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**SECRETARY**  
EvAnn White Feather

**TREASURER**  
Kevin C. Keckler

**VICE-CHAIRMAN**  
Robert "Bob" Walters



P.O. Box 590  
Eagle Butte, South Dakota 57625  
Phone: (605) 964-4155  
Fax: (605) 964-4151

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Tuffy Thompson

**TRIBAL MEMORANDUM**

**DATE** : 5/26/23  
**TO** : Ryman LeBeau, Tribal Chairman  
**FROM** : Ev Ann White Feather, Tribal Secretary  
**SUBJECT** : ARPA Housing Allocation Program

\*\*\*\*\*

The Cheyenne River Sioux Tribal Council during Regular Session on May 25, 2023 approved of a motion to approve the ARPA Housing Allocation Program Application, Policy & Procedures and the Agreement. Discussion was held and after the discussion, the motion was amended to strike #4 which reads, "If an applicant does not meet the eligibility criteria to participate in the Housing Allocation Program their application will be denied. There is no appeal process for denied applications" and to change the effective date to May 26, 2023 and to change the deadline date to August 30, 2023.

**Cc:** Chairman  
Treasurer  
Administrative Officer  
Tribal Comptroller  
Central Records  
Legal Department/Tracey Zephier  
Budget Committee Chairman  
Human Services Committee Chairman  
ARPA Office  
Committee Secretary  
District Officers/6  
File/2

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka – The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.



# American Rescue Plan Act (ARPA) HOUSING ALLOCATION PROGRAM Program Policy and Procedures

Approved by Tribal Council on May 25, 2023

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## **I. Purpose; Use of Funds; Program Considerations**

### **A. Purpose of the Housing Allocation Program.**

The Cheyenne River Sioux Tribal Council approved a motion on October 5, 2022, to use \$15,000,000.00 of ARPA funding to provide housing to enrolled members. The funds are to be allocated to each district based on the number of Council representatives in each district. According to the motion, each district is to make their selections as to whom is in need of housing based on the qualifications.

### **B. Use of ARPA Funds for Housing Relief.**

There is a chronic and pervasive housing shortage on the reservation, so efforts to increase affordable housing and long-term housing security are an allowable use of ARPA funds. In March 2021, the United States Congress passed the American Rescue Plan Act of 2021 (ARPA), which established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local, and Tribal governments with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery. Within its many and varied eligible uses, ARPA allows Fiscal Recovery Funds to be used “to improve access to stable, affordable housing, including through interventions that increase the supply of affordable and high-quality living units, improve housing security, and support durable and sustainable homeownership.” Coronavirus State and Local Fiscal Recovery Funds, 87 Fed. Reg. 4365 (Codifying 31 C.F.R. Part 35) (Jan. 27, 2022).

As described in its Federal Register comments above, the Department of Treasury allows a Tribal government to use its ARPA Fiscal Recovery Funds for the “[d]evelopment, repair, and operation of affordable housing and services or programs to increase long-term housing security,” as long as the expenditures are not grossly disproportionate to the harm being addressed. 31 CFR 35.6(b)(3)(ii)(A)(5). Further, since the population being served is presumed to be disproportionately impacted, the Tribe may use its ARPA funds on capital expenditures and other services to address vacant or abandoned properties. 31 CFR 35.6(b)(3)(ii)(A)(11)(iv).

### **C. Program Eligibility and Allocation Considerations.**

In developing this Housing Allocation Program, the Tribe considered whether and the extent to which tribal members who reside on the reservation continue to experience housing insecurity and its resulting negative economic impacts that were exacerbated by the COVID-19 pandemic. Many tribal members’ living situations continue to be unpredictable, unstable, and in some cases, undesirable as a result of the prolonged pandemic. This “housing insecurity,” includes low housing inventory on the reservation, high housing costs relative to income, poor housing quality, domestic violence in home, poor neighborhood safety, overcrowding, loss of housing, homelessness, or other situations where there is a lack of adequate or affordable housing. For those reasons, the

Cheyenne River Sioux Tribe sees a need to utilize a portion of its ARPA funds to increase the supply of affordable and high-quality living units, improve housing security, and support durable and sustainable homeownership to as many members as possible on the reservation.

