

§ 256.3

Superintendent means the Bureau official in charge of an agency office.

[63 FR 10134, Mar. 2, 1998, as amended at 64 FR 13896, Mar. 23, 1999]

§ 256.3 Policy.

(a) The Bureau of Indian Affairs housing policy is that every American family should have the opportunity for a decent home and suitable living environment. The Housing Improvement Program will serve the neediest of the needy Indian families who have no other resource for standard housing.

(b) Every Indian who meets the basic eligibility criteria defined in § 256.6 is entitled to participate in the program. Participation is based on priority of need, regardless of tribal affiliation.

(c) Tribal participation in and direct administration of the Housing Improvement Program is encouraged to the maximum extent possible. Tribal involvement is necessary to ensure that the services provided under the program are responsive to the needs of the tribes and the program participants.

(d) Partnerships with complementary improvement programs are encouraged to increase basic benefits derived from the Housing Improvement Program fund. An example is the agreement with Indian Health Services to provide water and sanitation facilities for Housing Improvement Program houses.

§ 256.4 Information Collection.

The information collection requirements contained in § 256.9 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 *et seq.* and assigned clearance number 1076-0084. The information is collected to determine applicant eligibility for services and eligibility to participate in the program based on the criteria referenced in §§ 256.9 and 256.10. Response is required to obtain a benefit. The public reporting burden for this form is estimated to average thirty minutes per response, including the time for reviewing the instructions, gathering and maintaining data, and completing and reviewing the form.

25 CFR Ch. I (4-1-01 Edition)

§ 256.5 What is the Housing Improvement Program?

The Housing Improvement Program provides a grant to fund services to repair, renovate, replace or provide housing for the neediest of the needy Indian families having substandard housing or who are without housing and have no other recourse for assistance.

§ 256.6 Am I eligible for the Housing Improvement Program?

You are eligible for the Housing Improvement Program if:

(a) You are a member of a Federally recognized American Indian tribe or Alaska Native village;

(b) You live in an approved tribal service area;

(c) Your annual income does not exceed 125 percent of the Department of Health and Human Services poverty income guidelines. These guidelines are available from your servicing housing office;

(d) Your present housing is substandard as defined in § 256.2; and

(e) You meet the ownership requirements for the assistance needed, as defined in § 256.8, § 256.9, or § 256.10;

(f) You have no other resource for housing assistance;

(g) You have not received assistance after October 1, 1986, for repairs and renovation, replacement or housing, or down payment assistance; and

(h) You did not acquire your present housing through participation in a Federal government-sponsored housing program that includes provision for the assistance referred to in paragraph (g) of this section.

[63 FR 10134, Mar. 2, 1998; 64 FR 13896, Mar. 23, 1999]

§ 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—Interim improvements	Up to \$2,500 in housing repairs to the house in which you live.	§ 256.8.
Category B—Repairs and renovation	Up to \$35,000 in repairs and improvement to your house.	§ 256.9.
Category C—Replacement housing	A modest dwelling that meets the criteria in § 256.11.	§ 256.10–11.

§ 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 house.

§ 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 house.
- (b) You must either:
 - (1) Own the house; or
 - (2) Lease the house 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 improvements will make the house meet applicable building code standards.

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

- (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 made under this part.

§ 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 house in which you are living.	The house cannot be brought up to applicable code standards for \$35,000 or less.	
You lease the house in which you are living.	Your leasehold is undivided and for not less than 25 years at the time that you receive assistance.	The house cannot be brought up to applicable building code standards for \$35,000 or less.
You do not own a house	You own land that is suitable for housing	The land has adequate ingress and egress rights.
You do not own a house	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 that you receive assistance.	The land has adequate ingress and egress rights.

(b) If you qualify for assistance under paragraph (a) of this section, you must sign a written agreement stating that, if you sell the house 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 house.

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