

UNITED STATES GOVERNMENT

OFFICE OF

NAVAJO AND HOPI

INDIAN RELOCATION

MANAGEMENT MANUAL

October 30, 1991

POLICY MEMORANDUM #4

SUBJECT: CONTRACTOR SALES AND SOLICITATION PRACTICES

POLICY. The Office of Relocation will make every effort to assure that relocatees receive the full value of their housing benefit by eliminating to the maximum extent possible inappropriate behavior on the part of contractors and agency staff which results in increased housing costs and unethical practices. The ONHIR will provide clients with equal access to all contractors. The ONHIR will investigate and take appropriate action against contractors who offer inducements outside of the contract process, or who misrepresent or engage in improper sales practices in order to secure a contract for the construction of relocation housing. All consideration agreed upon by the client and the contractor must be incorporated into the construction contract and related documents, and a provision to this effect to be signed by both the client and the contractor will be added to the construction contract effective September 9, 1991.

DISCUSSION. The ONHIR has received complaints from relocatees and contractors about the methods used by certain contractors to solicit business. The complaints allege that certain contractors and/or their agents have paid incentives to secure construction contracts with relocatees. It has also been reported that contractor's agents have told clients that they "represent the Government" or have made similar statements intended to mislead the clients in the selection of a contractor. Finally, the ONHIR has received reports from contractors that staff of the agency have made recommendations to relocatees regarding the contractor they should select.

In order to curb these abuses, the ONHIR has issued a letter on September 6, 1991 to all contractors who do business with the agency identifying unacceptable activities and conduct on the part of contractors and agency staff. The ONHIR has adopted the following policy guidelines regarding contractor selection.

1. Relocatees will be instructed not to begin the process of selecting house designs and contractors until they have completed the initial housing interview.
2. Relocatees will be advised to select their contractors on the basis of the features which the contractor will provide in the home.
3. Relocatees will be advised that promises of payment to them of incentives such as cash, goods or furniture are not a part of the relocation construction contract and as such are not enforceable against the contractor.

POLICY MEMORANDUM #5

SUBJECT: ACCIDENT INVESTIGATION - LOSS CONTROL

POLICY: It is the policy of the Office that a Board of Review will be convened to investigate and report on the following accidents or incidents:

1. All on-duty employee injuries requiring first aid, medical attention, continuation-of-pay or lost time, including any temporary or permanent disability, regardless of duration.

2. All motor vehicle accidents involving Federally- owned or leased vehicles and employee-owned or rented vehicles while being used on official business, regardless of the amount of damage.

3. All agency property or equipment damage, other than motor vehicles, when the amount of damage or loss exceeds \$50.00.

DISCUSSION: It is the responsibility of each Federal employee to properly use government-owned or leased property and safeguard against loss of, or damage to, such property. Our goal is to assure a safe workplace, adequate equipment, and working conditions which do not constitute hazards to employees. One method to aid in reaching this goal is to review each accident and injury to determine if: (1) Work methods or conditions need to be changed to eliminate or reduce risks which contribute to accidents or injuries; (2) Additional training of employees to identify and avoid risks or unsafe practices is warranted.

Boards of Review will be appointed by the Executive Director in accordance with the provisions of Attachment 1 to this policy memorandum.

EXCEPTIONS: Exceptions to the requirements in Attachment 1 may be made on a case-by-case basis by the Commissioner.

/S/ Carl J. Kunasek July 8, 1992
Carl J. Kunasek, Commissioner Date
Attachment 1, Policy Memorandum #5

ACCIDENT REPORTING

Consistent with the provisions of the Federal Property and Administrative Services Act of 1949, 68 Stat.1128, as amended; 18 USC 641; 41 CFR 101, 25 CFR 700, and FPM 930, the following procedures will be followed in the event of a motor vehicle accident or incident or other such incident as specified in Policy Memorandum #5.

1. Board of Review Composition and Responsibility:

The Board of Review is an ad hoc group consisting of a Chairman designated by the Executive Director, Agency Counsel, the Supervisor of the employee involved, and a peer representative designated by the employee involved. In cases of motor vehicle accidents or incidents, the Property Management Specialist will sit as a Board member. In cases of employee on-the-job injury, the Personnel Officer will sit as a Board member.

The Board of Review is to ascertain the primary cause of the accident or incident and not to recommend discipline or adverse action. The general procedures for conducting a Board of Review may consist of the following:

- The Board reviews the accident report.
- The involved employee describes what happened and answers questions from the Board.
- The investigating officer (if any) provides a report and answers questions from the Board.
- The supervisor describes the accident investigation, its findings, etc., and answers questions from the Board.
- The employee has the right to be represented before the Board of Review, by an attorney or other person.
- The Board, apart from the presence of the employee and the supervisor, considers all information and isolates identifiable causes.
- The Board reports in writing to the Deputy Director, with a copy provided to the employee.

2. Employee Responsibility: Each employee must report any motor vehicle accident or incident (e.g., fuel pump failure, steering

gear failure, etc.), other equipment damage or loss, or personal injury within 24 hours of the accident or incident. Employees must also cooperate with a Board of Review in describing the accident or incident, and answering the Board's questions.

Accidents/incidents require submission of the following:

- Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator
- Standard Form 91, Operator's Report of Motor Vehicle Accident
- Standard Form 94, Statement of Witness (if any)
- Appropriate CA forms in the event of employee injury
- Narrative statement of circumstances of accident, incident, loss or injury
- Law Enforcement Officer's investigative report (if any)

3. Supervisor Responsibility: Each supervisor must cooperate with a Board of Review to investigate the cause(s) of an accident/incident. The supervisor must also provide a narrative statement of their knowledge of the accident/incident, to accompany the employee's report. The supervisor's report must address, at a minimum, the following areas:

- Employee's accident/incident, equipment damage or loss history which may have a bearing on the accident/incident under review
- Any training provided the employee which may bear on the accident/incident under review

4. Fleet Manager Responsibility: The Fleet Manager must provide to the Board of Review a narrative statement of his/her knowledge of the accident/incident under review. The Fleet Manager may be requested to appear before the Board of Review to answer questions.

5. Personnel Officer Responsibility: The Personnel Officer will review any employee injury reports, and provide the Board of Review with information regarding the employee's history of on-the-job injuries. The Personnel Officer will provide the Deputy Director with information regarding the employee's history of disciplinary or adverse actions based on comparable accidents or incidents.

6. Deputy Director Responsibility: The Deputy Director will receive a report of findings from the Board of Review. After considering the findings, the Deputy Director will make recommendations to the Executive Director. Such recommendations may include additional training, changing practices or

procedures, or disciplinary or adverse action as warranted.

7. Executive Director Responsibility: The Executive Director will designate a Board of Review to be convened for each accident, incident, loss or injury as specified in this Policy Memorandum. The Executive Director will consider the Deputy Director's recommendations, and accept or reject them as he deems appropriate. The Executive Director may direct disciplinary or adverse action when warranted.

8. Discipline/Adverse Actions Resulting From Incidents:

The Office cannot risk the consequences of ignoring employee misconduct or negligence, especially as it relates to motor vehicle and equipment operation. Poor driving performance places employees and the public in jeopardy, places the government at risk of tort liability, and is a leading source of accidental loss in the government.

Initial training and remediation is a supervisory responsibility. Employee misconduct should be documented to support disciplinary and/or adverse actions that may be warranted at a later date.

9. Situations Where Adverse Actions May Be Warranted:

- A supervisor's failure to properly train subordinates, or failure to take remedial action to correct poor driving performance;
- Employee convicted of operating under the influence of alcohol or illicit drugs;
- Employee is found to have misused a government-owned or leased vehicle;
- Employee is found negligent as a result of a government vehicle accident. (Employees will not be held financially liable for damage or loss of a vehicle when the damage or loss is attributable to inadequate instruction, or inherent defects in the vehicle.)
- Employee is convicted of leaving the scene of an accident without making himself/herself known;
- Employee is convicted of moving traffic violations with a government vehicle;
- Employee's State license is revoked or suspended;
- Employee exhibits high accident frequency or

abnormally high dollar accident costs;

- Employee fails to comply with administrative orders relating to motor vehicle care and operation; and/or
- A qualified physician finds that the employee fails to meet the required physical standards.

10. Actions That May Be Taken Against Employees:

- If damage is a result of negligence, the employee may be held financially liable for the amount of loss, damage or destruction of government property; -
Suspension of government driver's license and government driving privileges;
- Letter of warning or official reprimand;
- Suspension from duty without pay; and
- Separation from employment in extreme cases.

11. Use of Personal Vehicles - Insurance and Financial Responsibility:

The use of personal vehicles for the benefit of the government is prohibited unless officially authorized. When such authorization is given, the employee is reimbursed on a mileage basis. Since the cost of collision and liability insurance is a component of the mileage rate-setting process, employees must seek reimbursement from their private insurance carrier for loss or damage to their personal property while under a POV travel authorization. Employees may file a claim under the Military Personnel and Civilian Employees' Claims Act for up to the deductible amount in the employee's personal vehicle insurance policy.

Employees cannot be held personally liable for damage or injury to third parties if properly acting within the scope and authority of their employment. This does not, however, indemnify the employee from discipline or adverse action for negligence.

August 3, 1992

POLICY MEMORANDUM #6

SUBJECT: INFRASTRUCTURE PROVIDED TO RELOCATION HOUSES

POLICY. In order to assure that relocation clients receive a decent, safe and sanitary dwelling as defined in 25 CFR 700.55, the Office of Relocation will require that all replacement housing be connected to water, sewer, and electricity in good working order at the time the client moves into the house.

In order to provide infrastructure to relocation houses, the Office of Navajo and Hopi Indian Relocation may contribute to infrastructure projects up to one-hundred percent (100%) of project costs calculated on a per household basis for relocatees who are moving to the area to be served by the project. The ONHIR may contribute an additional thirty percent (30%) of per household costs for relocatees who moved to the community prior to the infrastructure project, and may contribute thirty percent (30%) for remaining project costs.

Contributions for clients moving to an infrastructure project area will be paid from the clients' infrastructure allocation. After the execution of an interagency agreement for the construction project, funds committed from the client infrastructure allocation will remain committed even though the client(s) change their relocation site and withdraw from the project. In such a situation, the amount committed for the project shall be deducted from the client(s) infrastructure allocation at their new site.

DISCUSSION. Due to past problems encountered in moving clients into homes which were constructed and occupied before water and power infrastructure was extended to the area, the ONHIR will no longer allow a client to move into a replacement house until water and power are connected and operational. In order to provide relocation homes with grid water and power systems, the Office of Navajo and Hopi Indian Relocation will engage in cooperative projects with such entities as the Indian Health Service and the Navajo Tribal Utility Authority to extend water and power infrastructure into communities in which relocation housing is being built. The utility provider will inform ONHIR of the total project cost and the number of homes which will be served by the project. After determining the per household cost of the project, the ONHIR may contribute 100% of the per household costs on behalf of relocation clients who are in the process of obtaining homesite leases in the community.

July 13, 1993

POLICY MEMORANDUM #7

**SUBJECT: NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE
FOR NEW LANDS DEVELOPMENT PROJECTS**

POLICY. The Office of Navajo and Hopi Indian Relocation (ONHIR) will not perform environmental assessments for any of the development projects on the New Lands including housing, roads, domestic water systems, electricity, telephone, range improvements and facility development. The ONHIR may, however, require that third party developers conduct environmental assessments for projects that are being funded from sources other than ONHIR appropriations.

DISCUSSION. The ONHIR has been exempted from performing environmental assessments by the following language that is included in Public Law 96-305:

"Sec. 11. The Act of December 22, 1974 (P.L. 93-531), is amended by adding at the end thereof, the following new sections:

Sec. 28.(a). No action taken pursuant to, in furtherance of, or as authorized by this Act, as amended, shall be deemed a major Federal action for the purposes of the National Environmental Policy Act of 1969, as amended."

It is the position of the ONHIR that to perform environmental assessments in light of this legislative language would be contrary to the intent of Congress to complete the relocation program as efficiently and expeditiously as possible. Therefore, for the ONHIR to perform environmental assessments would require special Congressional approval.

EXCEPTIONS. In situations where third parties wish to undertake development activities on the New Lands the ONHIR may require that environmental assessments be conducted prior to granting approval for the undertaking.

APPROVED /s/ Carl J. Kunasek
COMMISSIONER

DATE 20 July 1993

March 28, 1994

POLICY MEMORANDUM #8

SUBJECT: RELOCATION SITE FEASIBILITY.

POLICY. The Office of Relocation shall exercise the right to approve the location of the homesite selected by the client for construction of the relocation house. This applies to both reservation homesite leases and lots acquired off-reservation. The determination about the acceptability of the homesite shall generally be made at the time of the initial feasibility study, for reservation leases; and at the time of plan review or resale inspection, for off-reservation locations.

DISCUSSION. Pursuant to 25 CFR 700. 53 and 700.55, it is the policy of the Office of Relocation to provide the client with a relocation house which is decent, safe and sanitary. In order to assure that the relocation house meets the standards established by the ONHIR, the Office has established construction inspection, warranty and home repair programs. However, the location of the site on which the house is constructed, and the siting of the house on the lot, have a significant impact upon the achievement of the standards of ONHIR's quality assurance programs. House construction may be adversely impacted and/or rendered prohibitively expensive by such features as: soils, topography, drainage patterns, flood plain location, bedrock, wind-blown sand, the presence of historic artifacts, access to water and power lines, and access to the site.

Water and power service installation are two of the most important requirements of a safe, decent and sanitary house. All relocation homes must be connected to water, sewer/septic and electricity at the time the client moves into the house (see Policy Memorandum #6). The Office of Relocation has determined that relocation houses built in remote sites and served only by individual cistern/septic and solar photovoltaic systems encounter maintenance problems which the client is not prepared to handle, and which cannot be repaired and maintained by the ONHIR or an existing service agency. For these reasons, the Office of Relocation shall require that reservation homesite leases be located within 1500 feet of an existing water line, and within one-half mile of an existing power line.

Client Advisement. Given the current availability of homesite lease sites in areas accessible to grid water and power systems, the ONHIR shall advise clients during the social counseling stage that the ONHIR will not process lease applications for remote sites. The clients will be instructed to select a site within 1500 feet of an existing water line, and

within one-half mile of a existing power line.

Clients shall also be advised to select an alternate site if the feasibility study demonstrates that there are other problems with the site, such as poor soils, drainage, access, etc.

Off-Reservation Building Lots. The majority of building lots selected by clients moving off-reservation are located in subdivisions which do not present the problems encountered in building on the reservation. Prior to a case being referred to Housing Acquisition the ONHIR will determine whether or not the site is located within a flood plain or presents other problems which will adversely impact the construction of a safe, decent and sanitary house. Any such locations will be rejected.

EXCEPTIONS. The ONHIR may approve and process a homesite lease application or off-reservation lot selection which does not meet site selection standards if the particular circumstances of the case warrant an exception. Waivers will be considered on a case by case basis, and circumstances justifying a waiver cannot be fully described here. Requests for waivers must be recommended by the Inspections and Compliance Supervisor and approved by the Deputy Director. Requests for waiver which are denied by the Deputy Director may be appealed to the Executive Director.

