

**POKAGON BAND OF POTAWATOMI INDIANS
HOMEOWNER ASSISTANCE FUND PROGRAM POLICY**

**ARTICLE 1
PURPOSE, SCOPE, AND DEFINITIONS**

1.1 Purpose

- A. The Band is eligible to receive a share of funding from the HAF that was allocated to Indian tribes.
- B. The Band submitted a HAF Plan to the U.S. Department of Treasury that was approved by the U.S. Department of Treasury.
- C. The Band seeks to implement its HAF Plan pursuant to this Policy, which establishes the Program, including the Program design elements required by the U.S. Department of Treasury.
- D. Consistent with the HAF, the Program will:
 - 1. provide Assistance to Eligible Homeowners to eliminate or reduce account delinquencies associated with homeownership; and
 - 2. mitigate financial hardships associated with the COVID-19 pandemic by providing Assistance for Eligible Homeowners to prevent Eligible Homeowners from being delinquent on obligations and displaced from their Eligible Properties.
- E. The purpose of the Policy includes to:
 - 1. govern eligibility and participation in the Program;
 - 2. provide guidance to the Department on the administration of the Program; and
 - 3. establish procedures governing Appeals.

1.2 Scope

This Policy applies to the following types of Assistance as further described in this Policy:

- A. Mortgage Payment Assistance, as described in Article 3;
- B. Mortgage Reinstatement Assistance, as described in Article 4;
- C. Mortgage Interest Rate Reduction Assistance, as described in Article 5;
- D. Utility Payment Assistance, as described in Article 6;

- E. Homeowners Internet Assistance, as described in Article 7;
- F. Homeowners Insurance Payment Assistance, as described in Article 8;
- G. Homeowners Association or Lien Payment Assistance, as described in Article 9;
- H. Delinquent Property Tax Assistance, as described in Article 10; and
- I. Home Repair Assistance, as described in Article 11.

1.3 Duration

- A. The Program will end on September 20, 2026, unless extended by the Tribal Council.
- B. The Program is subject to available funding. The Band retains the right, at any time and without notice, to discontinue any Assistance and the Program.

1.4 Definitions

For purposes of this Policy, the following terms, whether singular or plural, are defined:

- A. “Applicant” means an Eligible Homeowner who completes, signs, and submits an Application.
- B. “Application” means the form required by the Department for an Applicant to apply for Assistance.
- C. “Assistance” means any financial assistance provided under the Program.
- D. “Band” means the Pokagon Band of Potawatomi Indians, along with its instrumentalities, agencies, departments, and programs.
- E. “Citizen” means a duly enrolled member of the Band.
- F. “DPTA” means Delinquent Property Tax Assistance described in Article 10.
- G. “Department” means the Band’s Department of Housing and Community Development.
- H. “Director” means the Director of the Department.
- I. “Eligible Homeowner” means a Citizen who meets all applicable eligibility requirements under this Policy, including under Article 2 and Articles 3-11, as applicable.
- J. “Eligible Property” means the following properties that are eligible for the Program:

1. single-family structures either attached or detached;
2. condominium units;
3. 1 – 4 structure unit properties if the Applicant occupies one unit;
4. manufactured homes on land or in mobile home park; and
5. properties being acquired by the Applicant under a valid land contract.

“Eligible Properties” do not include:

1. vacant or abandoned properties;
2. second homes;
3. investment properties;
4. travel trailers and recreational vehicles;
5. 1 – 4 structure unit properties where the Applicant has received Covid Emergency Rental Assistance under any other state, tribal, federal assistance program.

K. “Government Manager” means the Band’s Government Manager.

L. “HAF” means the Homeowner Assistance Fund established under Section 3206 of the American Rescue Plan Act of 2021 to provide financial support with certain housing-related costs to eligible homeowners who have been financially impacted by the COVID-19 pandemic.

M. “HALPA” means Homeowners Association or Lien Payment Assistance described in Article 9.

N. “HIA” means Homeowners Internet Assistance described in Article 7.

O. “HIPA” means Homeowners Insurance Payment Assistance described in Article 8.

P. “Homeowner Income Eligibility Requirements” means having a Household Income that is equal to or less than 150% of the area median income for the area in which the Household is located as determined by the U.S. Department of Housing and Urban Development Income limits as outlined in 24 CFR 5.609. However, per U.S. Treasury requirements, not less than 60% of amounts made available to the Band will be used to assist Eligible Homeowners who have a Household Income equal to or less than 100% of the area median Household Income.