## II. Program Operations, Eligibility, Terms and Conditions

### A. Program Beginning and Ending Dates.

Applications for the CRST ARPA Housing Allocation Program (“HAP”) will be available beginning on May 26, 2023. Applications will be accepted until August 30, 2023. Any funds not distributed through the Housing Allocation Program by December 31, 2023, will return to the Tribe's Fiscal Recovery Fund.

### B. Housing Allocation Program Office.

The Tribe uses the Tribal ARPA Office, Tribal Projects staff, and the Tribal Projects Committee to administer and manage the Housing Allocation Program (HAP). The office's contact information is:

CRST ARPA Housing Allocation Program Office  
24332 Highway 212  
PO Box 590  
Eagle Butte, SD 57625  
Phone: 605-964-8388  
Fax: 605-220-5290  
Email: crstarpacoordinator@gmail.com

### C. Enrollment in CRST; Minimum Age; Resident of Reservation.

All applicants must be enrolled tribal members of Cheyenne River Sioux Tribe and at least 18 years of age as of October 5, 2022. Applicants must be an established resident of the Cheyenne River Sioux Tribe Reservation from October 5, 2022, to present in order to participate in the Housing Allocation Program.

### D. Factors to be Considered in Allocating Homes.

According to the Tribal Council motion, each district is to make their selections based on the HAP qualifications as to whom needs housing. In order to ensure that the homes will be allocated to those members who are most in need of safe, affordable housing and who will be able to sustain such housing for the long term, factors to be considered by each district include (listed here in no particular order):

- What is the size of the applicant’s household?
- Are there children in the applicant’s household?
- Is the applicant elderly or disabled, or are they the caretaker of anyone who is elderly or disabled?
- What is the applicant’s current living situation?
- Does the applicant have land or a lot available on which to site the house?
- Is the applicant employed?
- What is the applicant’s source of income?

- Will the applicant be able to pay the house's monthly utility expenses?
- Does the applicant have knowledge about or experience with housing maintenance and upkeep?

This information must be provided in the HAP application.

E. Accessing HAP Application.

The CRST Housing Allocation Program Application ("HAP Application" or "Application") can be accessed beginning on May 26, 2023, via the Tribe's website at: [www.cheyenneriversioux.com](http://www.cheyenneriversioux.com). Blank Application forms can also be picked up in person at the HAP Office, or they can be sent to tribal members via email or US Postal Service. Tribal members may call or email the HAP Office to request an application be sent to them via email or US Postal Service. A blank Application form is attached to this Policy as Appendix A.

F. Completion of the HAP Application.

All questions on the Application must be answered truthfully and entirely. Incomplete applications will be rejected. Applications must be signed. The tribal member's signature on the Application is attesting to the accuracy and truthfulness of the information provided. False or fraudulent information provided or actions taken in an attempt to access benefits to which an individual is not eligible to receive will result in civil and/or criminal prosecution in tribal or federal court.

G. Documentation Made Available Upon Request.

A HAP applicant must have a copy of all supporting documents needed to support the information provided in the application, and they must furnish a copy of the supporting documents to the Tribe upon demand.

H. Submission of the HAP Application.

Completed HAP Applications can be submitted to the HAP Office in person, via US Postal Service, email, or fax using the contact information listed in Paragraph B above. Applications are assigned a tracking number at the time of submission. Applications that are postmarked, emailed, faxed, or submitted in person on or before August 30, 2023, will be accepted.

I. Review of Applications by HAP Office.

All applications are reviewed by the HAP Office to ensure that the applicant is over the age of 18, a member of the Cheyenne River Sioux Tribe, and resides on the reservation.