Among the circumstances which may be considered for a waiver are:

1) the client has made a documented effort to obtain local approval for a site with access to water/power, better soils or slope, etc. but no better alternative site can be obtained;

2) the client is currently living on the lease site while lease approval is being processed and has family and traditional use ties to the location and does not want an alternate site;

3) the client acknowledges the deficiencies of the site and has been informed of the potential impacts upon house construction, and makes a fully informed decision that the site is their choice for construction of the relocation house.

APPROVED /s/ Carl J. Kunasek
COMMISSIONER

DATE 8 April 1994

April 24, 1995

POLICY MEMORANDUM NO. 9

SUBJECT: 25 CFR 700.1(a) - WAIVER OF REGULATIONS

WAIVER OF TIME LIMITS FOR FILING OF APPEAL OF NOTICE OF DENIAL OF RELOCATION ASSISTANCE BENEFITS.

WAIVER OF TIME LIMITS IN OTHER REGULATIONS AND POLICIES

POLICY.

1. The Office of Navajo and Hopi Indian Relocation will not consider requests for waiver of the time limit for filing an appeal of the notice of denial of relocation benefits from those applicants from whom the office received personally signed return receipts but who did not timely file an appeal.
2. Regarding requests for waivers or extensions by certified eligible relocatees of any other time limit for the filing of a claim or taking action under O.N.H.I.R. regulations, policy and the O.N.H.I.R. Management Manual, other than those mentioned above in Paragraph 1, the O.N.H.I.R. will consider such requests on a case by case basis to determine whether good cause exists for missing a deadline. Applicants will be required to demonstrate reasonable good cause through sworn affidavits and other relevant documentation explaining the circumstances which caused their failure to take timely action.

DISCUSSION

The O.N.H.I.R. has received requests for waiver of the time limit for filing an appeal of denials of relocation assistance. Under the decision in Sands v. N.H.I.R.C., applicants who were denied relocation benefits but from whom the agency received personally signed return receipts for the Notice of Denial but did not timely file an appeal, are not allowed to file for a waiver pursuant to the decision. The O.N.H.I.R. will therefore not consider requests for such waivers from such applicants.

Regarding requests from certified eligible relocatees for waivers or extensions of other time limits contained in O.N.H.I.R. regulations, policy and the O.N.H.I.R. Management Manual, such requests will be considered on a case by case basis according to the policy stated above.

EXCEPTIONS

At the present time there are no exceptions to this policy.

APPROVED /s/ C.J. Bavasi **DATE:** 4/24/95
Executive Director

October 17, 2000

POLICY MEMORANDUM NO. 10

SUBJECT: ONHIR Internet Policy

POLICY: The ONHIR Internet Policy is hereby adopted.

DISCUSSION: On February 12, 1999, the ONHIR issued its Interim Internet Policy to all ONHIR employees which outlined the privileges and restrictions for Internet and E-mail use which all employees were required to adhere to. The Office has now determined that said policies, as amended, are appropriate and proper to ensure the security and integrity of the ONHIR computer systems and that these policies mandate permanent adoption and implementation.

EXCEPTIONS: There are no exceptions to this policy.

APPROVED /s/ Christopher J. Bavasi
Executive Director

DATE: 11/13/00

ONHIR INTERNET POLICY

Section 1: USE OF THE INTERNET

SCOPE.

Effective January, 1999, the Office of Navajo and Hopi Indian Relocation provided all employees with access to personal computers (PCs) which are capable of connecting to the Internet. The Internet provides a source of information which can benefit the professional and personal development of each employee of the Office of Navajo and Hopi Indian Relocation and can benefit the ONHIR through enhanced job performance.

In order to exercise this privilege, employees were required to participate in training scheduled by the agency and to familiarize themselves with the acceptable use of the Internet.

BACKGROUND.

The Internet is comprised of thousands of interconnected networks which provide digital pathways to millions of information sites. Because these networks subscribe to a common set of standards and protocols, users have worldwide access to Internet hosts and their associated applications and databases. Electronic search and retrieval tools permit users to gather information and data from a multitude of sources and to communicate with other Internet users who have related interests.

Access to the Internet provides government agencies with the opportunity to locate and use current historic data from multiple sources in their decision making processes. Employees are encouraged to develop the skills necessary to effectively utilize these tools in the performance of their jobs and to prepare themselves for future employment when the agency closes.

POLICY.

It is the policy of the ONHIR that employees will be encouraged to access the Internet using ONHIR computer equipment during work and personal time on agency premises to build their search and retrieval skills. It is expected that employees will use the Internet to improve their job knowledge; to access legal, regulatory, technical, and other information on topics which have relevance to the ONHIR; and to communicate with employees of other government and private agencies whose services and products relate to the work of the ONHIR.

Users must be aware that when they access the Internet using the ONHIR sign-on address they will be perceived by others as representing the ONHIR. Users may not use the Internet for any purpose which would reflect negatively on the ONHIR or its employees.

Improper or unauthorized use of the Internet, including the E-mail function discussed in the next section, may be grounds for restricting the employee's use, and/or disciplinary action.

DOWNLOADING INFORMATION.

With authorization, staff may download files or graphics for government business purposes only. Downloading is a process by which a copy of a document or file is transferred to and stored on a computer for future retrieval and use. Downloading files can result in operating system conflicts and can import viruses to the system and the PC. Consequently, with the exception of those key positions to which pre-approval has been granted, all staff must obtain advance approval from the IS Manager prior to downloading files onto their personal computer.

USE OF THE INTERNET.

The ONHIR computer system is for official use. Personal use is permitted in accordance with the guidelines below. Employees who are skilled at using the Internet are encouraged to guide and encourage other employees. **ONHIR employees are permitted to engage in the following activities:**

1. Access job-related information as needed to meet the requirements of their jobs.
2. Access information and graphics to enhance Internet use skills. It is expected that these skills will be used to improve the accomplishment of job assignments.
3. Search for job opportunities. Recognizing that the ONHIR is gradually phasing down, employees are encouraged to engage in job search to prepare themselves for other employment.

The following uses of the Internet are not allowed, either during working hours or on personal time, using the ONHIR equipment. Employees may not:

1. **Access or visit, retrieve, download, print, store, create, transmit or copy text from**, any Internet site which displays or advocates material which is sexually explicit in nature or related to sexual orientation, gambling, illegal weapons, terrorist activity, is offensive to co-workers or the public which shall include hate speech, and/or material which ridicules others based on race, creed, sex, religion, color, disability, national origin, culture or sexual orientation.
2. Access, retrieve, or print text or graphics which exceed the bounds of generally accepted standards of good taste and ethics.
3. Engage in any unlawful activity or any other activity which would in any way bring discredit to the ONHIR.
4. Offer services or merchandise for sale on the Internet.
5. Purposely engage in any activity or access an Internet site which would allow someone to invade the ONHIR computer system for the purpose of accessing, altering, or destroying agency records.
6. Engage in any fund raising activity, endorse any product or services, participate in any lobbying activity, or engage in any prohibited political activity.
7. Employees may not disclose their passwords to visitors or family members.

Visitors and family members are not permitted to access the Internet using an employee's PC.

USER RESPONSIBILITIES.

Employees shall limit the amount of time spent accessing Internet sites for personal use. As a guideline, personal use of the Internet should be limited to morning and afternoon breaks, lunch breaks, and after hours. Employees are specifically responsible for:

1. Following agency security policies and procedures in their use of Internet services and will refrain from practices which might jeopardize the ONHIR computer systems and files.
2. Familiarizing themselves with any special requirements for accessing, protecting and utilizing data, including Privacy Act materials, copyrighted materials, and procurement sensitive data.
3. Conducting themselves in a way that reflects positively on the ONHIR.

MONITORING.

The ONHIR is contracting for Internet service through NAU. The service screens out certain inappropriate sites from user access for all subscribers. These sites include pornography, gambling, drugs, militancy, dating, and violence.

The service provider routinely provides ONHIR with a report of the sites accessed by ONHIR employees. This report records the date and time the sites were accessed. These reports are intended to provide management with information about the extent and nature of Internet use by employees.

MONITORING EMPLOYEES.

If a supervisor is concerned that an employee may be spending government time accessing the Internet for personal use; or is accessing inappropriate sites, the supervisor may request the IS Manager to individually electronically monitor the employee's use of the Internet. Employees need to be aware that any site they visit on the Internet may be subject to scrutiny and accordingly should assure themselves that it is an appropriate site and that their action in visiting the site will not reflect poorly upon the ONHIR or the government. Staff are cautioned that although our server does screen out inappropriate sites, this process is not 100% effective and that ultimately the responsibility for the proper use of the Internet at work rests with the employee.

SUPERVISOR RESPONSIBILITIES.

When questions arise, supervisors with line authority shall be responsible for making the initial determination about the appropriateness of their employee's use of the Internet. This shall include the acceptability of Internet sites visited and the determination of personal time versus official work hours.

Issues of employee conduct with respect to Internet use which are not resolved at the supervisory level will be referred through the chain of command for resolution.

Section 2: USING E-MAIL

SCOPE.

With the installation of the Internet, ONHIR employees will have access to electronic mail. E-mail will allow ONHIR employees to communicate more efficiently and economically but there are responsibilities which accompany this new tool. Federal law and regulation about electronic mail is still evolving. In the meantime, existing laws and regulations, including the Federal Records Act, the Freedom of Information Act, and the Privacy Act, apply to electronic mail just as they do to paper and other media.

POLICY.

It is ONHIR policy to encourage all employees to take advantage of the increased efficiencies made possible by electronic mail in conducting agency business. Employees shall have desktop access to electronic mail for both sending and receiving messages. Electronic mail is by far the least expensive form of communication available and, absent other factors, it should be the communications medium of choice. Correspondence should be transmitted via electronic mail when possible. It is anticipated that electronic mail will be used as extensively as feasible for communications with other federal agencies, with state and tribal government agencies, contractors and vendors.

Employees may use electronic mail for personal communications with restrictions equivalent to those governing the use of government telephones. Employees are advised that there is no expectation of privacy with respect to their personal E-mail. Personal E-mail communications must be infrequent, brief, and present minimal cost to the government. E-mail may be used to communicate with offices and businesses which are only open during regular working hours, when it would be impractical for the employee to have to leave the office. E-mail may also be used to contact family members when necessary to communicate an urgent or important message.

Electronic mail messages may be government records. Supervisors shall apply management controls in order to ensure compliance with applicable laws and regulations and accepted standards for record keeping, accountability, and protocol.

GENERAL USE AND PROTOCOLS.

1. Some electronic mail messages may constitute official government records and as such they may be subject to release pursuant to the Freedom of Information Act and/or all other legal requirements that deal with government records. They also may be subject to the civil "discovery" process used by parties to litigation.

2. Since electronic mail messages can be official government records they are not private, however, they are generally kept confidential. They may be reviewed by supervisors in the same manner that mailed and faxed communications are reviewed. All electronic mail messages should be analyzed for their status as records or non-record materials under the Federal Records Act.

3. Client file information and other information which requires approval of the Freedom of Information/Privacy Act Officer for release from the manual records, also requires

approval for release via E-mail. Such requests should be directed to the FOIA/Privacy Act Officer.

4. The same standards of civility apply to electronic mail as to other forms of communication. Use of profanity, slang, racial or ethnic slurs, sexually harassing language, and slander are as inappropriate in electronic mail as elsewhere, and will not be tolerated. Users are cautioned to choose words carefully, as facial expressions and verbal inflection are not available to clarify the user's meaning or intent. E-mail must adhere to the same standard of conduct as expected in any written business communication.

5. Users need to be aware of the impact of over-sized files and extremely large volumes of mail on agency printing facilities and adjust their requests to printer availability accordingly.

6. Electronic mail may not be used to advertise personal services or goods for sale.

7. Staff are cautioned concerning the opening of E-mail and/or attachments from unknown sources as they may contain viruses which can result in damage to the ONHIR network and/or the personal computer.

8. Users are responsible for using the electronic mail professionally and considerately. Misuse of electronic mail facilities is cause for restriction on use and/or disciplinary action.

RESPONSIBILITIES OF USERS:

1. Employees are responsible for the general management and security of their mail, mailboxes and passwords. They are responsible for checking their own mail in a timely manner and for making arrangements for their mail to be checked when they are out of the office for extended periods of time. They may disclose their passwords to a supervisor or other staff who have need to know, such as a secretary who must retrieve E-Mail in the employee's absence. If a staff member is expecting business correspondence which needs prompt action (ie. letter from an insurance company or contractor) and plans to be out of the office, the secretary or supervisor should be able to retrieve the document for appropriate action.

2. Correspondence or memoranda which is sent via electronic mail must adhere to standard routing procedures. If a supervisor or team leader's signature or concurrence is required on a paper document, E-Mail will also require the team leader or supervisor's concurrence.

3. Correspondence sent by electronic mail should follow the standard correspondence addressing procedures. The layout and features should be as simple as possible. It should not contain bolds, underlines, special fonts, tables, or other features as they do not always translate well from other software to electronic mail and may create printing problems for the recipient.

4. Users are responsible for assuring that the ONHIR's manual files are complete and that the manual copies are filed in the appropriate section of the manual file. When E-mail is sent to or received from an outside agency, vendor, contractor, etc., it is the responsibility of the originating staff member (or receiving staff member) to print a copy of the electronic correspondence, with attachments, if any, for the manual file, which may be a project file, client file, contract file, or vendor file. The paper file copy of the electronic correspondence must contain

the transmission data, including the names of the sender and the addressee, the date the correspondence was sent, and the fact that the correspondence was sent by electronic mail. The same procedures shall be followed on internal E-mail (electronic correspondence or memoranda sent from one ONHIR staff member or department to another.) *The foregoing applies to all E-mail which is government business related and meets the definition of an "agency record."*

5. "Record" E-mails shall be maintained on the User's computer for a period of not less than 180 days before they are deleted.

6. Staff may receive E-mails which contain reference material or technical material which they may wish to maintain on their computer for future use. E-mails of this nature can be maintained on the employee's computer for an indefinite period of time at the discretion of the employee.

7. Electronic messages or mail of a temporary nature, such as notices of staff meetings, CFC Fund raising, in-house training, training courses, temporary acting delegations, agency functions of a social nature such as potlucks, etc., should be deleted from the electronic record when the event has been completed.

8. E-mails which are purely personal in nature should be deleted after being read by the addressee. Outgoing personal E-mails should be deleted by the employee as soon as is reasonable.

9. Employees are cautioned that compliance with the foregoing schedule is important. E-mail backups are created by capturing E-mails as they arrive from the server. These backups are for recovery purposes only and are written over on a weekly basis. Consequently, failure to properly save an important E-mail could result in it being permanently lost.

Employees are reminded that their use of the Internet is a privilege. There are no exceptions for the foregoing policy and compliance is mandatory. The Office has set in place monitoring functions to assure this compliance. Failure to adhere to these policies will result in disciplinary action. If you have questions concerning these policies, you may contact the Personnel Department and IS Branch.