- Q. “Household” means all persons, including the Applicant, whose primary residence is the Eligible Property assisted through a Program.
- R. “Household Income” means any income of the Applicant and all other Household Members, except those who are under 18 years of age, unless such Household Member has been emancipated by operation of law or court with the legal capacity to contract.
- S. “Household Member” any person who is a member of the Household.
- T. “HRA” means Home Repair Assistance described in Article 11.
- U. “Include”, and any derivative, whether capitalized or not, shall be deemed to be followed by “without limitation”.
- V. “Mortgage” means any credit transaction secured by a mortgage, deed of trust, or other consensual security interest. “Mortgage” includes a reverse mortgage, a loan secured by a manufactured home, or a land contract.
- W. “MPA” means Mortgage Payment Assistance described in Article 3.
- X. “MIRRA” means Mortgage Interest Rate Reduction Assistance described in Article 5.
- Y. “MRA” means Mortgage Reinstatement Assistance described in Article 4.
- Z. “Non-Recourse Grant” means a grant for a specific purpose, and with a specific objective that may or may not have a series of conditions attached.
- AA. “Policy” means this HAF Program Policy.
- BB. “Program” means the HAF Program established through this Policy.
- CC. “Qualified Financial Hardship” means that the Applicant or any other Household Member has experienced and attested to a material reduction in income, or a material increase in Household living expenses due to COVID-19 after January 21, 2020, including because of:
1. Loss of work/decrease in available hours at work, or forced work closure;
 2. Inability to access or get to work, loss of wages or other compensation ordinarily received;
 3. Increase in childcare costs, forced to miss work due to school/childcare closure;
 4. Self-quarantined at home under government or medical recommendation;
 5. Stay-at-home or shelter-in-place order by any level of government authority;

6. Forced to take off work to care for a family member;
 7. Personal or family experiencing illness, disability, or mental health issues;
 8. Lack of access or delayed access to healthcare;
 9. Increase in family expenses due to pandemic or emergency preparedness;
 10. Unemployment insurance unavailable, insufficient, or delayed; or
 11. Loss of social, financial, or health safety net.
- DD. “Utility” means electric, gas, home energy, water, or sewage.
- EE. “UPA” means Utility Payment Assistance described in Article 6.
- FF. “Revenue Procedure” means IRS Revenue Procedure 2014-35.
- GG. “Successor in Interest” means a Citizen to whom an ownership interest in a property that is securing a mortgage loan that is subject to 12 CFR subpart C is transferred from a borrower, provided that the transfer:
1. is by devise, descent, or operation of law on the death of a joint tenant or tenant by the entirety;
 2. is to a Citizen relative resulting from the death of a borrower;
 3. is where the Citizen spouse or Citizen children of the borrower become an owner of the property;
 4. results from a decree of a dissolution of marriage, legal separation agreement, or from an incidental property settlement agreement, by which the Citizen spouse of the borrower becomes an owner of the property; or
 5. is into a living trust that does not relate to the transfer of rights of occupancy in the property and the borrower is and remains a beneficiary.
- HH. “TGWEA” means the Tribal General Welfare Exclusion Act, 26 U.S.C. 139E.

**ARTICLE 2
APPLICATION; ELIGIBILITY
AND COOPERATION**

2.1 Purpose

This Article 2 states the general application and eligibility requirements for the Program, including the basic procedures for obtaining and verifying information from Applicants and all other Household Members to determine eligibility for Assistance.

2.2 Application

- A. The Application constitutes a record of the Applicant and all other Household Members seeking Assistance.
- B. The Application shall be in writing on a form provided by the Department and shall be completed accurately and in its entirety.
- C. The Applicant and all other Household Members, who are eighteen (18) years of age and older, shall sign the Application and all required forms.
- D. The name and address of the Applicant stated on the Application shall be the same as the name and address on file with the Band's Enrollment Office. Any Application which states a name or address that does not match the name or address on file with the Band's Enrollment Office shall be deemed incomplete and shall not be accepted.
- E. The Applicant shall list all Household Members on the Application, except as otherwise provided in this Policy. The Department retains the right to determine that a person is a Household Member regardless of whether disclosed by the Applicant.
- F. Applications will be processed on a first-come first-served basis.
- G. The Department shall assign each Application an identification number for purposes of confidentiality, fairness, and tracking.
- H. Applicant files, including the Application and all supporting documentation, shall be confidential and shall not be shared with other Band departments or any third party without the signed authorization of the Applicant, except as otherwise required by applicable law.
- I. The Department shall prepare all forms required for the administration of this Policy, including the Application.
- J. Applications must be accompanied by satisfactory documentary proof of:
 - 1. all Household Income;