J. Denial of Applications.

If an applicant does not meet the eligibility criteria for the Housing Allocation Program either because they are under age 18, their tribal enrollment cannot be verified, or they do not live on the reservation, the application will be denied. There is no appeal process for denied applications.

### III. District Housing Allocation Program (HAP) Board

#### A. District HAP Board Composition; Elections; Authority; Dissolution

1. Creation; Composition. Upon the approval of this HAP Policy by the Tribal Council, each District is authorized to create and seat a temporary ad hoc District Housing Allocation Program (HAP) Board for the limited purpose of selecting which eligible applicants will receive a housing allocation through the HAP program. Each District HAP Board will consist of a minimum of three with no more than seven well-respected voting members of the district who are not themselves a Tribal Council or District Council representative, who are not immediate family members of any Tribal Council or District Council representatives. “Immediate family members” consist of a parent, grandparent, child, sibling, aunt, uncle, domestic partner, or current household member. If a board member does have an immediate family member applying they must recuse themselves from any decisions involving said family member.

2. Election; Meetings. The members of each District’s HAP Board will be elected at a special district meeting held solely for the purpose of seating the HAP Board members for that district. The HAP Board for each district will meet once during the week of September 10, 2023, or as soon as possible thereafter, to review all eligible applications for that district. At least half plus one members of a District HAP Board must be present in order to have a quorum. The Board will convene in a public meeting, count and announce the number and names of applications received, then move into executive session to deliberate and make its selections. If necessary, the Board will meet daily until all applications have been reviewed and housing allocation selections are made. Once the selections have been made, the HAP Board will come out of executive session and announce the names of district members who have been selected to receive a housing allocation.

3. Limitation of Authority; Dissolution. District HAP Boards’ authority is limited to selecting which members within their district will receive a housing allocation through this program. Once the HAP Board has made its determinations, the Board will be dissolved.

4. Payment of Board Service. The members of each District HAP Board are authorized to receive the standard mileage and per diem allowance given to members of other Tribal Boards for meetings.

#### B. Referral of Eligible Applicants to District HAP Board

All applications that meet the eligibility requirements of the Housing Allocation Program will be logged and then referred to the Housing Allocation Program Board for the Tribal District within which the housing allocation is requested. Each District HAP Board will review all eligible applications and make its selections as to who will be assigned a home under the Housing Allocation Program in accordance with Paragraph II(C) below.

C. District HAP Selection Process

1. District HAP Budget.

The HAP Office will notify each District HAP Board of the maximum available budget for that District. The HAP Board must make its selections with this budget in mind. While making its selections, each District HAP Board should make the following assumptions:

- Cost for a 1-bedroom house is \$ 90,000
- Cost for a 2-bedroom house is \$130,000
- Cost for a 3-bedroom house is \$150,000

2. HAP Selection Process.

A District HAP Board may choose to either make its selection using the factors described in Section II(D) above, **or** they may choose to select the District's HAP participants using a lottery system.

a. Section II(D) factors.

In selecting which district members are to receive a housing allocation, each District HAP Board may choose to take into consideration the factors described in Section II(D) above. Each District HAP Board may prioritize the factors as they see fit for the unique housing circumstances faced in their respective district. If a selected applicant does not have access to land for their house, or if they will need assistance with the cost of connecting the house to utilities, the HAP board must add \$15,000 to that applicant's estimated home cost.

The HAP Board for each district should select as many members for the Home Allocation Program as its budget allows, plus one alternate HAP selectee. The alternate HAP selectee may only be allocated a home if one of the other HAP selectees is determined to be ineligible or otherwise unable to participate in the program.

b. Lottery Selection

Instead of using the Section II(D) factors, a District may choose to allocate its houses through a lottery selection of eligible applications. If the lottery method is chosen the District HAP Board must first determine how many of each size of home is needed in the district. The Board should do this by reviewing the applications received to determine the need for 1-bedroom, 2-bedroom, and 3-bedroom houses, and apportion their budget accordingly. If using the lottery selection process, the District HAP Board must also budget an additional \$15,000.00 for each home in the event the selected participant needs assistance with access to land and utilities.