February 15, 2001

POLICY MEMORANDUM NO. 11

SUBJECT: 25 CFR §700.709

**NEW LANDS GRAZING PERMITS
WAIVER OF REGULATIONS**

POLICY:

The Office of Navajo and Hopi Indian Relocation (Office) will not republish a notice establishing a date which closes the period for application for New Lands Grazing Permits. Those persons who are still eligible to receive a “guaranteed” New Lands Grazing Permit will be notified by the Office. The notice will be delivered personally if possible. If not, it will be sent by certified mail, return receipt requested, to their last known address. The notice will tell such persons that they are eligible for a New Lands Grazing Permit provided they apply for such permit within sixty (60) days of receipt of the notice. After such notification, the Office will determine the number of discretionary permits available under 25 CFR §700.709(a), and will proceed to issue permits as will best facilitate relocation.

DISCUSSION:

Pursuant to 25 CFR §700.13(b) the ONHIR (Office) may waive any requirement of its regulations if such requirement is not required by law and if the Office finds such waiver to be in the best interests of the individual Indian applicants, the Office, and the United States.

On June 9, 1992, the Office published in the Federal Register (Vol. 57, No. 111, at pg. 24363) a final rule regarding New Lands Grazing privileges. The rule, 25 CFR 700.709(d), provided that the Office would determine when the application period for New Lands Grazing Permits will close and that a notice of that date would be published. On March 20, 1997, at Vol. 62, No. 54, p. 13402, the Office published a notice establishing June 2, 1997, as the date that closed the period for application for New Lands Grazing Permits. The June 2, 1997, date was never implemented because of the ongoing implementation of the Settlement (Accommodation) Agreement, and the approximately 65 persons then eligible to receive a New Lands Grazing Permit were not contacted personally, as stated in the notice.

The Office has reviewed the list of persons who are eligible for a New Lands Grazing Permit and has determined that there are approximately fifteen (15) persons who have not yet relocated or have not signed Accommodation Agreements, or who have not received Ninety Day Notices to Vacate, who are still eligible for New Lands Grazing Permits. These persons will be notified of the sixty (60) day time period during which they must apply for a New Lands Grazing Permit and that their failure to do so will mean that they are no longer “guaranteed” eligibility for such a permit.

The Office has determined that publication of a new application date in the Federal Register would not effectively notify the persons still eligible for a permit and that it is in their best interests, and is in the best interests of the Office and the United States, to waive the requirement of 25 CFR §700.709.

After the Office notifies the fifteen (15) persons still eligible, the Office will proceed to issue discretionary New Lands Grazing Permits pursuant to 25 CFR §700.709(d), as will best facilitate relocation.

APPROVED /s/ C.J. Bavasi

DATE: 3/1/01

Executive Director

MANAGEMENT	SECTION	1000	GENERAL CASE PROCESSING	_____
MANUAL	SUBJECT	1010	Pre-Move Case Tracking	APPROVED
				1/10/96

INSTRUCTIONS FOR PRE-MOVE CLIENT CASE TRACKING FORM

General. The Pre-Move Client Tracking Form is used to record the principal information needed to transfer the case of a certified client from one major phase of activity to the next phase during pre-move case processing. The Tracking Form circulates independent of the casefile until it is completed and filed in the casefile.

Use by Counseling.

After the client has selected a relocation site and has completed all required counseling activities, the counselor will fill out the top part of the form, attach it to the casefile along with other required documentation, and give the file to the Counseling Team Leader for review.

If the Team Leader determines that the case is "counseling complete", s/he will perform data entry of the counseling ready code (Y/N entry) and high risk code. The preferred relocation site can be changed by the Counseling Team Leader at this time. This data entry will record the "date counseling ready" and case status of "CC" in the automated master file. The Team Leader will sign the Tracking Form and route it to ICB.

If the Team Leader determines that the case is not counseling complete, s/he will return the form and casefile to the counselor, with instructions. No data entry will be performed.

Use by ICB.

The Administrative Assistant will determine the disposition of the form based upon the client's preferred relocation site.

a. Homesite lease/existing reservation: the Tracking Form will be filed in the client's homesite lease file until homesite lease activity is completed.

b. Off-reservation: The Assistant will check the master file to see if the client has a homesite lease in process. If so, the client will be contacted and informed of their options regarding relinquishing/retaining the lease. If the client does not have a lease in process, or has taken relinquishment/retention action, the form will be routed to the Housing/ICB Supervisor.

c. New Lands: The Assistant will write the client to set an appointment for homesite lease selection. After the lease has been selected and the IHS plot plan has been received, the form will be routed to the Housing/ICB Supervisor.

Upon receipt of the Tracking Form, the Supervisor will review client records to assure that site acquisition is complete, and will perform data

MANAGEMENT	SECTION	1000	GENERAL CASE PROCESSING	_____
MANUAL	SUBJECT	1010	Pre-Move Case Tracking	APPROVED
				1/10/96

entry of the housing ready code (Y/N entry). The Supervisor may enter or change the actual relocation site and lot number (New Lands lots). Data entry will record the "date housing ready" and case status of "HR" in the automated master file. The Supervisor will sign the Tracking Form and route it to Housing Acquisition.

A case which has both "CC" and "HR" entries is automatically transferred into the housing pool "HP" agency status.

Use by Housing Acquisition.

The Housing Team Leader will keep the Tracking Form in his/her manual files until the case is ready to be assigned from the housing pool. Prior to assignment, the form will be routed to the Housing Secretary who will check to see if the client has an appraisal file, and if so, whether or not the documentation is complete. The Secretary will attach any incomplete appraisal file documentation to the form, check it as appropriate, and return the form to the Housing Team Leader.

The Team Leader will enter the initials of the assigned housing specialist on the Tracking Form, and will perform data entry of the initials. Data entry will record the date the client entered home search and case status of "HS" in the automated records. The Team Leader will sign the Tracking Form and file it in the case file.

Referral Back to Counseling.

The client's case may be referred back to Counseling at any time prior to contract signing. If a case needs to be referred back from HR, HP, or HS status, the supervisor of the appropriate branch will route the Tracking Form back to the Counseling Team Leader. The Counseling Team Leader will delete the counseling ready entry, which automatically deletes the housing ready entry from the automated files. When the case is once again ready for referral to ICB and to Housing Acquisition, a new Tracking Form will be filled out and the case will be routed as described above. The old Tracking Form will be filed in the casefile.

MANAGEMENT SECTION 1000 GENERAL CASE PROCESSING _____
MANUAL SUBJECT 1010 Pre-Move Case Tracking APPROVED
1/10/96

PRE-MOVE CLIENT TRACKING FORM

CLIENT _____ CF# _____
C# _____

=====
=====

COUNSELING BRANCH To be completed by counselor.

Client has completed counseling and is ready for referral to ICB for site clearance.

Pref. Relo. Site _____ Code _____ High Risk? ____ Y
____ N

Special Handling: ____ Handicap ____ Temp. Emer. Move ____ Conservatorship or guardianship ____ Other: _____

If this client is moving to a range unit fill out the following.

____ 1. CLIENT IS A PERMITTEE. Client has livestock to move? ____ Yes ____ No.

____ 2. CLIENT IS A SPONSORED FAMILY MEMBER.
Name of permittee who is sponsoring this client _____.
(Permittee has to sign contract before this client signs contract).

COUNSELOR _____

Date _____

To be completed by Counseling Team Leader

____ APPROVE COUNSELING COMPLETE. Data entry performed.

____ RETURN TO COUNSELOR OR TEAM FOR FURTHER REVIEW/ACTION.

Instructions _____

_____.

COUNSELING TEAM LEADER _____

Date _____

=====
=====

HOUSING AND INSPECTIONS: SITE CLEARANCE

All preliminary work required for site acquisition for this client has been completed, This client is housing ready. Data entry of 'HR' made. Type of site

MANAGEMENT SECTION 1000 GENERAL CASE PROCESSING _____
MANUAL SUBJECT 1010 Pre-Move Case Tracking APPROVED
1/10/96

approval:

___ Off-reservation: no clearance by ICB required at this time.

___ Existing house: inspection has been conducted.

___ Homesite lease (existing reservation): all clearances/activity completed.

___ New Lands homesite lease: application documents completed/routed to NLB.

ICB ADMINISTRATIVE ASSISTANT _____

Date _____

=====
====

HOUSING AND INSPECTIONS: HOUSING ACQUISITION

Appraisal file check: Does client have appraisal record? ___ Yes ___ No.

If YES, ___ Appraisal file complete; no additional work necessary.

___ Work needed; see attached documents. Initials of Housing Specialist assigned: _____.

REVIEWED BY HOUSING TEAM LEADER _____

DATE _____

ICB/HOUSING SUPERVISOR _____

Date _____

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

INSTRUCTIONS: This section of the Management Manual describes the procedures in effect during the voluntary application period, which concluded July 7, 1986. Because intake is not an ongoing activity, this section has not been updated to reflect changes in agency structure, position titles, etc. which occurred subsequent to 7/7/86.

SECTION 1100 INTAKE

SUBJECT 1110 Applications for Voluntary Relocation Assistance

AUTHORITY 93-531; 25 CFR 700.

POLICY.

The purpose of the intake function is to define for the applicant all information which is required for an eligibility determination; and to receive and record the information supplied by the applicant in response to the intake worker's instructions. When the intake function is completed, the applicant's file will be transferred to Certification for eligibility determination.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

1111 INITIAL CONTACT.

Initial contact occurs when a potential applicant contacts or is contacted by a Commission staff member for the purpose of discussing an application for relocation assistance benefits.

1. Office Visit.

When a potential applicant comes to Commission offices, the intake worker will inform the person of the Commission's eligibility regulations and will give them a copy of the regulations (See MM#1110 Attachment A, Eligibility Regulations). The intake worker will answer questions related to eligibility requirements.

2. Field Contact.

The initial contact may occur in the field. Agency employees who are contacted in the field by potential applicants will inform them of the eligibility requirements and provide general information about application procedures. The potential applicant will be requested to come to Commission offices to submit an application for benefits.

If it is not possible for a potential applicant to travel to Flagstaff, a field intake conference may be arranged according to procedures in 1112.1

3. Record Of Contact.

The staff person who makes the contact will record information about the interview and submit it to the eligibility section to be filed with information about the person's case.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

1112 INTAKE CONFERENCE.

The intake conference will be conducted in Commission offices in Flagstaff by staff from the eligibility section. In unusual circumstances, the intake conference may be conducted in the field, or the client may submit an application by mail.

1. Field Conference.

Intake conferences may be held in the field if the applicant is unable to travel to Flagstaff. An applicant may request a field conference by phoning the Commission or by personally contacting a staff member from any department who is traveling in the field.

The person must explain why he/she is unable to travel to Flagstaff.

The staff member who receives the request shall document it and submit it to the Manager of the Department of Counseling and Certification (DCC Manager). The documentation shall be in the form of an inter-office memo and should state:

- name of person making request
- date of request
- reason why person is unable to travel
- direction to person's residence
- person's mailing address.

The Manager shall evaluate the documented request within three working days of receipt of the request and determine if a field conference is warranted. If the request is approved by the Manager, the intake worker assigned to conduct the field conference will schedule a field trip and send a letter to the potential applicant giving the date and time of the visit.

The intake worker assigned to conduct a field intake must be authorized as a Notary Public. The intake worker will notarize the signature of the applicant in the field. If the intake worker serves as interpreter, his/her signature will be notarized upon return to the office.

2. Applications Received By Mail.

Applications should be taken in person by the intake worker, so that the applicant receives an informed explanation of the eligibility and application requirements and the form can be notarized. However, in exceptional circumstances, application forms may be mailed to an applicant upon request. The circumstances under which an application may be mailed include:

- A potential applicant who lives on the HPL is unable to travel to Flagstaff, and it is not practicable for the agency to schedule a field trip.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

- A potential applicant living out of state or out of the country, who does not expect to have the opportunity to travel to Flagstaff within the near future.

The DCC Manager may approve other reasons for issuing applications by mail.

The intake worker who receives a request to mail an application form shall evaluate the request and determine if it is justified.

If the request is approved, the intake worker will mail the potential applicant:

- the application form
- a copy of the eligibility regulations
- a cover letter explaining the requirements for supporting documentation.

NOTE: The cover letter does not replace the Required Documents Notice (See Form MM#1110.2). It provides advance instruction so that the applicant may begin to gather the documents needed.

If the request is not approved, the intake worker will inform the applicant that it will be necessary for him/her to submit the application in person.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

**1113 APPLICATION FOR RELOCATION ASSISTANCE BENEFITS AND
AGREEMENT TO RELOCATE.**

Completion of the Application Form MM#1110.1, opens the intake conference. The application form is submitted in person by the applicant.

1. Determining The Identity Of The Head Of Household.

The head of household should be the person whose homesite is on the land partitioned to the Hopi Tribe. If a couple wish to apply, inform them that the application must be submitted in the name of the person who will act as the head of household on behalf of the family members. The person who applies must be the one whose homesite is on the land partitioned to the Hopi Tribe. If both of the couple are from the HPL, they then decide who will be the applicant and head of household for the purpose of eligibility determination and subsequent case processing.

2. Checking For Previous Applications.

The Commission will not accept applications from persons who have an active application on file already or are the spouse of a person with an active application. If the spouse of an applicant with an active case file wishes to apply separately, the application will be accepted only if the person can produce documentation that the couple is legally separated or divorced. The Commission will also not accept applications from persons who have previously applied and been denied under regulations developed to implement P.L. 93-531.

The Commission will accept applications from persons who have applied and been denied under regulations for District 6 Evictees, and from spouses of persons previously denied under regulations developed to implement P.L. 93-531.

In order to determine if the applicant has previously submitted an application, the intake worker will look up the applicant by census number on the Client/Master Census Number List. This list will show whether or not the applicant has an existing case file, or is the spouse of an applicant with an existing case file; and the status of the case.

The intake worker shall inform the applicant whether or not he/she may submit an application.

If the application is denied by the intake worker and the client states that he/she wishes to pursue the matter, the intake worker will refer the client to the Navajo-Hopi Legal Services Program or other legal assistance office. The intake worker will give the person a copy of Information About Legal Assistance (See MM#1110 Attachment B).

3. Closing Files Opened In Error.

If upon further case file review the intake worker discovers that a case

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary	APPROVED
			Relocation Assistance	7/19/89

file has been opened in error for an applicant listed in 1113.2 as ineligible to submit an application, the case file will be closed administratively. The intake worker will fill out the Case Closure Form, and explain the reason why the case file is being closed. The Case Closure Form will be routed to the DCC Staff Assistant for data entry according to case closure procedures.

The intake worker will write to the applicant, explaining that the case is being closed, and the reason why the applicant is ineligible for consideration for benefits.

1114 FILLING OUT THE APPLICATION FORM.

The application form consists of three pages. Applicants should fill out the form in ink in the presence of the intake worker, or the intake worker may type the entries as the applicant provides the information.

1. Page 1: Section I And II.

a. Section I: Explanation Of Notice.

The intake worker will inform the applicant of the following provisions of the Privacy Act of 1974:

- (1) The information supplied by the client is confidential.
- (2) The information supplied by the client will be used to determine eligibility for benefits.
- (3) The form must be completed in order for an eligibility decision to be issued.

b. Section II: Personal Data.

The entries in Section II are largely self-explanatory. The intake worker will translate the entries and explain them as necessary.

c. Verification Of Personal Data.

The intake worker will ask the applicant to produce documents in his/her possession to verify the accuracy of information recorded in Section II. It is particularly important to verify the accuracy of the census number. The verifying documents will be copied and incorporated into the case file.

