

§ 256.7

§ 256.7 What housing services are available under the Housing Improvement Program?

There are three categories of assistance available under the Housing Improvement Program, as outlined in the following table.

Type of assistance	What it provides	Where to find information
Category A	Up to \$2,500 in safety or sanitation repairs to the dwelling in which you live, which will remain substandard. Can be provided more than once, but for not more than one dwelling and the total assistance cannot exceed \$2,500.	§ 256.8
Category B	Up to \$35,000 in repairs and renovation, which will bring your dwelling to Standard Housing condition, as defined in § 256.2. Can only be provided once.	§ 256.9
Category C	A modest dwelling that meets the criteria in § 256.11; and the definition of Standard Housing in § 256.2; and whose costs are determined by and limited to the criteria in 256.17(b). can only be provided once.	§ 256.10 & § 256.11.

[63 FR 10134, Mar. 2, 1998, as amended at 67 FR 77920, Dec. 20, 2002]

§ 256.8 When do I qualify for Category A assistance?

You qualify for interim improvement assistance under Category A if it is not cost effective to renovate the dwelling in which you live and if either of the following is true:

- (a) Other resources to meet your housing needs exist but are not immediately available; or
- (b) You qualify for replacement housing under Category C, but there are no Housing Improvement Program funds available to replace your dwelling.

[63 FR 10134, Mar. 2, 1998, as amended at 67 FR 77920, Dec. 20, 2002]

§ 256.9 When do I qualify for Category B assistance?

You qualify for repairs and renovation assistance under Category B if you meet the requirements of this section.

- (a) Your servicing housing office must determine that it is cost effective to repair and renovate the dwelling.
- (b) You must occupy the dwelling and must either:
 - (1) Own the dwelling; or
 - (2) Lease the dwelling with:

(i) An undivided leasehold (i.e., you are the only lessee); and

(ii) A leasehold that will last at least 25 years from the date that you receive the assistance.

(c) The servicing housing office must determine that the repairs and renovation will bring the dwelling to standard housing condition.

(d) You must sign a written agreement stating that, if you sell the dwelling within 5 years of the completion of repairs and renovation:

- (1) The assistance grant under this part will be voided; and
- (2) At the time of settlement, you will repay BIA the full cost of all repairs and renovation made under this part.

[63 FR 10134, Mar. 2, 1998, as amended at 67 FR 77920, Dec. 20, 2002]

§ 256.10 When do I qualify for Category C assistance?

(a) You qualify for replacement housing assistance under Category C if you meet one of the four sets of requirements in the following table.

You qualify for Category C assistance if	And * * *	And * * *
You own the dwelling in which you are living.	The dwelling cannot be brought up to applicable building code standards and to standard housing condition for \$35,000 or less.	
You lease the dwelling in which you are living.	Your leasehold is undivided and for not less than 25 years at the time that you receive assistance.	The dwelling cannot be brought up to applicable building code standards and to standard housing condition for \$35,000 or less.

You qualify for Category C assistance if	And * * *	And * * *
You do not own a dwelling	You own land that is suitable for housing	The land has adequate ingress and egress rights and economical access to utilities.
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 ¹ (maximum)
1-3	² 2	900
4-6	² 3	1050
7 or more	² 4	³ 1350

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

² Determined by the servicing housing office, based on composition of family.

³ 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