Example: If a District's total budget is \$2,000,000 and applications received indicate that 50% of the homes allocated should be 3-bedroom, 30% should be 2-



bedroom, and 20% should be 1-bedroom, the District might allocate its budget as follows:

Home Size	# of Homes	Cost per Home	Site Work per Home	Total Cost per Size of Home
1-bdr	2	\$ 90,000	\$15,000	\$210,000
2-bdr	4	\$130,000	\$15,000	\$580,000
3-bdr	7	\$150,000	\$15,000	\$1,155,000
<b>TOTALS</b>	<b>13</b>			<b>\$1,945,000</b>

District HAP Board should draw as many members' names for each size of home as its budget allows, based on the size of home needed according to the member's application. One alternate applicant should also be selected for each home size. The alternate HAP selectee for each home size may only be allocated a home if one of the other HAP selectees for that home size is determined to be ineligible or otherwise unable to participate in the program.

#### IV. Home Allocation Finalization

- A. Site feasibility; Tribal Projects Committee Review, Tribal Council Approval.  
Once each District HAP Board has made its HAP participant selections, it must provide the names to the HAP Office. The HAP Office will provide the list to the Tribal Projects Committee, which will review location and infrastructure feasibility of the list of HAP participant selections from each district. The Tribal Projects Committee will provide a final list of participants for approval to Tribal Council.
  
- B. Legal Review; Purchase of Homes.  
Once Tribal Council has approved the list of participants in the HAP program, the CRST Legal Department will work with the HAP Office to ensure that all documentation is in order in each participant's application file and that the process follows ARPA regulations. Once a legal review has been completed, the HAP Office will then work with the CRST Treasurer's ARPA Contracting Office to purchase the homes.
  
- C. HAP Office to Determine Type and Location of Homes.  
The Tribe, acting through the HAP Office, reserves the right to make a final determination regarding the types of home provided (mobile, modular, stick-built, etc...). If a HAP participant needs land on which to locate their home, the HAP Office will work with the Tribal Land Office to secure a location for the house. The HAP Office has final authority to decide where to locate the home within the district, although it may take into consideration a location preference from the HAP participant. The HAP Office may consolidate the purchase and setting up of homes in order to maximize efficiency of time and resources. The purchase, locating, and setting of homes through the HAP Program must be completed within one year of when the HAP participant signs their Home Allocation Agreement.

D. HAP Participation Home Allocation Agreement.

Each HAP participant must sign the Home Allocation Agreement, attached to this Policy as Appendix B.

E. Conditions of Participation in HAP

Each HAP Participant must agree to abide and be bound by the following conditions for a period of seven years from the date a home is allocated to them.

- They cannot own or rent any other homes or apartments.
- No more than the maximum number of people listed on their Home Allocation Agreement may occupy the home. If someone stays more than 3 nights during a 30-day period, they will be counted as living in the home.
- In or around the home:
  - No alcohol sales or intoxication are allowed.
  - No drug use, distribution, or manufacturing is allowed.
  - Human trafficking and sex trafficking is strictly prohibited.

These offenses will subject the participant to immediate eviction.

- All occupants must comply with all CRST laws, federal laws, and the CRST landlord tenant code.
- All adult occupants (over the age of 18) must either be employed, over 65 years of age, a stay-at-home parent of one or more children ages 0-3, or a full-time student. All school-age children must regularly attend school (Head Start, preschool, elementary, middle, or high school).
- The home must be kept in good and safe working condition. It must be kept clean on the inside and the outside. No junk or trash, including junk cars, may be kept around the house.
- The home must be available for inspection by the Tribe at any reasonable hour to ensure compliance with the terms of the Home Allocation Program. The home may also be inspected at any hour of the day if criminal activity is reasonably suspected.
- The HAP Participant must pay for their home by continuously living in it, paying for all utilities each month, and paying all expenses necessary to maintain it and keep it in good condition.