After Section II has been completed, the intake worker will assist the applicant to fill out page 2, Household Membership.

2. Page 2: Household Membership.

Page 2 will be filled out by all applicants, including single persons. The intake worker will inform the applicant that all individuals who are currently dependent members of the household must be listed on page 2. A dependent is a person who receives more than one-half of his/her support from another person, or is under the custody, control and care of another person. Older children who are still dependents within the family should be included as household members.

The intake worker will explain that the household member information entered on page 2 will be reviewed by the certification worker to verify that the applicant is a head of household. The information must be supported by documentation (see 1116 for type of documentation required depending upon the

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

applicant's head of household category). The information is also used to develop an initial family member file of the household members who will participate in the applicant's benefits, if he/she is found eligible.

The intake worker will explain that listing dependent household members on page 2 does not affect their rights to submit a separate application for benefits at the time they cease to be a dependent and achieve head of household status in their own right. At that time, if the household member is determined to be separately eligible for benefits, his/her name will be removed from the applicant's family member file. Final determination of the household members participating in a certified client's benefits will be made when the Relocation Contract is executed.

The family card is the principal document used to supply information on page 2 of the application. The intake worker will photocopy the family card onto the space on page 2. The applicant will supply the additional information needed for columns 5 (sex); 6 (social security #); 7 (educational level) and 8 (English fluency). If information for columns 5 through 8 is not available at the time of application it will be obtained during the initial seminar. It is not required for referral to certification.

If the applicant does not have the family card in his/her possession at the time of application, the applicant will list the household members and as much identifying data as he/she can readily supply. The applicant must verify the information provided by submitting a family card, or other acceptable proof of household membership, as soon as possible.

If the family card lists individuals who are no longer dependents within the household, the intake worker will draw a line through the names on the photocopy of the family card.

If there are additional household members who are not listed on the family card, the applicant will list them below the space for the family card. The intake worker shall instruct the applicant to submit documents confirming that the additional persons listed are household members (i.e. updated family card, birth certificates for children born after the family card was obtained; marriage license; guardianship papers, etc.)

If the applicant is a single person the intake worker shall copy the family card onto page 2 and write "self only" below the applicant's name. If the applicant does not have a family card, the intake worker will write the applicant's name in the family card space and write "self only" beside it.

3. Page 3: Residence History.

The residence history record is required for all applicants. It is filled out by the applicant as part of the application.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

The form records the applicant's own statements of where he/she lived during the years immediately before the Act was passed, and where he/she has lived since then.

The applicant will write down to the best of his/her recollection the months he/she lived at a particular location, and the primary reasons. The applicant should provide as much detail as possible.

If the applicant can't write, the intake worker will help the applicant fill out the form. The intake worker will write down the information which the applicant has supplied, and will read it back to the applicant so that the applicant may verify that the information recorded by the intake worker is correct.

The applicant will sign and date the record. After page 3 has been completed the intake worker will return to page 1 and assist the applicant to complete the remainder of the application form.

4. Page 1, Section III: Signature.

The intake worker will explain the statements contained in Section III, to which the client will be agreeing when he/she signs the application form. The statements are:

- by signing the application, the applicant is formally applying for voluntary relocation assistance benefits.
- the information which the applicant has provided on all pages of the application is true to his/her best knowledge.
- the applicant agrees to relocate voluntarily if determined eligible.

5. Page 1, Section IV: Interpretation And Notarizing.

Interpretation.

The intake worker shall interpret all headings and entries on pages 1 and 2 to the applicant. If applicant agrees that he/she has understood the contents of the application, and that the information he/she provided is correct, the applicant shall sign and date the application in the presence of a notary.

If the information is incorrect, the intake worker will correct it, interpret the information again, and have the applicant sign and date the application in the presence of a notary.

The intake worker who has interpreted the information on the form shall also sign and date the form as "interpreter", in the presence of notary.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary	APPROVED
			Relocation Assistance	7/19/89

If the applicant does not require interpretation, no entry shall be made in the spaces provided for the interpreter's name and signature.

Notarizing the Form.

An available staff member who is a Notary Public shall serve as notary. The staff member who conducts the intake conference and who interprets for the applicant may not serve as notary. This restriction is waived for applications taken in the field.

6. For Office Use Only.

The inset box on the right side of the application form will be used by the intake worker to enter information from Commission records. The entries will be completed by the intake worker when the worker assigns a case number and determines the documents which the applicant must submit.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

1115 ASSIGNING CASE NUMBERS.

After the application form has been completed, the intake worker will assign the client a case number. Case numbers will be assigned and a manual case file prepared only if the application has been completed.

1. Definition Of A Case Number.

The case number is a four digit number which will identify a client within the Commission's relocation operations program. Case file numbers will be assigned in sequential order, starting with case file #0001 and ending with the highest possible number #9999. Case numbers may not be reassigned from one applicant case file to another, even though a case may be closed.

2. Entering The Case File Number.

The intake worker will refer to the manual new applications log, and will assign the next open sequential number. The case file number will be entered in the inset box on page 1 of the application form, and on all subsequent Commission forms and documents which relate to the applicant's case.

The intake worker will enter the applicant's name on the new applications log, as well as the following information: Birthdate, Social Security Number, Census Number, Date of Application, Quarter Quad Location (QQL), Chapter Membership.

The intake worker will prepare a rolodex card for each applicant from the new applications log. The manual rolodex file will contain the following information: name of applicant, case number, census number, chapter membership, QQL.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

1116 DETERMINING THE NEED FOR SUPPORTING DOCUMENTS.

After the application has been completed and the intake worker has assigned a case number, the intake worker will determine what additional documentation, if any, is required from the applicant in order for the case to be referred to the certification worker for a certification determination.

In order to determine the need for supporting documentation, the intake worker will research Commission files to determine whether or not the applicant was listed on the JUA roster as a resident of the FJUA in 1974. If the applicant was listed, the intake worker will determine the household membership status of the applicant in 1974, as recorded on the roster.

LEGAL RESIDENCE.

The intake worker will explain to the applicant that legal residence is the first requirement which must be met in order for a person to be eligible for relocation benefits. In 1974, the applicant must have been a legal resident of a homesite located on land which was later partitioned to the Hopi Tribe.

"Legal residence" means that:

- the person, or the person's immediate family, occupied and/or maintained a habitable dwelling on the HPL;
- the person intended to live on the HPL for a period of time, and;
- the person manifested this intent by establishing an on-going physical presence on the HPL.

1. JUA Roster.

The intake worker will explain that the JUA roster was a census of the residents of the FJUA which was conducted by the BIA in 1974-75. The JUA roster is the master record used by the Commission to determine the existence of homesites on the HPL in 1974, and the residents of these homesites.

Besides the JUA roster, the applicant may submit other documents to support his/her legal residence.

The intake worker will look up the applicant by census number on the JUA by Census Number computer list. If the applicant is not listed by census number but the applicant claims the he/she was a resident in 1974, the intake worker will look up the applicant by name in the alphabetical section of residents without census number which precedes the census number listing. If the applicant's name is not in the alphabetical section, the intake worker will ask the applicant for any other names he/she might have used and look them up in the alpha listing (i.e. maiden name, different name spelling).

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

a. Applicants Listed on the Roster.

If the applicant is listed on the roster, the intake worker will enter the QQL in the inset box of the application form and make a copy of the page(s) of the manual roster, either QQL or Alpha, which lists the applicant and his/her family. These copies will be filed in section 3 of the case file.

It is not necessary for an applicant who is listed on the JUA roster to submit additional documents to support his/her claim to legal residence, unless the applicant has supplied information which indicates he/she may not have been a legal resident. If the intake worker determines that additional supporting documents are needed, the intake worker will request documents listed in c.

b. Applicants Not Listed on the Roster.

If the applicant is not listed on the roster, the intake worker will interview the applicant in greater detail about the location of the homesite and the occupants of the homesite.

Utilizing the USGS quarter quad maps, the JUA roster by alpha and the JUA roster by QQL, the intake worker will determine the location of the homesite the applicant is claiming.

Use of the Maps.

The intake worker will ask the applicant to describe the location of the homesite in sufficient detail so that the QQL can be located on the appropriate map. Description can be in terms of distance from trading posts, major highways, compass directions, geographic features, dirt roads to the homesite, etc.

Use of the JUA QQL Listing.

If the QQL can be correctly identified from the maps, or the applicant can give a close identification of the homesite within a limited area, the intake worker will refer to the QQL roster for the camp and read off the names of people occupying homesites within the area pointed out by the applicant. The applicant will identify the exact QQL by stating which household he/she was attached to.

Use of the JUA Alpha Listing.

If the applicant cannot identify the location of the homesite precisely enough so that its location can be narrowed down to a specific camp or a small number of camps, the intake worker will ask the applicant to name other household members, and relatives who lived at the homesite, and will look them up on the roster.

As soon as a specific QQL location is identified, the intake worker will enter it in the inset box of the application form and will make a copy of the

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

JUA roster listing of residents of that QQL. The intake worker will write on the printouts the relationship of the applicant to the head of household for the identified QQL. The intake worker will file the printout in section 3 of the case file.

If no homesite can be identified for the applicant, the intake worker will inform the applicant that it will be necessary for him/her to submit documentation which identifies the location of the homesite. The intake worker will mark #3 on the Required Documents Notice (Manual List) Form MM#1110.3.

c. Residence Documents.

An applicant who was not listed on the JUA roster must submit documentation that he/she was a legal resident of an identified homesite in 1974. Documentation will also be required for applicants who are listed, but there is information that he/she may not have been a legal resident.

The types of documents which are most likely to show legal residence in 1974 are listed on the Required Documents Notice. These documents include, but are not limited to:

- parent's family card
- grazing permit in family name
- livestock sales receipts
- ownership of improvements
- military records
- school records
- public health records
- trading post records
- social security records
- mailing address records
- court records
- voting records
- homesite lease
- employment records
- banking records
- marital records
- birth records
- any other relevant data.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

The intake worker will discuss the types of documents which are listed and explain that the documents submitted by the applicant must:

- tie the applicant to the identified FJUA location
- indicate the relationship of the applicant to identified residents of the homesite
- establish that the applicant was a resident of the homesite in 1974.

If the applicant has such documents with him/her, the intake worker will make copies of the documents for the case file.

If the applicant does not have any or all documents to support 1974 Legal Residence, the intake worker will mark #4 on the Required Documents Notice and proceed to head of household supporting information.

HEAD OF HOUSEHOLD.

After covering the 1974 residence requirements with the applicant, the intake worker will discuss the head of household requirement. Referring to the eligibility regulations, the intake worker will explain what is meant by the term "head of household."

- a person who represents and speaks on behalf of the members of a household unit of 2 or more persons which is permanent in nature;

OR

- a single person who is self-supporting.

The intake worker will explain that in order to be eligible for relocation assistance benefits, a person who was a legal resident in 1974 must show that he/she had become a head of household by the time he/she moved from the HPL.

1. Determining Head Of Household Status.

If the applicant was listed on the JUA roster as head of household or spouse of head of household, no supporting documentation is required to demonstrate head of household status. The intake worker will proceed to 1117, Final Instructions to Applicant.

If the applicant is listed as a household member (other than spouse) on the JUA roster, or is not listed on the roster, then the applicant must submit documentation of head of household status. It is in the applicant's best interest to produce documentation which dates back to the time head of household status was first acquired, if the applicant claims he/she moved away from the HPL after

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary	APPROVED
			Relocation Assistance	7/19/89

becoming head of household, or that he/she became head of household before the applicant's parents received benefits.

The intake worker will explain that the date a person became a head of household is important, because it relates to the residence requirement. A person who moved away from the homesite before becoming a head of household is not eligible for benefits.

The date also relates to prior benefits awarded the applicant's parents. If applicant's parents have already relocated, applicant will be considered to have participated in their benefit unless he/she was a head of household in his/her own right at the time the parents moved into the relocation house.

If the applicant wants to know when the parents signed the contract, the intake worker will determine the parent's agency status from the Alpha Case Master List. If the parents have signed a contract the intake worker will inform the applicant of the date.

The intake worker will explain the documents required to demonstrate head of household status.

2. Documents Required For Household Unit.

It is not necessary for an applicant to be legally married in order to qualify as head of household unit. The following document(s) can be submitted to support head of household status.

- family card

The family card is used in two ways. It is required for Page 2 of the application form as verification of an applicant's claim to head of household status. It is also used to develop an initial family member file for people participating in the applicant's benefits.

If the applicant can provide a family card which includes all household members, no other documentation is required to prove the existence or composition of the household.

If the applicant cannot provide a family card, the applicant must provide the following documents to show that: (1) a household exists, and (2) who its members are:

- marriage license or certificate
- birth certificates of children
- adoption or guardianship papers
- court records awarding custody

If the applicant has any or all of the documents with him/her, the intake worker will make copies of the documents for the case file. If the applicant does

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

not have the documents with him/her, the intake worker will check #5 of the Required Documents Notice and proceed to 1117.

If the applicant states that a household exists but he/she is not legally married and cannot provide any of the above documents, the applicant will be referred to the DCC Manager, who will discuss the applicant's unique circumstances and authorize the submittal of alternative supporting documentation. In such case, the Manager will prepare a file memo stating:

- applicant's name, case number, date of interview and explanation of applicants' situation. If the Manager approves alternative documentation, the memo will list the documents to be submitted.

The Manager will mark the entry for "Special Handling" on the Required Documents Notice. When the Notice is printed, the Staff Assistant will forward the Notices requiring special handling to the Manager, who will enter the alternative documentation required. The intake worker will proceed to 1117, Final Instructions to Applicant.

3. Documents Required For Single Person Who Maintains And Supports Himself/Herself.

Single applicants must provide proof of income. The proof should date from the time the applicant actually became self-supporting. Acceptable proof of income will include:

- income tax records
- wage statements
- check stubs
- SSI benefit determination notices
- Aid for Dependent Children or General Assistance Statements
- student scholarship or grant awards
- other documented information

If the applicant has any or all of these documents with him/her the intake worker will make copies of them for the case file.

If the applicant doesn't have documents with him/her the intake worker will check #6 of the Required Documents Notice.

If the applicant claims to be self-supporting but states that he/she does not have proof of cash income (i.e. applicant may live on subsistence grazing and farming) the applicant will be referred to the DCC Manager. The Manager will consider the applicant's unique circumstances and authorize a field investigation or other substantiating records. In such case, the Manager will prepare a file memo stating applicant's name, case number, date of interview and explanation of applicant's situation. The memo will also list alternative documentation which the applicant has been instructed to submit.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

The Manager will mark the entry for "Special Handling" on the worksheet. When the Required Documents Notice is printed, the Staff Assistant will forward notices requiring special handling to the Manager, who will enter the alternative documentation required.

**4. Applicant Was Legally Married At The Time Of Residence
On The HPL Was Subsequently Legally Divorced.**

The majority of applicants will be considered either under 2 or 3 above. However, there may be a few applicants who were not head of a household unit or self-supporting while living on the HPL because they were the spouse of a head of household and have subsequently been divorced and applied on their own. Such applicants may be eligible under 25 CFR 700.69 (a)(2). A person who claims eligibility under this section must produce a copy of marriage license or marriage certificate, and a copy of court issued divorce decree.