2. Applicant's Band Identification card; and
 3. all other documentation required by the Department.
- K. The Department may waive the requirement under Subsection 2.2(J)(1) if the Department determines that the Applicant has established that the Applicant is not able to provide the requisite documentary proof of Household Income because of extenuating circumstances that are both beyond the Applicant's control and not reasonably foreseeable, provided that in such event, the Department shall make a determination on available information and document such determination.
- L. Except as provided in Subsection 2.02(K), any Application submitted that is incomplete or without the required documents will be denied and removed from the list.
- M. A notification of denial will be sent to the Applicant, explaining the reason for the denial and what additional completion or documentation may be required, if any.
- N. An Applicant may apply again with the submittal of appropriate documents.

2.3 General Eligibility Requirements

- A. To be eligible for Assistance, the Applicant must:
1. be at least eighteen (18) years of age, or emancipated by operation of law or court with the legal capacity to contract;
 2. be a Citizen;
 3. own the Eligible Property for which the Assistance is being sought, with ownership being determined by information from the deed, county auditor, county treasurer, or by Successor in Interest legal documents.
 4. occupy the Eligible Property as the Applicant's primary residence;
 5. execute all documents, including agreements, required by the Department to participate in the Program; and
- B. To be eligible for Assistance, the subject property must be an Eligible Property.

2.4 Income Eligibility Requirements

To be eligible for any Assistance:

- A. The Applicant must meet the Homeowner Income Eligibility Requirements; and

- B. The Applicant or any other Household Member must have experienced and attested to a Qualified Financial Hardship, and the attestation must detail the nature of the financial hardship.

2.5 Special Eligibility Requirements and Considerations

- A. Applicants in bankruptcy are eligible for Assistance if they satisfy all other requirements, and the bankruptcy trustee provides a letter to the Department stating that participation in the Program is allowed.
- B. Applicants with land contracts or installment agreements are eligible for Assistance if they satisfy all other requirements, and the servicer enters into a collaboration agreement with the Department, in a form reasonably required by the Band. The collaboration agreement must state that the servicer agrees to not evict or foreclose on the borrower during the time frame in which they are receiving payments from the Band and must be signed by the servicer, the Applicant, and the Department.
- C. The maximum amount of Assistance shall not exceed twenty thousand dollars (\$20,000.00) per Household for all Assistance offered through the Program. Applicants must reduce the subject delinquency to twenty thousand dollars (\$20,000.00) or less before any funding under the Program will be granted to reduce the obligation. Applicants may reduce delinquency by:
 - 1. paying the difference;
 - 2. seeking and being granted assistance from another entity; or
 - 3. modifying the loan through the Mortgage servicer.
- D. Applicants must have an unpaid principal balance at loan origination of less than \$548,250.00 by the Federal Home Loan Mortgage Corporation (FHLMC) / Federal National Mortgage Association (FNMA) conforming loan limit to be eligible for Assistance.
- E. Applicants may receive Assistance relating to an Eligible Property for which the Applicant is receiving or has already received other government assistance (federal, state, local, or tribal), but only if the Assistance does not relate to costs that have been or will be reimbursed under any other governmental assistance. In connection with the Application, the Applicant shall disclose to the Department all government assistance that the Applicant has already received, is receiving, or will receive relating to an Eligible Property.
- F. An Applicant must sign all documents required by the Department, including the Application. In most cases, signatures will be secured via electronic signature. The Department will not accept signatures on behalf of an Applicant, unless a valid power of attorney or Letters of Guardianship for the Applicant is provided.