If after seven years of successful occupancy, i.e., no violations of the terms of HAP Program, the home will be permanently assigned to HAP participant. If the HAP participant violates any of the terms of the Program within the first seven years of occupying the home, the Tribe will take back possession of the home. If that happens, then the HAP Participant must remove all their property within 45 days of the notice from the Tribe to move out. No exceptions.

F. Nature of Property Interest in Home Allocation Program

During the first seven years of HAP participation, the nature of the participant's property interest in the home is that of a revocable assignment of tribal property. After seven years of successful occupancy, the home becomes an irrevocable assignment of tribal property to the HAP participant.

G. Records Retention; Use and Confidentiality of Application Contents.

The Tribe will retain all HAP Applications received as long as required to meet federal audit guidelines. The Tribe will take steps to keep the financial information contained in applications confidential, but the Tribe may be required to provide information to the U.S. Treasury Department to demonstrate compliance with the ARPA, FRF, and applicable regulations and guidelines. In addition, the Tribe may use aggregated, non-personally identifiable statistical data for the purposes of advocating for additional federal, state, and other funding and services for the Tribe and its members.

H. No Obligation upon Tribe.

Nothing in the CRST ARPA Housing Allocation Program creates any legally enforceable obligation against the Tribe or waives the sovereign immunity of the Tribe or any of its agents or employees.

**V. Program Modifications; Effective Date**

A. Program Modifications.

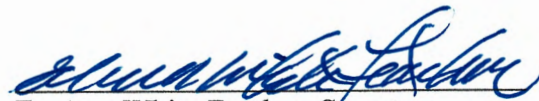
The CRST ARPA Housing Allocation Program may be modified as needed to comply with any updates by the US Dept of Treasury governing these funds.

B. Effective Date.

This “CRST ARPA Housing Allocation Program Policy and Procedures” becomes effective on the date it is approved by Tribal Council.

**CERTIFICATION**

I, the undersigned as Secretary of the Cheyenne River Sioux Tribe certify that the Tribal Council is composed of fifteen (15) members of whom 11, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 25th day of May, 2023, Regular Session; and that the foregoing CRST ARPA Housing Allocation Program Policy and Procedures was duly adopted at such meeting by a roll call vote of 11 yes, 0 no, 0 abstaining, 3 vacant and 1 absent.



Ev Ann White Feather, Secretary  
Cheyenne River Sioux Tribe



# American Rescue Plan Act (ARPA) HOUSING ALLOCATION PROGRAM APPLICATION

App # \_\_\_\_\_

*All questions MUST BE ANSWERED completely or application will be rejected*

1. Full Name (First, Middle, and Last)

2. Other Last Names Used

3. Enrollment Number

4. Mailing Address (PO Box, City, State, Zip Code)

5. District #

6. Community

7. Physical Address (Street, City, State, Zip Code)

8. Phone Number

9: Email Address

### Answer the Following Questions:

- |    |   |
|----|---|
| 10 | What is your current living situation? (Ex: Unsheltered, Living in someone else's home, Living in a temporary shelter or camper, Living in your own home but it is uninhabitable, etc...) Describe: |
| 11 | How many people are in your current household?  |
| 12 | How many children under the age of 18 are in your current household?  |
| 13 | Are you elderly or disabled, or are you the caretaker of any household member who is elderly or disabled?   |
| 14 | Are you currently employed?   |
| 15 | What is the source of your income?  |
| 16 | Do you have land or a lot available on which to situate a house?  |
| 17 | Will you be able to pay the monthly utility expenses for a house?   |
| 18 | Do you have knowledge about or experience with housing maintenance and upkeep?  |

### 19. Certification

I hereby certify that the above statements are true and correct to the best of my knowledge. By signing I certify that I am experiencing prolonged housing insecurity which has been exacerbated by the COVID-19 pandemic. I understand that false statements made on this application are subject to penalties including, but not limited to, tribal or federal prosecution. If requested, I agree to submit evidence necessary to support my Housing Allocation Program request. I have received and read a copy of the HAP Policy and Procedures, I declare that I understand its terms and conditions, and that I am signing my name in agreement to those terms and conditions.