If the date of the marriage is entered on the divorce decree, the applicant does not have to submit the marriage document; or if the person was shown as head of household or spouse on the JUA roster, the applicant does not have to submit a marriage document.

If the applicant has these documents with him/her, the intake worker will make copies of them for the case file.

If the applicant doesn't have documents with him/her, the intake worker will mark #7 on the Required Documents Notice.

The intake worker will proceed to 1117, Final Instructions to Applicant.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

NOTE: Two sets of household documents are required for applicants who claim eligibility under this section. Documents of the previous marriage and divorce are to show that the applicant was a spouse while living on the HPL. Also, for page 2 of the application form, information about the applicant's current household is needed to develop the initial file of people who will participate in the applicant's benefits, if he/she is determined eligible.

1117 FINAL INSTRUCTIONS TO APPLICANTS.

If the applicant is not required to submit additional information or documentation, the intake worker will proceed to 117.3.

If the applicant is required to submit information or documentation identified on the Required Documents Notice, the intake worker will proceed to 1117.1.

1. Instructions For Submitting Documents.

The intake worker will inform the applicant that within a few days, the applicant will receive the Required Documents Notice by certified mail. This official notice will confirm in writing the documents and information requirements which the intake worker has explained during the intake conference. The intake worker may give the applicant a manual copy of the Notice to take with him/her so that the applicant may start gathering the information immediately.

The intake worker will explain the instructions which will be contained in the Notice.

- Documents must be submitted within 45 days of the date of the Notice.
- If no response is received, a second notice will be issued, allowing the applicant an additional 30 days to submit documents.
- The Notice will contain a return envelope for submitting documents.
- The Commission will make copies of documents submitted by the applicant and will return the originals within one week.
- After 75 days (or 45 days if all documents are submitted during the first notice period), the case file will be referred to certification for final evaluation and determination of eligibility.

2. Time Extension.

If at the end of the 75 day period the applicant is in the process of obtaining specific documentation but requires more time, the applicant may be granted an extension of time provided he/she contacts the Commission, requests an extension, and explains the circumstances. Extensions are granted in increments of 30 days.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

a. First Extension.

The intake worker who receives the request will write it up on a contact form and forward the form with any supporting documentation to the DCC Manager for decision. The Manager will approve or disapprove the request. The executed request will be forwarded to the Staff Assistant who will notify the applicant in writing of the DCC Manager's decision. If the request was approved, the Staff Assistant will inform the applicant of the extension and the date by which the documents must be submitted. This date and source of the request will be data entered in the certification file by the Staff Assistant. A copy of the letter will be routed to the data room to be filed in the manual case file.

b. Second Extension.

Requests for second extensions must be in writing and must state the justification for the request. All such requests must be reviewed by the DCC Manager. The applicant will be notified of the DCC Manager's decision and data entry and filing will be accomplished according to procedures in a. above.

3. Information About the Certification Process.

The intake worker will explain briefly what will happen when the case file is referred to certification.

- The certification worker will study the information on the application and the other documents which the applicant has submitted. If the applicant's parents have applied, the parent's case file will be studied to determine if the applicant was a household member when the parents moved from the HPL.
- Cases will be handled by certification in the order of referral by intake. The applicant should receive a Notice of Certification or Denial within two months after he/she has submitted the required documents. However, it may take longer if there is a backlog of cases or if the applicant's case presents unusual problems.
- Ordinarily, it will not be necessary for the applicant to make another trip into the office. If the certification worker needs to see the applicant, he/she will send the applicant a letter requesting that the applicant call for an appointment for an office conference.
- If the applicant has questions he/she should call the Commission and the receptionist will refer the applicant to a certification staff member who can answer the questions.

4. Client Courtesy Card.

The intake worker will give the applicant a client courtesy card and explain the use of the toll free call in phone numbers which are printed on the card. The

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary	APPROVED
			Relocation Assistance	7/19/89

intake worker will write the applicant's case number on the card and instruct the applicant to refer to that number whenever he/she calls the Commission about the case. (See MM#1110 Attachment C).

5. Expense Reimbursement.

If the applicant asks about expense reimbursement, the intake worker will explain that mileage and meal allowance is paid only if an applicant is determined eligible for relocation assistance benefits. Only one trip is reimbursed during the certification process, unless the Commission authorizes additional trips in writing.

If the applicant is determined to be ineligible for benefits, no expense reimbursement will be issued.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

1120 CLIENT CASE FILE.

After the intake conference is concluded, the intake worker will gather all the documents related to the case which have been collected during intake and will open a manual case file. This a six part file which contains all of the documents relating to the processing of the client's case.

1. Label.

The intake worker will type a label and paste it on the cover. The label will contain the following information in this order: case number, applicant name, last name first; and tribal census number.

2. Client File Index.

The Client File Index is an agency form, MM#1110.4, which is prepared by the intake worker each time a new case file is opened. The intake worker will enter the applicant's name, case number, and census number at the top of the form, and place it on the inside front cover of each case file. All documents filed in the case file will be entered on the File Index. The person who files the documents will check off or write in the title or description of the document in the document title column, the date of filing, and will initial the right hand column.

3. File Organization.

The case file will be organized according to type of document. As document collection relating to a particular agency activity is completed, a divider will be inserted on top of documents collected during one activity to separate them from documents of the same type collected during the next activity.

Inside Front Cover: Client File Index.

Section 2: All Commission forms used in processing the case.

Section 3: All supporting documents which relate to the
Commission Forms in section 2.

Section 4: Correspondence other than numbered form letters
issued to the client, or received by the Commission from the
client or in regards to the client's case.

Section 5 & 6: Manual sub-files compiled by Commission offices
for specific activities will be placed in the final compartment
of the six part file when the activities are completed. These
manual files are: Homesite Lease File, Appeals File, Appraisal
File. The sub- files will be inserted in their entirety and
will not be separated according to type of document.

After the intake worker has affixed labels to the case file and inserted the

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary	APPROVED
			Relocation Assistance	7/19/89

file index, he/she will check off on the file index the documents which have been collected and will perform data entry according to 1121.

After data entry the documents will be inserted in the case file and the file will be forwarded to the Data Clerk for filing.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

1121 DATA ENTRY.

The intake worker will perform data entry of the information collected during intake. The DCC Staff Assistant will assure data entry according to procedures and instructions issued by the ADP Branch.

1. Information Collected During The Intake Conference.

The intake worker will enter the following information upon completion of the intake conference.

- a. Application Screen. Information from page 1 of the application will be entered on the application screen.
- b. Demographic Screen. Information from page 2 of the application will be entered on the household member- ship screen.
- c. Certification File Screen. The presence of specific documents listed in the Certification File which are collected during the Intake Conference will be entered through the Certification File Screen.
(yes/no entry)
- d. Required (Intake) Documents Screen. If the applicant has to submit additional documents the sections (1 through 7) which the intake worker has marked on the Required Documents Notice will be entered on the Required (Intake) Documents Screen. This entry will generate the Notice to the applicant.

If no documents are required, this information is also entered on the Required Documents Screen ("x" entry). A no documents entry automatically refers the case to certification.

2. Information Received In Response To The Required Documents Notice.

Documents submitted by the applicant in response to the Required Documents Notice will be received and copied by the intake worker. The originals will be returned to the applicant, and the copies will be data entered by the intake worker, and then forwarded to the Data Clerk for filing in the manual case file.

The intake worker will make the following entries for information received in response to the Required Documents Notice.

- a. Demographic Screen. Information received about members of the applicant's household is entered through the household membership screen. The documents from which the information is entered may include: family card, marriage document, birth certificates, court decree, or other official documents.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

- b. Certification File Screen. The presence of specific documents listed in the Certification File which are submitted by the applicant are entered (Y/N) through the Certification File Screen.
- c. Required (Intake) Documents Screen. When the applicant responds to the Required Documents Notice, the intake worker will enter the type of response through the Required Documents Screen, and erase the sections to which the applicant has responded. The codes which record the applicant's response are: "C", complete response, all documents received; and "P", partial response, documents received for some but not all notice sections.

If the Notice is returned as undeliverable, the intake worker will enter an "R" response code through the screen.

The intake worker will stamp each document which is data entered, in the upper right hand corner of the page. Documents submitted by the applicant which were not specifically requested and do not require data entry, will be initialed in the upper right hand corner and retained for the client file. All documents submitted by an applicant will be stapled together after data entry, and forwarded to the file room.

3. Second Notice.

An applicant who is required to submit documents will receive a second notice if he/she fails to respond to one or more sections of the Required Documents Notice. A second notice is automatically generated 45 days after issue of the first notice, if the intake worker has entered a "P" (partial response code) in the Required Documents file; or if no response has been entered in the file.

The Second Notice will allow the applicant an additional 30 days to submit the specified required documents.

The Second Notice will be sent certified mail, return receipt.

Documents received from the applicant in response to the Second Notice will be data entered and filed according to procedures in 1121.

4. Camp Code.

After the applicant has provided information about the primary HPL homesite, the intake worker will determine the applicant's camp code and perform data entry of the code.

A camp code is a 4-digit number assigned to a cluster of quarter quad locations on the HPL on the basis of extended family membership.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary	APPROVED
			Relocation Assistance	7/19/89

The camp code does not determine an applicant's eligibility for benefits, but the code is entered during the intake process so that eligible extended family members can be grouped together during the counseling phase. Camp codes may be updated as a client progresses through the relocation process and provides updated information.

The camp code can be determined by locating the applicant's primary QQL on the maps which have been marked with camp code boundaries, and by checking the client by camp code computer list, for the camp code assigned to other family members. The QQL which is entered on page 1 of the application form usually determines the applicant's camp code. However, there are reasons why applicant's camp code may be different from the QQL used for eligibility purposes (for example, a person may have married and moved to a new camp since 1974).

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

1122 REFERRAL TO CERTIFICATION.

1. Referral Process.

Cases will be referred to certification for eligibility determination by means of data entry through the Required Documents screen. The date of referral will be recorded in the Certification file. The date of referral is the date on which:

- The intake worker enters an "X" response code on the screen, because all necessary documents and information has been collected during the intake conference and no Required Documents Notice is issued;

OR

- The intake worker enters a "C" response code on the screen, after receiving a complete set of documents and information from the applicant in response to the Notice;

OR

- the 30 day time limit for the Second Notice has expired and the intake worker has entered a "P" response code on the screen, after receiving a partial set of documents and information from the applicant in response to the Notice.

2. Time Extensions.

If an applicant has requested and received an extension of time for submission of documents, the date of extension will be entered in the file, which automatically defers referral to certification until the time extension has expired.

3. Special Handling.

No computer entry will be made for cases which require special handling. When the intake worker determines that a case cannot be handled according to the procedures stated in this Management Manual because of unique circumstances, the intake worker will refer the case to the DCC Manager who will instruct the intake worker as to the procedure to be followed. The intake worker will maintain manual records of the action taken and will assure that copies of any correspondence generated is filed in the case file; and that information required for the automated files is forwarded to the Staff Assistant for data entry.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary	APPROVED
			Relocation Assistance	7/19/89

1123 DISPOSITION OF CASES.

The way in which a case is handled after Intake is determined by the response to the Required Documents Notice.

1. Complete Or Partial Response.

Cases which do not require additional documents following the completion of intake, or in which the applicant has supplied a complete or partial set of documents and information (coded as "X", "C", or "P" for data entry purposes) will be assigned to a certification worker for review of the information in the case file and for eligibility recommendation.

2. Denial On The Basis Of No Response.

If the Commission has received return mail receipt showing that the applicant has received the Required Documents Notices, but has failed to respond at all to the first and second notices, a Letter of Denial will be issued. (Denial reason #5 Form MM#1110.5). The letter will inform the applicant that he/she has been denied benefits for voluntary relocation assistance because of failure to submit information required to determine eligibility. The letter will further inform the applicant that although he/she is not eligible for voluntary relocation assistance benefits, he/she may be subject to involuntary relocation according to the provisions of 25 CFR 700.138.

The DCC Staff Assistant will run the program to generate letters of denial for all individuals with an "N" code at least 30 days past the date of second notice. The program will generate the letters and will update the applicant files with the following information: denial, reason for denial, date of determination, and date of letter issued.

The DCC Staff Assistant will generate lists of applicants with an "N" response code and will check the letters against the list to verify that a letter has been prepared for all applicants.

The letters will be forwarded to the Assistant Director for Relocation Operations for signature. The Assistant Director will sign two copies of each letter, and will return the signed letters to the DCC Staff Assistant within five working days.

Check on Late Documents.

Prior to mailing the denial letters, the DCC Staff Assistant will make a final check of the applicant's file to verify that no late documents have been received since the letter was generated.

If documents have been received, the letter of denial will not be issued to the applicant. The DCC Staff Assistant will fill out a Form MM#1110.6, Request to Change or Delete Certification Entry, and forward it to the Computer

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary Relocation Assistance	APPROVED 7/19/89

Operator. The Computer Operator will delete as applicable: the determination code, denial reason, date of determination, and date letter issued. The Computer Operator will forward the edit report of changes to the DCC Staff Assistant for office files, and the form will be filed in the applicant's case file.

If no documents have been received, the Staff Assistant will send the letter to the applicant by certified mail, return receipt. A copy of the Commission's regulations on hearings and administrative review will be attached. The signed copy of the letter shall be filed in the case file, section 2, by the Data Clerk.

3. Denying Applicants With Mail Return.

A Letter of Denial will be issued to applicants who cannot be contacted for required documents and information due to their failure to provide the Commission with a valid mailing address. (Denial Reason #6; Form MM#1110.7) The Letter of Denial will be issued after reasonable efforts to contact the applicant have been made.

a. Alternate Addresses.

If the Required Documents Notice is returned to the Commission, stamped by the Post Office with an undeliverable mail code other than deceased, the DCC Staff Assistant will research Commission files to determine if there is record of other mailing addresses which may be valid for the applicant. The following files may contain alternative addresses: Client Master File, Address File, Manual Case File. If a valid alternative address is found, the Staff Assistant shall reissue the Notice.

If there is a notation on the returned envelope that the applicant is deceased, the case will be closed according to the Case Closure Procedures.

After all efforts to contact the applicant by mail have failed, the Commission will issue letters of denial to the last known address of the applicant. The Commission will also publish a notice of denial in order to attempt to provide notice of the determination.

If notices which have been sent certified mail, return receipt, are returned to the Commission as undeliverable, the notices will be reissued for regular mail delivery. This will be done after the files have been reviewed for alternative valid addresses and the notice has been reissued, certified mail, to alternative addresses.

If the notice is eventually returned to the Commission as undeliverable, it will be filed in the applicant's case file.

b. Letter of Denial.

The letter of denial will inform the applicant that he/she has been

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1110	Applications For Voluntary	APPROVED
			Relocation Assistance	7/19/89

denied benefits for voluntary relocation assistance because the Commission has been unable to contact the applicant for documents and information required to determine eligibility. The letter will further inform the applicant that although he/she is not eligible for voluntary relocation assistance benefits, he/she may be subject to involuntary relocation according to the provisions of 25 CFR 700.138.

The DCC Staff Assistant will run the program to generate letters of denial for all individuals with an "R" code. The program will generate the letters and update the applicant files with the following information: denial, reason for denial, date of determination, and date of letter issued.