G. An Applicant who is not on the deed for the Eligible Property but who qualifies as a Successor in Interest can apply in the Applicant's own name and provide documentation establishing the requisite ownership as a Successor in Interest, subject to the limitations of this Policy. An Applicant who seeks to qualify as a Successor in Interest must:

1. complete and submit to the Department an Affirmation of Ownership Interest Form; and
2. submit to the Department all documentation required by the Department to establish that the Applicant qualifies as a Successor in Interest, which depending on the circumstances, will include the documents identified in Appendix A.

2.6 Cooperation

An Applicant who seeks to participate in the Program must:

- A. complete, sign, and submit the Application to the Department;
- B. cause any Household Member who is eighteen (18) years of age and older to sign the Application and all required forms, including the required attestation if the Application is based on Qualified Financial Hardship experienced by a Household Member;
- C. provide all documents required by the Department, including satisfactory proof of eligibility for the Program;
- D. fully cooperate with the Department's efforts to confirm eligibility to participate in the Program; and
- E. immediately notify the Department upon the occurrence of any event after the date of Application that may affect the Applicant's eligibility to participate in the Program.

ARTICLE 3
MORTGAGE PAYMENT ASSISTANCE

3.1 Purpose

The purpose of MPA is to provide qualified Applicants with Assistance to prevent foreclosure by assisting in the payment of the qualified Applicant's Mortgage arrearage and pre-payment, including principal, interest, and fees.

3.2 Eligibility

With the Application, an Applicant must provide satisfactory proof of eligibility for MPA, including that the Applicant meets the requirements of Article 2.

3.3 Assistance Limits

- A. MPA will provide Assistance for no more than four (4) monthly Mortgage payments in arrearage per Household.
- B. MPA will provide Assistance for no more than two (2) pre-payments of monthly Mortgage payments per Household.
- C. The maximum amount of MPA is ten thousand dollars (\$10,000.00) per Household.

3.4 Assistance Administration

- A. The Department staff will work with the qualified Applicant's lender or servicer, as appropriate, in an effort to have fees reduced or waived and to get the lender or servicer to agree not to foreclose.
- B. MPA will be made directly to the qualified Applicant's lender or servicer, as appropriate.

3.5 Form of Assistance

MPA will be structured as a Non-Recourse Grant.

ARTICLE 4
MORTGAGE REINSTATEMENT ASSISTANCE

4.1 Purpose

The purpose of MRA is to provide qualified Applicants with Assistance in paying their Mortgage arrearage, including principal, interest, and fees to prevent foreclosure.

4.2 Eligibility

With the Application, an Applicant must provide satisfactory proof of eligibility for MRA, including that the Applicant meets the requirements of Article 2.

4.3 Assistance Limits

- A. MRA will provide no more than four (4) monthly Mortgage payments toward arrearage per Household.
- B. The maximum amount of MRA is seven thousand dollars (\$7,000.00) per Household.

4.4 Assistance Administration

- A. The Department will work with the qualified Applicant's lender or servicer, as appropriate, in an effort to have fees reduced or waived and to get the lender or servicer to agree not to foreclose.
- B. MRA will be paid directly to the qualified Applicant's lender or servicer, as appropriate.

4.5 Form of Assistance

MRA will be structured as a Non-Recourse Grant.

ARTICLE 5
MORTGAGE INTEREST RATE REDUCTION ASSISTANCE

5.1 Purpose

The purpose of MIRRA is to provide qualified Applicants with Assistance to make the Mortgage more affordable by:

- A. pay points at closing or refinance;
- B. reduce the Mortgage interest rate or requirement of private mortgage insurance; and
- C. pay refinance closing fees.

5.2 Eligibility

With the Application, an Applicant must provide satisfactory proof of eligibility for MIRRA, including that the Applicant meets the requirements of Article 2.

5.3 Assistance Limits

The maximum amount of MIRRA is five thousand dollars (\$5,000.00) per Household.

5.4 Assistance Administration

MIRRA will be paid directly to the qualified Applicant's lender or servicer, as appropriate.

5.5 Form of Assistance

MIRRA will be structured as a Non-Recourse Grant.

**ARTICLE 6
UTILITY PAYMENT ASSISTANCE**

6.1 Purpose

The purpose of UPA is to provide qualified Applicants with Assistance to pay delinquent Utility bills so they can become current on their obligations with Utility providers.