Print Name

Signature

Date

### APPLICATION INSTRUCTIONS

- Applications for the CRST ARPA Housing Allocation Program ("HAP") program will be available beginning on May 26, 2023. **Applications will be accepted until August 30, 2023. No applications will be accepted after that date.** Applications may be submitted in person, by US Mail, by email, or by fax to the address listed below.
- All questions must be answered in full, or the application will be rejected as incomplete.
- If an applicant is deemed to be eligible for selection for HAP, the application will be referred to the appropriate District HAP Board for further consideration.
- Refer to the CRST ARPA Housing Application Program Policy and Procedures for more information.

For questions or to submit your completed application:  
**CRST ARPA Housing Allocation Program Office**

24332 Highway 212

PO Box 590

Eagle Butte, SD 57625

Phone: 605-964-8388

Fax: 605-220-5290

Email: crstarpacoordinator@gmail.com

===== **FOR OFFICE USE ONLY** =====

	<u>Verified by:</u>	<u>Date:</u>	<u>Comments:</u>
a. Completed and Signed HAP Application form received	_____	_____	_____
b. Enrollment confirmed	_____	_____	_____
c. District Residency	_____	_____	<b>District #:</b> _____
d. Application assigned HAP number	_____	_____	<b>HAP Number Assigned:</b> _____
e. Application meets eligibility for HAP consideration	_____	_____	_____
f. Application rejected; applicant notified	_____	_____	_____



# American Rescue Plan Act (ARPA) HOUSING ALLOCATION PROGRAM Occupancy and Assignment Agreement

## TERMS OF OCCUPANCY and ASSIGNMENT

- A. I do not own or rent any other homes or apartments, nor do I have any other safe and affordable place of my own to live. \_\_\_\_\_ (Initials)
- B. No more than \_\_\_\_\_ people, including all adults and children, may stay in my home. I understand that if someone stays more than 3 nights during 30-day period, they will be counted as living in my home. \_\_\_\_\_ (Initials)
- C. In or around the home:
1. No alcohol sales or intoxication are allowed. \_\_\_\_\_ (Initials)
  2. No drug use, distribution, or manufacturing is allowed. \_\_\_\_\_ (Initials)
  3. Human trafficking and sex trafficking is strictly prohibited. \_\_\_\_\_ (Initials)
  4. All occupants must comply with all CRST and federal laws. \_\_\_\_\_ (Initials)
  5. All adult occupants (over the age of 18) must either be employed, over 65 years of age, a stay-at-home parent of one or more children ages 0-3, or a full time student. All school-age children must be attending school (Head Start, preschool, elementary, middle, or high school). \_\_\_\_\_ (Initials)
- D. I will keep my home in good and safe working condition. I will keep it clean on the inside and the outside. No junk, trash, or broken-down cars will be kept around the house. \_\_\_\_\_ (Initials)
- E. If I have any pets, I agree to keep them contained either inside, in a fenced yard, or on a leash at all times so they do not cause problems in my neighborhood. \_\_\_\_\_ (Initials)
- F. I will make the home available for inspection by the Tribe at any reasonable hour monthly, quarterly, or randomly to ensure compliance with the terms of this Agreement. My home may also be inspected at any hour of the day if criminal activity is reasonably suspected. \_\_\_\_\_ (Initials)
- G. I will pay for this home by continuously living in it, paying for all utilities each month, and paying all expenses necessary to maintain it and keep it in good condition. \_\_\_\_\_ (Initials)
- H. I understand and agree that after 7 years of successful occupancy, i.e., no violations of the terms of this Agreement, the home will be assigned to me. \_\_\_\_\_ (Initials)
- I. If I violate any of the terms of this Agreement within the first 7 years that I live in my home, the Tribe will take back possession of the home. If that happens, then I must remove all my property within 45 days of the notice from the Tribe to move out. \_\_\_\_\_ (Initials)