The DCC Staff Assistant will generate the list of applicants with an "R" response code and will check the letters against the list, to verify that a letter has been prepared for all applicants. The list will be used to develop the public notice which will be published according to 1123.3(c).

The letters will be forwarded to the Assistant Director for Relocation Operations for signature. The Assistant Director will sign two copies of each letter, and will return the signed letters to the DCC Staff Assistant within 5 working days.

The Staff Assistant will send the letters to the applicants by certified mail, return receipt. A copy of the Commission's regulations on hearings and administrative review will be attached. The signed copy of the letter shall be filed in the case file. If the letter is returned as undeliverable, it will be filed in the applicant's case file.

If the applicant should subsequently contact the Commission about the status of the case, the letter of denial will be issued by certified mail to a new address provided by the applicant. The letter may also be issued personally to the client if he/she comes into the Commission offices. In this case, the applicant shall sign a statement acknowledging receipt of the Notice.

c. Notice of Denial of Eligibility.

A notice shall be published in newspapers which circulate on the Navajo Reservation, including: GALLUP INDEPENDENT, NAVAJO TIMES, ARIZONA DAILY SUN, QUA-TOQTI, and other appropriate media identified by the Assistant Director for Relocation Operations who shall determine the publication schedule. Copies of the Notice shall be posted at chapter houses, post offices and trading posts on the FJUA, and will be distributed to appropriate offices of the Navajo Tribe.

The Notice shall list the names and census numbers of the applicants who are being denied on the basis of failure to provide the Commission with a valid mailing address, who have not provided the Commission with information required to make an eligibility determination. The Notice shall state that these individuals have the right to appeal and shall give the Commission's phone number and mailing address. The appeal must be received within 30 days of the date printed on The Notice of Denial.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1150	POTENTIAL APPLICANTS	01/11/96

INSTRUCTIONS: This section of the Management Manual was approved December, 1985 as a one-time process to notify potential relocatees of the deadline for voluntary applications.

SECTION 1100 INTAKE

SUBJECT 1150 Potential Applicants

AUTHORITY 25 CFR 700.137-139; Report and Plan p. 271.

POLICY.

This section of the Management Manual was developed for the purpose of identifying and notifying persons believed to have been residents of the Partitioned Lands at the time of the passage of the Act who may be eligible for voluntary relocation assistance benefits. In order to qualify for voluntary relocation assistance, persons who may be eligible must submit completed applications by close of business July 7, 1986.

In developing the Report and Plan the Commission anticipated that relocation would be accomplished five years after acceptance of the Report by Congress (July 6, 1981). Individuals identified by the Commission as potentially subject to relocation would be issued preliminary notification of displacement after Congressional acceptance of the Report. If any individuals so identified failed to make timely arrangements to contract with the Commission, they would be contacted as soon as practicable after July 7, 1985 (the fourth anniversary of the Report and Plan) and informed of the requirement to vacate the partitioned lands.

The notification shall request that if determined to be eligible the head of household choose an available area for relocation and contract with the Commission for relocation. The Commission shall offer suitable housing to the relocatee; offer to purchase the relocatee's habitation and improvements; offer provisions for the relocatee and his or her family to be moved; and, provide moving expenses.

Upon the expiration of the notice period, the Commission shall identify persons potentially subject to relocation who have not contacted the Commission, to the Secretary of the Interior and to the U.S. Attorney for the District of Arizona for such action as they deem appropriate. The Commission will continue to assure the availability of relocation assistance to which these persons may be entitled.

1151 IDENTIFYING POTENTIAL APPLICANTS

Drawing from information which the Commission has compiled pursuant to its mandate to relocate households from the partitioned lands, a file will be prepared of persons who the Commission believes may have resided on the partitioned lands at, or about, the time of passage of the Act, who have not applied to the Commission for relocation assistance. Inclusion or exclusion of names in this file is not a determination of a person's eligibility for relocation assistance. Eligibility is determined according to regulations published in 25 CFR 700.69; 700.97; and 700.147.

Because the persons listed have failed to make direct contact with the Commission, the Commission will utilize the most reliable source documents available to develop and maintain the file, recognizing that absent direct and voluntary contact with each potential relocatee, the file will not be completely accurate.

1. Purpose For The File.

The file shall serve several purposes:

- a. It shall be used as the most reliable list of persons who may be eligible for relocation assistance who have failed to submit an application to the Commission.
- b. It shall be used to notify potential relocatees of the deadline for filing an application for voluntary relocation assistance.
- c. It shall be forwarded to various government agencies pursuant to the requirements of law and regulation.

2. Sources Of Initial File.

The initial file of potential applicants shall be compiled from the following sources. Names shall be cross-checked by census number and other identifying information to avoid duplicate listing.

BIA Enumeration.

- a. The file will include the names of people enumerated by the BIA in 1975-76 as HPL residents who are not applicants, or family members in an applicant's case file, and have not been identified as deceased.

Incomplete Case Files.

- b. The names of individuals for whom case files were opened following field work by the Commission in 1977-78, even though no application form was received from the individual.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1150	POTENTIAL APPLICANTS	APPROVED

07/19/89

Permittees.

- c. Individuals who hold current BIA grazing permits who have not submitted an application.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1150	POTENTIAL APPLICANTS	APPROVED
				07/19/89

1152 FILE INFORMATION.

The file shall be automated, and shall include the following information about individuals identified as potential applicants:

- name - tribal census number - primary QQL - social security number - birthdate - last known mailing address - mail return code - camp code - information on family membership status from JUA roster - information on improvements from JUA Roster - source from which person's name was drawn.

After the initial file is created, it may be updated by the following manual or automated entries:

- address change - residence/eligibility verification code - case number, if person applies - family member number - reason for addition to or deletion from the list.

1153 MAINTENANCE OF THE POTENTIAL APPLICANTS FILE.

The Supervisor of the Eligibility/Appeals Branch shall maintain the file of potential applicants. The file shall be reviewed on a regular schedule to be determined by the Supervisor, who shall approve all deletions from or additions to the file which require manual data entry. The Assistant Director for Relocation Operations shall assure that staff who have knowledge of potential applicants assist the Supervisor with file maintenance.

Information received by Commission staff which results in the addition or deletion of a name or other file information shall be documented and routed to the Supervisor for review and approval. Depending upon the nature of the information, the documentation should contain at a minimum:

- Name and census number of potential applicant.
- Name of person providing information.
- How the person learned of the information.
- Whether or not any corroborating documentation exists.

After the Supervisor determines whether or not the information will be added to the file, the documentation will be forwarded to the Data Room for inclusion in the case file (for IN files) or maintained in a manual file in the Eligibility Appeals Branch.

Data entry of file changes which must be done manually will be entered by the Eligibility/Appeals Assistant.

Changes to the file which result from receipt of an application or demographic information will be accomplished automatically and do not require the Supervisor's approval.

1. Potential Applicants List.

Information from the file will be incorporated into a programmed report which can be generated automatically whenever staff require up-to-date information on the number of potential applicants. The list is entitled Potential Applicants List.

2. Deleting Names From The List.

After the initial file is compiled a name may be deleted from the list for one of the following reasons. The reason is data entered in the file. Subsequently, the name will no longer appear on the Potential Applicants List.

- A name will be deleted if the individual submits an application, or is determined to be a family member in an applicant's case file. No data entry is performed.
- A name will be deleted if the Commission learns that the individual is deceased. The Eligibility/Appeals Assistant will data enter a "D" in the file upon the instruction of the Supervisor. The staff person who is informed that an individual is deceased will attempt to determine:
 - a. the date of death
 - b. whether or not a death certificate was issued, and
 - c. other information about the circumstances which which will assist the Commission to verify the report.
- A name may be deleted if the Supervisor determines from review that the name was erroneously included. The reasons for such error may include but are not limited to: census number error, misspelled name, other. The Supervisor will document the reasons for the decision and prepare a memo to the file which will be placed in the appropriate manual file. The Assistant will data enter an "S" in the file upon the Supervisor's instructions.

3. Adding Names To The List.

After the initial file is compiled a name may be added to the list for the following reasons:

- The Commission is informed that an individual was erroneously omitted from the initial file. The Supervisor shall specify the type of documentation which is required in order to substantiate the information. Supporting documentation may include but is not limited to:
 - a. verification by governmental agency
 - b. affidavit submitted by the individual
 - c. field investigation reports

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1150	POTENTIAL APPLICANTS	APPROVED

07/19/89

Note: A name shall be added to the file only if there is substantial information that the person was a resident of the HPL at the time of the passage of the Act.

- Refused Appraisal: People whose names appear in manual Commission appraisal files as property owners on the FJUA who did not permit an original appraisal of their property (1977-78) and have not subsequently filed an application. Applicable information and "R" source code will be data entered.

When the Supervisor approves the addition of a name of the file, the Assistant will perform data entry of appropriate information and enter an "S" source code.

1154 RESIDENCE/ELIGIBILITY VERIFICATION CODES.

In order to respond to anticipated multiple purposes for the file, the supervisor shall enter codes which indicate:

1. C: A "C" code shall designate persons listed on the JUA roster and believed to have been residents at the time of passage of the Act, who are identified as being current actual residents of the partitioned lands. Thus, there is a high probability that these persons are eligible for relocation assistance.
2. N: An "N" code shall designate persons listed on the roster and believed to have been residents at the time of the passage of the Act, who subsequently resided off the reservation; and are not known to be current actual residents. Thus, there is a possibility that these persons may be eligible for relocation assistance.
3. Z: A "Z" code shall designate persons not listed on the roster, who may have been residents at the time of the passage of the Act; but about whom the Commission has no information. Thus, there is a high probability that these persons are neither current residents nor eligible according to published criteria.

As other uses of the file are defined by management which require identification of potential applicant characteristics, the supervisor shall define the file need, and work with the ADP Supervisor to accomplish automated program requirements. The Supervisor shall inform the Management Analyst of changes to the procedures, for formal incorporation into this section of the Management Manual.

The Supervisor may verify residence/eligibility status by:

1. Submitting the list to the BIA and the Hopi and Navajo tribal governments and requesting that these agencies indicate those individuals known to be actual residents.
2. Circulating the list among agency staff. Staff who have personal knowledge that an individual is an actual resident and should be coded "C" shall document that information by memo to file which states:

- a. person's name
 - b. Qq1, or vicinity
 - c. chapter
 - d. names of other household members, if known
 - e. source of knowledge (i.e., family friend, field investigation, etc.), and
 - f. duration of residence, if known.
3. Reviewing information produced by enumerations or field investigations undertaken by the Commission or other governmental entity.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1150	POTENTIAL APPLICANTS	APPROVED
				07/19/89

1155 ISSUING THE NOTICE.

1. General Notice.

The Assistant Director for Relocation Operations shall determine the schedule to be followed in notifying potential applicants of the application deadline, and shall publish a notice in newspapers which circulate on the Navajo reservation, including: GALLUP INDEPENDENT, NAVAJO TIMES, ARIZONA DAILY SUN, and other appropriate media. Copies of the notice shall be posted at chapter houses, post offices and trading posts on the FJUA, and distributed to appropriate offices of the Navajo Tribe (See MM#1150 Attachment A).

The notice shall inform potential applicants that July 7, 1986 is the last day to apply for voluntary relocation benefits. Applications shall be accepted at the Flagstaff office and at specified field locations.

2. Public Information Program.

Dine' Bike' Ya Bahane', Inc. (DBB) will publish articles about the relocation deadline in its bi-monthly newsletter, and shall inform individuals who may be subject to relocation of the method for contacting the Commission to apply for assistance.

3. Individual Notice.

When the general notices are published, the Assistant Director shall also issue letters to each individual listed in the potential applicants' file (see Form MM#1150.1). The letters will be issued regular mail to the person's last known address.

The letters will be computer generated. Generation of the letter will enter the date of notification in the potential applicants file.

MANAGEMENT	SECTION	1100	INTAKE	
MANUAL	SUBJECT	1150	POTENTIAL APPLICANTS	APPROVED

07/19/89

1156 FILING AND DATA ENTRY

The Eligibility/Appeals Assistant will provide administrative support for this program activity.

When the individual letters are computer generated, the Assistant will retrieve both copies of the letters. Following the Supervisor's review, the Assistant will route both copies to the Assistant Director for signature, and will assure that the file copy is routed to the appropriate file.

- The file copy of the letter to potential applicants for whom source information was drawn from the Commission's "IN" case files (source code "C"), will be routed to the data room for filing by the data clerk.
- File copies for potential applicants whose names are derived from all other sources will be filed in individual file folders set up and maintained in the Eligibility/Appeals Office.

All correspondence and documents relating to a potential applicant, including returned mail, will be routed to the Assistant for data entry and filing.

When a potential applicant for whom a manual file has been set up in the Eligibility/Appeals Office submits an application, the Assistant will forward the manual file to the data room so that documentation relating to the potential applicant notification can be incorporated into the case file. The intake worker will generate a weekly list of new applications and forward it to the Assistant, who will check to see if any of the new applications were submitted by a potential applicant.

Data Entry.

The Assistant will perform data entry to add, update or delete information in the Potential Applicants File according to the instructions in the attached memo dated 2/18/86 entitled "Non-Applicant Programs and Access." (See MM#1150 Attachment B)

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1210	Basic Procedures for	APPROVED
			Eligibility Determinations	01/11/96

INSTRUCTIONS: This section of the Management Manual describes the procedures followed in making eligibility determinations for applications for voluntary relocation assistance (Intake Procedures, MM#1110). Because certification of this category of application has concluded, this section has not been updated to reflect changes in agency structure, position titles, etc. which occurred subsequent to the completion of the activity.

SECTION 1200 ELIGIBILITY

SUBJECT 1210 Basic Procedures for Eligibility Determinations

AUTHORITY P.L. 93-531

POLICY.

After the intake function is completed, the case file will be referred to certification. The certification worker will study the information in the case file and make a preliminary determination of the applicant's eligibility for benefits. In the process of making the determination, the worker will complete the Eligibility Summary, Form MM#1210.1. The Summary will be forwarded to the Staff Assistant who will double check the form, make data entries, prepare a letter of certification or denial as instructed, and forward the case file and all related documents to the Certifying Officer.

All determinations issued subsequent to July 1, 1984 shall be based on the revised Eligibility Regulations which were effective on June 29, 1984.

1211 PROCEDURES

1. Case Assignment.

The Department of Counseling and Certification (DCC) Staff Assistant will generate computer listings weekly of cases referred to certification.

The DCC Manager will assign cases to the certification workers from the pool of referred applicants. The certification worker will review and determine cases according to the date of referral from Intake, to the extent feasible. It may be necessary to handle cases of applicants from the same family together. The DCC Manager will determine the specific caseload for each certification worker. When the assignments have been made, the DCC Staff Assistant will assure the entry of the initials of the certification worker into the certification file.

2. Review of Demographic File Printouts.

As a double check on the accuracy of information in the computer files, the certification worker will review the printouts of the client and family demographic files as he/she studies the information in the case file for eligibility determination. If the certification worker notes any errors or omissions, he/she will write them on the printout. These sheets will be kept with the case file. If there are data entry corrections to be made, the printout will be attached to the cover of the case file and forwarded to the DCC Staff Assistant for data entry when the certification review is completed.

