

Bureau of Indian Affairs, Interior

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cost of repairs or renovation to your dwelling. Cost estimates must be based on locally available services and product costs, or other regional-based, industry-recognized cost data, such as that provided by the MEANs or MARSHALL SWIFT. If the dwelling is located in Alaska, documented, reasonable, substantiated freight costs, in accordance with Federal Property Management Regulations (FPMR 101-40), not to exceed 100 percent of the cost of materials, can be added to the cost of the project.

(c) Third, the representative must determine which Housing Improvement Program category the improvements to your dwelling meet, based on the estimated cost of repairs or renovation. If the estimated cost to repair your dwelling is more than \$35,000, the representative must approve your dwelling for replacement or refer you to another source for housing. The other source does not have to be for a replacement dwelling; it may be for government-subsidized rental units or other sources for standard housing.

(d) Fourth, the representative must develop a detailed, written report, also called "bid specifications" that identifies what and how the repairs, renovation, or construction work is to be accomplished at the dwelling.

(1) When the work includes new construction, the "bid specifications" will be supplemented with a set of construction plans. The plans must not exceed the occupancy and square footage criteria identified in §256.11. The plans must be sufficiently detailed to provide complete instructions to the builder for the purpose of construction.

(2) "Bid Specifications" are also used to inform potential bidders of what work is to be done.

[63 FR 10134, Mar. 2, 1998, as amended at 67 FR 77922, Dec. 20, 2002]

§ 256.18 How will I be advised of what work is to be done?

You will receive written notice from the servicing housing office of what work is being scheduled under the Housing Improvement Program. You will be requested to concur with the scheduled work by signing a copy of the notice and returning it to the servicing housing office. No work will be

started until the signed copy is returned to the servicing housing office.

§ 256.19 Who performs the improvements, repairs, or replacement of my dwelling?

Independent or tribal repair or construction trades persons, home building contractors, or construction companies will perform the repairs, renovation, or replacement of your dwelling.

[63 FR 10134, Mar. 2, 1998, as amended at 67 FR 77922, Dec. 20, 2002]

§ 256.20 How are these repairs or construction trades persons, home building contractors, or construction companies selected and paid?

The servicing housing office must follow Federal procurement or other Bureau-approved tribal procurement policy. Generally, your servicing housing office develops a "bid specification" or statement of work, which identifies the work to be performed. The appropriate contracting office uses the "bid specification" to provide information and invite bids on the project to interested parties. The contracting office selects the winning bidder after technical review of the bids by and written recommendation from the servicing housing office, and after determination that the bidder is qualified and capable of completing the project as advertised.

(a) Payments to the winning bidder are negotiated in the contract and based on specified delivery of services.

(1) Partial payments will not exceed 80 percent of the value of the completed work.

(2) Final payment will be made after final inspection and after all provisions of the contract have been met, including punch list items.

§ 256.21 Will I have to vacate my dwelling while repair work or replacement of my dwelling is being done?

(a) You will be notified by the servicing housing office that you must vacate your dwelling only if:

(1) It is scheduled for major repairs requiring that all occupants vacate the dwelling for safety reasons; or

(2) It is scheduled for replacement which requires the demolition of your current dwelling.

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(b) If you are required to vacate the premises for the duration of the construction, you are responsible for:

- (1) Locating other lodging;
- (2) Paying all costs associated with vacating and living away from the dwelling; and
- (3) Removing all your belongings and furnishings before the scheduled beginning work date.

§ 256.22 How can I be sure that the work that is being done on my dwelling meets minimum construction standards?

(a) At various stages of construction, a trained and qualified servicing housing office representative or building inspector will review the construction to ensure that it meets applicable minimum construction standards and building codes. Upon completion of each stage, further construction is prohibited until the inspection occurs and approval is granted.

(b) Inspections are, at a minimum, made at the following stages of construction:

- (1) Footings;
- (2) Closed in, rough wiring and rough plumbing; and
- (3) At final completion.

§ 256.23 How will I be advised that the repair, renovation or replacement of my dwelling has been completed?

The servicing housing office will advise you, in writing, that the work has been completed in compliance with the project contract. Also, you will have a final walk-through of the dwelling with your servicing housing office representative. You will be requested to verify that you received the notice of completion of the work by signing a copy of the notice and returning it to the servicing housing office representative.

§ 256.24 Will I need flood insurance?

You will need flood insurance if your dwelling is located in an area identified as having special flood hazards under the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 977). Your

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servicing housing office will advise you.

[63 FR 10134, Mar. 2, 1998. Redesignated at 67 FR 77922, Dec. 20, 2002]

§ 256.25 Is my Federal government-assisted dwelling eligible for services under the Housing Improvement Program?

Yes. You may receive services under the Housing Improvement Program if your home was purchased through a Federal government sponsored home program that does not include provision for housing assistance.

[63 FR 10134, Mar. 2, 1998. Redesignated at 67 FR 77922, Dec. 20, 2002]

§ 256.26 Can I receive Housing Improvement Program services if I am living in a mobile home?

Yes. If you meet the eligibility criteria in § 256.6 and there is sufficient funding available, you can receive any of the Housing Improvement Program services identified in § 256.7. If you require Category B services and your mobile home has exterior walls of less than three inches, you must be provided Category C services.

[63 FR 10134, Mar. 2, 1998. Redesignated at 67 FR 77922, Dec. 20, 2002]

§ 256.27 Can Housing Improvement Program resources be supplemented with other available resources?

Yes. Housing Improvement Program resources may be supplemented through other available resources to increase the number of Housing Improvement Program recipients.

[63 FR 10134, Mar. 2, 1998. Redesignated at 67 FR 77922, Dec. 20, 2002]

§ 256.28 What can I do if I disagree with actions taken under the Housing Improvement Program?

You may appeal action or inaction by an official of the Bureau of Indian Affairs, in accordance with 25 CFR part 2. You may appeal action or inaction by tribal officials through the appeal process established by the servicing tribe.

[63 FR 10134, Mar. 2, 1998. Redesignated at 67 FR 77922, Dec. 20, 2002]