6.2 Eligibility

- A. With the Application, an Applicant must provide satisfactory proof of eligibility for UPA, including that the Applicant meets the requirements of Article 2 and provide the delinquent Utility bills.
- B. The Applicant's name must be on the Utility bill and the address on the Utility bill must match the address of the Eligible Property.
- C. Before applying for UPA, an Applicant must exhaust other Band resources for paying Utility bills such as the Low-Income Home Energy Assistance Program and Supplemental Heating Program administered through the Band's Department of Social Services and provide the Department with proof of such efforts or use.

6.3 Assistance Limits

- A. UPA will pay no more than six (6) monthly payments per type of delinquent Utility bill per Household.
- B. The maximum amount of UPA is four thousand dollars (\$4,000.00) per Household.

6.4 Assistance Administration

UPA will be paid directly to the qualified Applicant's Utility provider.

6.5 Form of Assistance

UPA will be structured as a Non-Recourse Grant.

ARTICLE 7
HOMEOWNERS INTERNET ASSISTANCE

7.1 Purpose

The purpose of HIA is to provide qualified Applicants with Assistance to pay their delinquent and future internet bills thereby allowing qualified Applicants to become current with providers and avoid future delinquency.

7.2 Eligibility

- A. With the Application, an Applicant must provide satisfactory proof of eligibility for HIA, including that the Applicant meets the requirements of Article 2 and provide the delinquent and future internet bills.
- B. The Applicant's name must be on the internet bill and the address on the internet bill must match the address of the Eligible Property.
- C. The Applicant must currently be delinquent with their provider to eligible to have future bills paid.

7.2 Assistance Limits

- A. HIA will pay no more than six (6) monthly payments for delinquent or future internet bills per Household.
- B. The maximum amount of HIA is six hundred dollars (\$600.00) per Household.

7.4 Assistance Administration

HIA will be paid directly to the qualified Applicant's internet provider.

7.5 Form of Assistance

HIA will be structured as a Non-Recourse Grant.

ARTICLE 8
HOMEOWNERS INSURANCE PAYMENT ASSISTANCE

8.1 Purpose

The purpose of HIPA is to provide qualified Applicants with Assistance to pay their delinquent and future homeowners insurance premiums, allowing Applicants to become current and avoid future delinquency on their obligations with their providers, including premiums for:

- A. general homeowners insurance;
- B. flood insurance; and
- C. Mortgage insurance.

8.2 Eligibility

- A. With the Application, an Applicant must provide satisfactory proof of eligibility for HIPA, including that the Applicant meets the requirements of Article 2, and provide the delinquent or future insurance premium bills.
- B. The applicant must currently be delinquent on their insurance premiums to be eligible to have any future insurance premiums paid.

8.3 Assistance Limits

- A. HIPA will pay no more than one annual payment per insurance policy per Household.
- B. The maximum amount of HIPA is one thousand five hundred dollars (\$1,500.00) per Household.

8.4 Assistance Administration

HIPA will be paid directly to the qualified Applicant's insurance company.

8.5 Form of Assistance

HIPA will be structured as a Non-Recourse Grant.

ARTICLE 9
HOMEOWNERS ASSOCIATION OR LIEN PAYMENT ASSISTANCE

9.1 Purpose

The purpose of HALPA is to provide qualified Applicants with Assistance to pay homeowner's association fees or liens, condominium association fees, lot rent for mobile home parks, or common charges.

9.2 Eligibility

With the Application, an Applicant must provide satisfactory proof of eligibility for HALPA including that the Applicant meets the requirements of Article 2 and provide the delinquent or future bills for the fees or charges.

9.3 Assistance Limits

- A. HALPA will pay no more than four (4) arrearage payments, and two (2) future payments for a maximum of six (6) total payments per Household.
- B. The maximum amount of HALPA is three thousand dollars (\$3,000.00) per Household.

9.4 Assistance Administration

HALPA will be paid directly to the qualified Applicant's homeowners association and/or lot owner, as appropriate.

9.5 Form of Assistance

HALPA will be structured as a Non-Recourse Grant.

ARTICLE 10
DELINQUENT PROPERTY TAX ASSISTANCE

10.1 Purpose

The purpose of DPTA is to provide qualified Applicants with Assistance to prevent tax foreclosures.

10.2 Eligibility

With the Application, an Applicant must provide satisfactory proof of eligibility for DPTA including that the Applicant meets the requirements of Article 2 and provide the delinquent tax bills.