3. Further Investigation.

After reviewing the information in the case file, the certification worker will determine if an office conference (See Subheading 1212) or field investigation (See Subheading 1213) is necessary.

1212 OFFICE CONFERENCE.

Office conferences will be held to resolve contradictions and discrepancies in available information. An office conference shall not be scheduled for the purpose of soliciting documents and information previously requested, nor for verifying information contained in the case file.

An office conference may be scheduled if the applicant has complied with the Commission's notices for required documents, and if review of the submitted documents and agency files reveals contradictory or inconsistent information. The DCC Manager must approve all office conference requests.

Examples of contradictions in the case file include:

- a. Applicant is listed on the JUA Roster but the applicant's statements of residency as recorded on Page 3 of the application (Residence History Record) indicate that he/she may have established legal residence off the FJUA prior to 1974.
- b. Applicant is not listed on the roster but applicant is currently a full-time resident of the HPL and there is reason to believe from file information or personal knowledge of staff members, that the applicant was a legal resident in 1974 but was missed during enumeration.

If the certification worker determines an office conference is required, he/she will fill out the top portion of the Office Conference Record, Form MM#1210.2, and attach it to the case file. The Office Conference Record and case file will be forwarded to the DCC Manager for approval. The bottom portion of the form will be completed after the conference is held. If the applicant fails to respond to the conference notification letter, this will be noted on the bottom portion of the form.

If an office conference is approved, a conference notification letter is issued and procedures in 1. through 5. are followed.

If no office conference is required or the request is disapproved, the worker will proceed to 1213, Field Investigation.

1. Conference Notification Letter.

If an office conference is required, the DCC Staff Assistant will send the applicant agency Form MM#1210.3, Request for Office Conference, requesting him/her to call for an appointment. The notification allows the applicant 20 days to respond.

The DCC Staff Assistant will assure data entry of the date of the letter in the certification file.

If the applicant responds, the telephone receptionist or the certification worker will schedule an interview appointment.

If the applicant responds the certification worker will follow procedures in 3. through 5.

If the applicant does not respond, the certification worker will follow procedures in 2.

2. Final Notice.

Using the Office Conference Aging Report, the Staff Assistant will issue the Office Conference Final Notice to applicants who fail to respond within 20 days of the first letter.

The staff assistant will assure data entry into the certification file of the issue date of the second notice. If the applicant responds, an interview appointment will be scheduled.

If the applicant fails to respond, the certification worker will record this on the bottom portion of the Interview Record, and will sign and date the form and continue to 1213, Field Investigation.

The fact that the applicant has failed to respond to the office conference notification will not prevent the certification worker from making an eligibility determination; nor will it result in an automatic denial. For cases in which the file information is inconclusive, the certification worker will refer the case to the DCC Manager for a determination based upon the preponderance of information (see 1214.3).

If the applicant responds, the certification worker will conduct the interview according to 3.

3. Office Conference Record.

The interview will concentrate on issues relating to the contradictory and unclear information in the file.

The certification worker will record the applicant's responses on the Office Conference Record in complete phrases or sentences which are clear to anyone reviewing the case file.

The certification worker will sign and date the Office Conference Record and attach it to the case file for data entry by the Staff Assistant. Data entry is performed at the time the Eligibility Summary Update is completed.

The date the conference is held will be recorded in the certification file.

4. Telephone Conference.

The conference may be held by phone if the applicant contacts the Commission and requests a phone conference.

The certification worker shall approve the request and conduct the phone conference according to procedures in 3. The worker shall check the space at the bottom of the Office Conference Record indicating that this was a phone conference.

5. Rescheduling Missed Appointments.

If an applicant made an appointment for an office conference but failed to keep the appointment, the appointment may be rescheduled under these circumstances.

- a. The applicant must contact the Commission within 5 working days.
- b. The applicant must explain why he/she was unable to keep the appointment.
- c. The request for another appointment must be approved by the DCC Manager.

The staff person who receives the request for a second appointment will write it up on a Contact Form and forward the form to the DCC Manager for decision. The Staff Assistant will notify the applicant by phone or letter of the DCC Manager's decision. If the request is approved, the Staff Assistant will schedule an office conference. The date of the conference will be data entered by the Staff Assistant, and when the conference is held the certification worker will follow procedures in 3.

If the applicant misses the second appointment, no additional appointment will be scheduled.

1213 FIELD INVESTIGATIONS.

Field investigations will be conducted when the applicant has complied with the Commission's notice for required documents, but the applicant's circumstances are unique and documentation does not exist to verify the circumstances. Field investigations shall be conducted only to obtain information about an applicant's current situation, in cases where file information indicates that the situation can be verified or disproved by personal observation by the certification worker. Field investigations may also be conducted if a conference with the applicant is required but the applicant is unable to travel to Flagstaff for an office conference. The applicant must explain why he/she is unable to make the trip. The certification worker will review the file documentation and determine if circumstances exist which require a field investigation.

Field investigations shall be conducted to verify the following circumstances or situations.

Head of Household Unit.

- a. Applicant claims to be head of household on the basis of existence of a domestic unit but the unit does not have a legal basis and the applicant cannot produce documentation as listed in Intake Procedures 116, to substantiate the existence of the unit.

Single and Self-Supporting.

- b. Applicant claims to be self-supporting but does not have cash income as required in Intake Procedures 1116.

Other Circumstances Approved by the DCC Manager.

- c. The certification worker will describe the circumstances requiring a field investigation on the top portion of the Field Investigation Report, Form MM#1210.5.

If a field investigation is required the certification worker will follow procedures in 1. and 2.

If a field investigation is not required, the certification worker will continue to procedures in 1214, Determination of Eligibility.

1. Field Investigation.

If the certification worker determines that a field investigation is necessary, he/she will fill out the top portion of the Field Investigation

MANAGEMENT SECTION 1200 ELIGIBILITY _____
MANUAL SUBJECT 1210 Basic Procedures for APPROVED
Eligibility Determinations 07/19/89

Report, sign and date the report, and attach it to the case file for data entry by the Staff Assistant. Data entry is performed at the time the Eligibility Summary Update is completed. The date that the field investigation was performed is recorded in the certification file.

After data entry, the report is filed in Section 2 of the manual case file.

The certification worker will issue the client a Notice of Field Investigation, Form MM#1210.6, setting up an appointment with the client.

2. Additional Field Investigations.

Follow-up field investigations may be authorized by the DCC Manager if they are needed to verify information in a particular case.

1214 CERTIFICATION DETERMINATION.

The certification worker shall examine the applicant's eligibility under each of the following criteria, in this order:

- FIRST: Legal residence in 1974.
- SECOND: Attainment of head of household status.
- THIRD: Residence at the time person became of head of household.

As the criteria are examined, the certification worker shall complete the corresponding section of the Eligibility Summary Sheet.

The certification worker shall reach one of these three conclusions:

- a. Applicant is eligible for relocation assistance benefits. (See 1214.1)
- b. Applicant is ineligible for relocation assistance benefits. (See 1214.2)
- c. The information available regarding the applicant's eligibility must be resolved by a higher authority; the case will be referred to the DCC Manager. (See 1214.3)

1. Determination of Eligibility.

In order reach a determination that the applicant is eligible for relocation assistance benefits, there must be documented information which fully supports the applicant's claim of eligibility under all of the three criteria.

If the certification worker determines that the applicant clearly meets all criteria, he/she will sign and date the Eligibility Summary after completely filling it out, enter the information from the Eligibility Summary on the Eligibility Summary Update, Form MM#1210.7, and attach both forms to the cover of the case file. The certification worker will forward the file to the DCC staff assistant with instructions to prepare the Notice of Certification of Eligibility according to procedures in 1217, Notice of Certification/Denial.

2. Determination of Denial.

The certification worker will examine the applicant's eligibility under each of the criteria and make a determination of eligibility.

If the certification worker determines that the applicant does not meet one of the eligibility requirements, he/she will initial the appropriate determination box on the Eligibility Summary. The worker will fill out the rest of the form as completely as possible and sign and date the Eligibility Summary. The worker will fill out the Eligibility Summary Update and attach the Summary and Update to the front of the case file. The case file and attachments will be forwarded to the Staff Assistant who will prepare a Notice of Denial according to the procedures in 1217.

The determinations which will result in a denial are marked with a double asterisk on the Eligibility Summary. They are:

Denial Reason #1.

- a. Applicant was not a legal resident of the HPL in 1974, because:
- applicant's homesite was located on the NPL.
 - applicant established legal residence off the HPL prior to 1974.
 - applicant established homesite on the HPL after December 22, 1973.
 - applicant had no homesite on the HPL in 1974.

Denial Reason #2.

- b. Applicant is not a head of household.

Denial Reason #3.

- c. Applicant was not a head of household at the time of move from the partitioned lands, because:
- applicant was a dependent in a household which has received relocation benefits.
 - applicant was a dependent in a household which moved pursuant to the Act.

3. Refer to Manager.

If the information pertaining to one or more of the criteria is inconclusive, the case will be referred to the DCC Manager for a decision on each criterion which the certification worker is unable to resolve.

The certification worker shall proceed to review each criterion and fill out the Eligibility Summary as completely as possible before referring the case to the DCC Manager.

When the certification worker has finished case file review and has marked each section for which he/she has determined that the applicant is either eligible or that the information is inconclusive, the certification worker will sign and date the Eligibility Summary, attach it to the front of the case file, and forward the case to the DCC Manager.

The DCC Manager will make determinations on the unresolved criteria based upon the preponderance of information available. The manager will make a determination within three (3) working days of receipt of the case file and the Eligibility Summary Sheet.

If the Manager determines that the preponderance of information relating to all unresolved criteria supports the applicant's claim to eligibility he/she will enter an affirmative determination and forward the case file to the Staff Assistant who will prepare a Notice of Certification according to procedures in 1217, Notice of Certification/Denial.

If the Manager determines that the preponderance of information does not support the applicants claim to eligibility, the Manager will enter a negative determination and forward the case file to the Staff Assistant who will prepare a Notice of Denial according to procedures in 1217, Notice of Certification/Denial.

When the Staff Assistant has prepared the Notice of Certification or Notice of Denial, the Staff Assistant shall file the Eligibility Summary in Section 2 of the case file, attach the notice on the cover of the case file, and forward the case file to the Assistant Director for Relocation Operations.

4. Action of the Assistant Director.

The Assistant Director for Relocation Operations will sign all Notices of Denial and Notices of Certification after reviewing case file information. Pursuant to agency delegations of authority the Assistant Director will sign over the title "Certifying Officer."

The Assistant Director will verify that the information in the case file, as recorded on the Eligibility Summary, supports the determination made by the certification worker or the DCC Manager.

If the Assistant Director determines that the documents/ information listed are insufficient to support the determination, he/she shall either reverse the decision, stating the reason for reversal on the Eligibility Summary; or shall return the case file to the DCC Manager for further review. The review shall be completed within three working days unless there is a specific activity, such as a field investigation, which will require more time. In this case the DCC Manager will set a deadline for the review and will inform the Assistant Director of the deadline.

1215 ELIGIBILITY SUMMARY

The Eligibility Summary will be filled out by the certification worker for each applicant as the determination of eligibility is made. It is the primary document which summarizes the information gathered and reviewed by the Commission for each applicant for voluntary relocation. The information recorded on the Eligibility Summary must fully support the determination reached by the certification worker. The Summary will be used by staff preparing for explanatory conferences and administrative hearings. It will be released to the applicant and his/her legal representatives under proper Privacy Act/FOIA requests.

1. Filling Out the Client Identification Information at the Beginning of the Summary.

The certification worker will enter the applicant's name, census number, and case number on the first line.

2. Eligibility Summary Section I: Application.

The certification worker will verify that there is a valid application on file and will enter the date of the application on the Summary. A valid application form is one which contains an application statement which has been signed by the applicant.

If the certification worker finds that there is no valid application on file, he/she will check "No" on Section 1, sign and date the Eligibility Summary, and file it in Section 2 of the case file. In this situation, the case file has been erroneously referred to certification. The agency status will be changed to "IN" through programming. The certification worker will fill out an Error Correction Routing Sheet and forward it to the DCC Staff Assistant for routing and data entry according to procedures established for error correction. The case file will be returned to the data room for refileing.

NOTE: For most cases the date of application is the date that Application 69-R0001 was signed. However, an earlier date may be entered under these circumstances:

- a. If there are old enumeration forms with the applicant's signature or thumbprint, the date of the enumeration interview will be entered.
- b. In the event of the death of a certified client, the date of the client's original application will be transferred to the surviving spouse's record for the purpose of bonus calculation.

c. Clerical error. If the case file contains an office conference record and an application form has been prepared for the applicant but no signature was obtained while the applicant was in the office, the date of the office conference shall be entered as the date of application.

d. The date of original application for a household will be entered in cases where there has been a legal separation or divorce and the spouse submits a separate application.

Application dates may not be entered from the obsolete Certification of Residency and Certification by Relocatee forms.

If the certification worker determines that a date of application earlier than the one on the official application form should be entered as the correct date of application for reasons other than the ones listed above, the certification worker shall submit the case file to the DCC Manager for determination of the correct date of application.

3. Eligibility Summary Section II: Legal Residence in 1974.

Residence requirements are met if the applicant can prove that he/she and/or the immediate family were legal residents as of 12/22/74 of a homesite located on land which was later partitioned to the Hopi Tribe. "Legal residence" means that:

- a. A person, or the person's immediate family, occupied and/or maintained a habitable dwelling on the HPL;
- b. The person intended to live on the HPL for a period of time;
and
- c. The person manifested this intent by establishing an on-going physical presence on the HPL.

The JUA roster is the master record used by the Commission to determine the existence of occupied homesites on the HPL in 1974 and to identify residents of these homesites. Besides the JUA roster, there are other documents which the applicant may produce can demonstrate his/ her legal residence.

a. Information from NHIRC Records.

The certification worker will study the information which the applicant has provided on the application form and on any supporting documents. The certification worker will also study any information collected during the office conferences and/or field investigations, if these activities were

conducted. Based upon the information which the applicant has provided, the certification worker will enter on the Eligibility Summary:

- Primary HPL homesite/camp (QQL) claimed by the applicant.
- Other homesites/camps (QQL) where the applicant claims legal residence.
- The name of the owner of the HPL homesite, if the applicant has provided this information.

b. Information from the JUA Roster.

After recording the information which the applicant has provided regarding his/her claim to the HPL residence, the certification worker will look up the applicant on the JUA roster and record this information in the box on Page 1 of the Eligibility Summary.

If the applicant is listed on the JUA roster, the certification worker will enter the QQL from the roster as the primary QQL on the Eligibility Summary Sheet. The primary quad is the one where the applicant occupied a habitable dwelling. The roster indicates a habitable dwelling by the code "DW". If the applicant has other homesite locations besides the principal homesite listed on the roster, the certification worker will enter the other locations under "other quads" on the Eligibility Summary Sheet.

Next the certification worker will check HPL or NPL location, depending upon the location of the Primary QQL. This information is available on the JUA by Census or JUA by Alpha computer printouts.

The certification worker will enter the name of the head of household for the primary QQL from the roster and the relationship of the applicant to the head of household, as recorded on the roster.

If the applicant is not listed on the roster, the certification worker will not enter any information in the JUA box.

c. Evidence of Legal Residence in 1974.

