Improvement Program.

(1) If you are found ineligible for the Housing Improvement Program or otherwise do not qualify for the program, the servicing housing office will advise you in writing within 45 days of receipt of your completed application.

(2) If you are found eligible for the Housing Improvement Program, the servicing housing office will assess your application for need, according to the factors and numeric values shown in the following table.

Factor	Ranking factor and definition	Ranking description	Point descriptors
1 .....	Annual Household Income: Must include income of all persons counted in Factors 2, 3, 4. Income includes earned income, royalties, and one-time income.	Income/125% FPG <sup>1</sup> (% of 125% FPG) <sup>1</sup>	Points (maximum=40):
		0–25	40
		26–50	30
		51–75	20
		76–100	10
		101–125	0
2 .....	Aged Persons: For the benefit of persons age 55 or older, and Must be living in the dwelling.	Years of Age:	Points:
		Less than 55 .....	0
		55 and older .....	1 point per year of age over 54
3 .....	Disabled Individual: Any one (1) disabled person living in the dwelling. (The percentage of disability must be based on the average (mean) of the percentage of disabilities identified from two sources (A+B) of statements of conditions which may include a physician's certification, Social Security or Veterans Affairs determination, or similar determination).	% of Disability—(A% + B%/2): .....	Points (Maximum=20):
		100% .....	20
		or	
		Less than 100% .....	10
4 .....	Dependent Children: Must be under the age of 18 or such other age established for purposes of parental support by tribal or state law (if any). Must live in the dwelling and not be married.	Dependent Child—(Number of Children):	Points (Maximum = 5):
		1 .....	0
		2 .....	1
		3 .....	2
		4 .....	3
		5 .....	4
		6 or more .....	5

<sup>1</sup> FPG means Federal Poverty Guidelines.

(c) The servicing housing office will develop a list of the applications considered and/or received for the Housing Improvement Program for the current

program year. The list will include, at a minimum, sufficient information to determine:

(1) The current program year;