10.3 Assistance Limits

- A. DPTA will pay for no more than four (4) arrearage payments, covering two (2) tax years and associated late fees per Household.
- B. The maximum amount of DPTA is five thousand dollars (\$5,000.00) per Household.

10.4 Assistance Administration

DPTA will be paid directly to the government to which it is due.

10.5 Form of Assistance

DPTA will be structured as a Non-Recourse Grant.

ARTICLE 11 HOME REPAIR ASSISTANCE

11.1 Purpose

The purpose of HRA is to provide qualified Applicants with Assistance to help with renovation expenses to address deficient building systems relating to health, safety, or weatherization, including renovations to:

- A. add additional bedrooms or bathrooms;
- B. address overcrowding; and
- C. bring the Eligible Property into code compliance.

11.2 Eligibility

With the Application, an Applicant must provide satisfactory proof of eligibility for HRA, including that the Applicant meets the requirements of Article 2.

11.3 Obligations

An Applicant must:

- A. ensure that only a licensed and insured contractor completes the work;
- B. ensure that the work is performed strictly in accordance with all applicable laws, including that all required permits are issued and inspections are timely completed; and
- C. promptly submit to the Department proof of compliance with this Section, along with photos of the completed work.

11.4 Assistance Limits

The maximum amount of HRA is twenty thousand dollars (\$20,000.00) per Household.

11.5 Assistance Administration

HRA will be paid directly to the contractor(s).

11.6 Form of Assistance

HRA will be structured as a conditional grant, which shall include compliance with the obligations under Section 11.3.

ARTICLE 12
DECISION AND APPEAL

12.1 Decision

- A. The Department shall be responsible for the implementation and administration of this Policy and the Program.
- B. If an Application for Assistance is approved, the Department shall cause written or electronic notice to be provided to the Applicant and shall, at a minimum, include the amount of Assistance.
- C. If an Application for Assistance is denied, the Department shall cause written or electronic notice to be provided to the Applicant and such notice shall, at a minimum, include the following information:
 - 1. the specific reason(s) for the denial of the Assistance;
 - 2. a statement informing the Applicant of the right to appeal the decision to deny Assistance, unless the denial was due to a lack of funding or discontinuance of the Program;
 - 3. a description of the appeal procedure or a copy or link to this Policy; and
 - 4. a statement informing the Applicant of the ability to reapply for Assistance if the relevant circumstances change.

12.2 Appeal

- A. Any Applicant who is denied Assistance may appeal such decision by filing a written or electronic request with the Director, provided there shall be no right to appeal if the denial was due to a lack of funding or discontinuance of the Program. The appeal must be made by filing a written or electronic request with the Director, which must:
 - 1. be signed and dated by the Applicant;
 - 2. include a statement explaining why the decision to deny Assistance was in error;
 - 3. include a copy of the notice of denial and all relevant documents the Applicant would like the Director to consider; and
 - 4. if the appeal is filed electronically, it must be emailed to the Director at the Director's Band-issued email address.
- B. The written or electronic request must be received by the Director no later than fourteen (14) calendar days after the date of the notice of denial. Any such request not received by such time shall result in the Applicant being deemed to have waived all rights to appeal.

- C. The Director shall issue a decision on the appeal no later than twenty-five (25) business days of the Director's receipt of the request.
- D. The Director's decision shall be final and not subject to review or appeal, including under the Band's Grievance Policy.

ARTICLE 13
GENERAL PROVISIONS

13.1 Grant of Authority

The Director and, in the Director's absence, the Government Manager, is authorized to take such action as is reasonably necessary to implement and administer the Program on behalf of the Band.

13.2 General Welfare Exclusion

- A. The Program is for the promotion of the general welfare of the Band and Citizens. The Tribal Council intends for the Assistance to be excluded from gross income under the general welfare exclusion and not subject to information reporting and withholding under the federal tax laws and regulations.
- B. Nonetheless, if the IRS deems the Assistance, or a portion to be taxable, then the Citizen shall be solely responsible for any taxes, interests, and penalties owed from receipt of the Assistance. Citizens are encouraged to contact a tax advisor with tax questions about the Assistance.
- C. In regard to the general welfare exclusion, the Tribal Council intends for the Assistance to be non-taxable under the TGWEA because:
 - 1. the Assistance is an "Indian general welfare benefit" (as defined in the TGWEA) paid to or on behalf of a Citizen;
 - 2. the Program is administered under this Policy;
 - 3. the Program does not discriminate in favor of the Tribal Council members; and
 - 4. the Assistance is:
 - a. available to any Citizen who meets the requirements of this Policy (subject to budgetary constraints);
 - b. for the promotion of the general welfare;
 - c. not lavish and extravagant; and
 - d. not compensation for services.
- D. In regard to the general welfare exclusion, the Tribal Council also intends for the Assistance to be non-taxable under the first safe harbor set forth in the Revenue Procedure because:

1. the Assistance is provided under the Program;
2. the Program specifies how Citizens may qualify for the Assistance;
3. the Assistance is available to any Citizen who meets the requirements of this Program, subject to budgetary constraints;
4. the distribution of the Assistance does not discriminate in favor of Tribal Council members;
5. the Assistance is not compensation for services;
6. the Assistance is not lavish or extravagant under the facts and circumstances; and
7. the Program is a qualifying housing program identified in the Revenue Procedure.

13.3 Claims

The Band shall not be responsible for any conditions, warranty, performance, or other issues, including any malfunctions, losses, damages (including personal injury, death, or damage to any property), etc., arising from or in any way related to any Assistance. To the fullest extent permitted by applicable law, by participating in the Program, an Applicant, including all Household Members who sign the Application, shall be deemed to have forever released, waived, and agreed not to sue the Band and its officials and employees from all claims, damages, liabilities, and expenses, which arise, directly or indirectly, in connection with participating in the Program.

13.4 Sovereign Immunity

Nothing in this Policy shall waive the sovereign immunity of the Band or any of its officials or employees.

13.5 Amendment

The Band reserves the right to amend, repeal, or otherwise amend this Policy at any time in its sole discretion, subject to applicable Band law.

13.6 Severability

If any provision of this Policy is held to be invalid or unenforceable for any reason whatsoever, such holding shall not affect, alter, modify, or impair any remaining portion of such provision or any other provision of this Policy.

13.7 Addenda

The following Addenda, as may be amended from time to time, are incorporated into this Policy, provided that in the event of any conflict or inconsistency between this Policy and any Addenda, this Policy shall control:

- A. Pokagon Band Acceptable Document List

POLICY HISTORY

The Homeowner Assistance Fund Program Policy was approved on August __, 2023, by Tribal Council Resolution 23-08-__-__.

APPENDIX A
Pokagon Band Acceptable Document List

Type of Documents	Accepted Documents
Proof of Identification	<ul style="list-style-type: none"> • Driver's license • Tribal ID • Passport • State Issued ID • Permanent Resident Card • Other government-issued photo ID
Proof of Pokagon Band Citizenship	<ul style="list-style-type: none"> • Tribal ID • Letter from Enrollment
Proof of Household Income (All Residents including Dependents 18 & older/NOT full-time Student)	<ul style="list-style-type: none"> • One pay statement w/YTD earning from each employer • 1040 IRS Tax Form for tax year immediately prior to date of the Application (first two pages only; most recent tax year), if self-employed • W2/1099 Tax Form (most recent year) • Unemployment/benefit statement or payment history • Government benefit statement • Retirement/Pension statement • Child support payment history • Alimony payment statement • Bank Statement • Attestation from employer on official letterhead
Proof of Delinquency	<ul style="list-style-type: none"> • Mortgage Statement for each mortgage lien (most recent month) • Property tax statement • Condominium Assoc. Dues Delinquent bill • Homeowner insurance policy delinquency statement, if not escrowed in monthly mortgage payment • Mobile home consumer loan statement • Mobile home lot rent statement • Land Contract Agreement (all pages) and Delinquent statement from title holder/Seller of land contract • Utility bill for each provider, Electric, Home Heating (gas, propane, etc.), Water, and/or Sewer (most recent bill) • Internet provider statement (most recent bill)
Successor in Interest	<ul style="list-style-type: none"> • Death Certificate of deceased property owner • Trust Agreement • Letter of Authority/Last Will & Testament of deceased property owner's estate • Divorce Decree, Dissolution, or Legal Separation Agreement • Settlement Agreement • Court Order
Proof of Other Documents (if applicable)	<ul style="list-style-type: none"> • Proof of Contractors License & Insurance • Proof of Permits, After Photo of Repair