After the location of the homesite has been entered, the certification worker will determine if the applicant was a legal resident of the HPL in 1974. The certification worker will review information in the case file which relates to the applicant's residence in 1974, and explain in Section II whether the information supports or does not support the applicant's claim to legal residency on the HPL in 1974. All relevant information must be

entered in this section. If additional space is required, the certification worker will write on the back of Page 1, or attach additional sheets.

The certification worker shall observe the following guidelines.

(1) **Applicants Listed on the JUA Roster.** If the applicant is listed on the JUA roster, he/she is assumed to have been a legal resident unless there is evidence to the contrary.

The certification worker will review the manual JUA roster, the applicant's residence history record, and all other information in the case file, to determine if there is evidence that the applicant established legal residence off the HPL prior to 1974. Evidence can include: mailing address (from JUA roster), condition of dwelling (from JUA roster and appraisal file), statements about the place of domicile (from residence history).

If there is evidence that the applicant was not an HPL resident in 1974, the certification worker may schedule an office conference to interview the applicant about the discrepancies in the record.

After the conference is held, the certification worker will review the information obtained during the conference. The worker will summarize both the information which supports and does not support the applicant's claim in Section 1 of the Eligibility Summary. Because of the discrepancy in the information, the case will be referred to the DCC Manager for determination after the certification worker has examined eligibility under the remaining criteria.

(2) **Applicants Not Listed on the Roster.** If the applicant is not listed on the JUA roster, the applicant must provide documented proof of residence at the homesite in 1974. The certification worker will review the information on the application, the residence history record, and all all other information in the case file to determine if there is information that the applicant was a legal resident in 1974. Such information may include ownership of improvements on the HPL, recorded in the Client Master File and the Report and Plan; statements recorded on the Residency History Record; documents showing membership (dependency) in the household which occupied the homesite site. The information and documentation in the case file must relate to residence in 1974 in order to substantiate the applicant's claim. Documents dating from other years can be considered only if they establish a residence pattern for 1972-73 and 1975-76 which can be used to draw conclusions about residence in 1974.

If there is evidence that the applicant was a resident of the identified homesite in 1974 despite the fact that he/she is not listed on the

JUA roster, the certification worker may schedule an office conference to interview the applicant about the discrepancies in the record.

After the conference is held, the certification worker will review the information obtained during the conference. The worker will summarize both the information which supports and the information which does not support the applicant's claim to legal residence in Section II of the Eligibility Summary. Because of the discrepancy in the information, the case will be referred to the DCC Manager for determination after the certification worker has examined eligibility under the remaining criteria.

After determining evidence of legal residence in 1974, the certification worker will proceed to d., Residence on December 22, 1973.

d. Residence on December 22, 1973.

If the JUA roster and/or NHIRC appraisal records show the existence of a habitable dwelling at the identified homesite, it is presumed that the homesite had existed for at least one year. If there is evidence in the residence history record or elsewhere in the case file that the homesite was established after December 22, 1973, the certification worker will list the evidence in Section II of the Eligibility Summary.

e. Residence Determination.

After the certification worker has entered all relevant information about 1974 residence from the case file, he/she will make the residence determination and initial the inset box on the right side of Page 2 of the Eligibility Summary. If it is the certification worker who makes the determination, the worker will initial as "CW". If the case has been referred to a higher level of review because of discrepancies in the information, the authority making the decision will initial as "Mgr".

(1) **Affirmative Determination of Legal Residence.** If applicant is listed on the roster and there is no information contradicting his/her claim of legal residency, or if the applicant is not listed on the roster but has produced proof of legal residency in 1974, the certification worker will enter an affirmative determination in Section II of the Eligibility Summary and initial the inset box. The worker will then proceed to examine the applicant's eligibility under the remaining criteria.

(2) **Negative Determination of Legal Residence.** If the applicant is listed on the roster but there is a preponderance of

information that he/she had established legal residence off the HPL prior to 1974, or if the applicant is not listed on the roster and has not produced substantial information that he/she was a legal resident of an identified HPL homesite in 1974, the certification worker will enter a negative determination in Section II of the Eligibility Summary. A Notice of Denial will be prepared according to 1217. Denial will be for reason #1: Applicant was not a legal resident in 1974 of lands partitioned to the Tribe of which they were not a member.

In order to have as complete a summary of eligibility factors as possible, the certification worker will continue to examine information in the case file with respect to the applicant's head of household status and residence since 1974. The certification worker will complete Sections III and IV to the extent possible, but will not make an eligibility determination in Section IV.

(3) Contradictory or Inconclusive Information:

Referral to DCC Manager. If the certification worker is unable to make a determination because the information in the case file is contradictory or inconclusive, the certification worker will check Referral to DCC Manager on the Eligibility Summary and summarize the contradictory information.

4. Eligibility Summary Sections III and IV: Determining Date of Move from the HPL.

After the certification worker has reviewed the documentation related to legal residence in 1974, the certification worker will review the information and documentation regarding the applicant's legal residence after 1974, and will relate this information to the documentation regarding attainment of head of household status.

The certification worker will determine when the applicant moved from the HPL, and enter this information in Section III and Section IV of the Eligibility Summary.

The term "moved from" means that a person established legal residence off the HPL. This means that:

- a. The applicant and the applicant's immediate family (if he/she was a head of household unit) occupied and maintained a habitable dwelling somewhere other than the HPL;
- b. The applicant intended to live somewhere other than the HPL for a period of time; and
- c. The applicant manifested this intent by establishing an on-going physical presence somewhere other than the HPL.

Manifestation of intent may be shown by documents and information of the following type:

- employment records
- home ownership or rental
- homesite lease
- mailing address records
- voting records
- driver's license records
- school records

a. Information From the Applicant's File.

The certification worker will review the applicant's Residence History Record and other file documentation.

If the documentation provides information that the applicant has not moved from the HPL, the certification worker will enter this in Section III A of the Eligibility Summary. The certification worker will proceed to b. Information from Parent's File.

If the documentation provides information that the applicant has moved and is not residing on the HPL, the Certification Worker will enter the date (month and year) when the applicant first moved from the HPL in Section III of the Eligibility Summary.

b. Information from Parent's File.

The certification worker will review the file of the applicant's parents in order to substantiate the applicant's statements of move from the HPL.

Note: The term "applicant's parents" should be interpreted as the household in which the applicant was raised. If the case file provides information that the applicant was a dependent in a household other than that of the biological parents, the records of the household in which the applicant was raised will be examined.

The certification worker will determine from Page 1 of the application the names of the applicant's parents and will look them up on the Alpha Case Master List to determine if either parent has filed an application. The certification worker will check for variant name spellings. The worker will also check the JUA/Client Match List to determine if the applicant is listed as a household member of a JUA roster head of household who has submitted an application. Another check on prior head of household membership of the applicant is the PC Cross Reference List which shows if the applicant is listed as a family member in another applicant's case file.

Information about the parent's residence is recorded in Section III b. of the Eligibility Summary.

If the certification worker is unable to determine the identity of the applicant's parents or other head of household, the case will be referred to the DCC Manager to determine whether or not a conference with the applicant is necessary to obtain the information.

5. Eligibility Summary Section V: Head of Household Determination.

After the certification worker has determined whether or not the applicant was a legal resident in 1974 and has recorded information about residence since 1974, he/she will determine whether or not the applicant meets the Commission's head of household requirements and was a head of household at the time he/she moved from the HPL. This information is recorded in Section IV of the Eligibility Summary.

Definition of Head of Household: The head of household is:

- A person who represents and speaks on behalf of the members of a household unit of 2 or more persons which is permanent in nature.
- A single person who is self-supporting.
- A person who was legally married at the time of residence on the HPL and has since been legally divorced.

a. Determining Head of Household Status.

The certification worker will determine from information in the case file which category of household applies to the applicant and will list the documentation submitted to support the applicant's status.

The certification worker will review the documents submitted by the applicant about head of household status, and will determine whether or not the applicant qualifies as head of household. Acceptable proof is set forth in the Intake Procedures: Section 116, 1. and 2. The certification worker will enter the determination in Head of Household Determination at the end of Section IV of the Eligibility Summary, and will initial the determination.

b. Affirmative Determination of Head of Household Status.

If the certification worker determines that the applicant qualifies as head of household, the worker will complete the entries under status of time of move at the bottom of Page 3 of the Eligibility Summary. The worker will enter the date the applicant became head of household next to the affirmative determination. The certification worker will enter the earliest date supported by the documents.

Note: For applicants listed as head of household or spouse on the JUA roster, it is not necessary to record the month and year head of household status was attained. If this information is not readily available, it is sufficient to record "prior to 1974."

c. Negative Determination of Head of Household Status.

If the certification worker determines that the applicant does not qualify as a head of household, the worker will enter a negative determination in Section IV of the Eligibility Eligibility Summary. A Notice of Denial will be prepared according to 1217. Denial will be for reason #2: Applicant does not qualify as a head of household. The certification worker will initial the inset box at the right side of Page 3.

d. Contradictory or Inconclusive Information: Referral to DCC Manager.

If the certification worker is unable to make a determination because the information in the case file is contradictory or inconclusive, the worker will check Referral to DCC Manager on the Eligibility Summary and summarize the contradictory information. The certification worker will proceed to 6. Head of Household at the Time of the Move from the HPL.

Next the certification worker will enter the date (month and year) that the applicant moved from the HPL in the space at the bottom of Page 3.

6. Eligibility Summary Section VI: Head of Household at the Time of Move from the HPL.

After determining that the applicant was a legal resident in 1974 and meets head of household criteria, the certification worker will determine whether or not the applicant attained head of household status before moving from the HPL. The certification worker will enter this determination at the top of Page 4 of the Eligibility Summary and will initial the inset box at the right side of the page.

Note: No determination is entered in this space if the worker has already determined that the applicant was not a legal resident in 1974.

a. Determination in Cases Where Parents Don't Have a Case File.

If the parents (or other head of household) have no case file, the documentation contained in the applicant's case file will suffice as information about whether or not the applicant has moved from the HPL, and when the move occurred.

If there are contradictions in the case file information about when the applicant moved the case will be referred to the DCC Manager for determination.

If no contradiction exists, the certification worker will compare the date of move to the date the applicant first became head of household.

If the applicant became a head of household before moving from the HPL; or if the applicant is currently a head of household and has never moved from the HPL; the applicant is eligible for benefits. The certification worker will enter an affirmative determination in Determination: Head of Household at Time of Move and will initial the inset box. A Notice of Certification will be prepared according to 1217.

If the applicant became a head of household after moving from the HPL, the applicant is not eligible for benefits. The certification worker will enter a negative determination and a Notice of Denial will be prepared according to 1217. Denial will be for reason #3: Applicant was not a head of household at the time of move from the partitioned lands.

b. Determination in Cases Where Parents Have a Case File.

If the certification worker determines that the applicant's parents, or other individual who was the head of household in which the applicant was a dependent before becoming head of household, has a case file, the certification worker will review the parent's case file to determine if and when the parents moved from the HPL.

If the parents have received relocation assistance benefits, the certification worker will enter the date when the Relocation Contract was signed in Section IV, B of the Eligibility Summary. The certification worker will compare the date that the applicant became head of household with the date the parents signed the Relocation contract. If the applicant ceased to be dependent and became a head of household before the parents signed the

MANAGEMENT SECTION 1200 ELIGIBILITY _____
MANUAL SUBJECT 1210 Basic Procedures for APPROVED
Eligibility Determinations 07/19/89

Relocation Contract, the applicant is eligible for benefits.

If the applicant became a head of household after the parents signed the Relocation Contract, the applicant is not eligible for benefits. A Notice of Denial will be prepared according to 1217. Denial will be for reason 3: Applicant was not a head of household at the time of move from the HPL.

If the parents have not yet received relocation assistance benefits, the certification worker will review the parents' Residence History Record as well as all other documents which refer to residence both before and after 1974.

If the parents moved pursuant to the Act after 1974, while awaiting benefits, the certification worker will enter the date of the move in Section III, B2 of the Eligibility Summary, and will compare the date the parents moved, and has met all other criteria the applicant is eligible for benefits. A Notice of Certification will be prepared according to 1217.

If the applicant moved with the parents as a dependent within their household and became head of household after the parents moved, the applicant is ineligible. A notice of denial will be prepared according to 1217. Denial will be for reason #3: Applicant was not a head of household at time he/she moved from the partitioned lands.

If the parents moved from the HPL prior to 1974, (and were certified as temporarily away or are awaiting relocation certification on the basis of temporary away with substantial recurring contacts) and the applicant moved with the parents as a dependent within their household, the applicant is ineligible for benefits. A Notice of Denial will be prepared according to 1217. Denial will be for reason #3: Applicant was not a head of household at the time he/she moved from the partitioned lands.

If there is information that the parents have returned to the HPL since moving away, the case will be referred to the DCC Manager who will review the circumstances. The Assistant Director may be consulted for final determination.

The certification worker will enter an eligibility determination for Section IV at the end of that section, and will initial the inset box. If the certification worker is unable to reach a determination about whether or not the applicant was head of household before moving from the HPL, the case will be referred to the DCC Manager. The certification worker will check the issues on which the DCC Manager must make a determination.

7. Eligibility Summary Section VII: Eligible Applicants with Duplicate Census Numbers.

After the certification worker has determined that an applicant is eligible for benefits the worker will check whether or not that person is listed in more than one case file (applicants with duplicate census numbers). This determination is required because the process of certifying an eligible applicant cannot be completed until the applicant has been inactivated in other records.

If the applicant is ineligible for benefits, no duplicate census number check will be conducted.

The certification worker will determine whether or not the applicant is listed in more than one case file by checking the PC Census X Reference List. This list shows all individuals who are pending certification who have more than one case file, or who have family members listed in more than one case file. This list is in case number order.

There are two principal reasons why an applicant may have a duplicate census number:

- census number error.
- applicant's name appears in more than one case file.

The certification worker will determine the reason for duplication and delete the duplicate listing, according to the following procedures.

a. Applicant has the Same Census Number as Another Applicant or Family Member.

The certification worker will research the files to determine the correct census number for the individuals concerned, and will correct the erroneous census number entry on the demographic sheet.

If the applicant's correct census number cannot be determined, an "0" census number must be entered on the demographic sheet. The certification worker will prepare a manual letter to the applicant, informing him/her that the eligibility determination cannot be issued until the applicant submits the correct census number. There must be supporting documentation of the census number.

b. Applicant has Submitted Two Separate Applications Under Eligibility Criteria Established for P.L. 93-531.

The Commission will not accept a second application from a person already denied under 93-531 criteria, or who already has a case file. If the duplicate census number check reveals that a person is an applicant in two case files, one of the files will be closed administratively.

c. Applicant has Submitted Two Separate Applications, One Under Eligibility Criteria Established for P.L. 93-531 and One Under Criteria Established for P.L. 96-305 (District 6 Evictees).

The applicant may submit a second application for consideration under P.L. 93-531 criteria.

If the applicant has been certified under 96-305, the case will be immediately referred to the DCC Manager for special handling. The DCC Manager will consult with the Assistant Director for Relocation Operations and the Management Analyst about the procedures to be followed on such cases.

If the applicant has a case file open under criteria established for P.L. 96-305, the case file will be closed administratively and the applicant will be certified under P.L. 93-531 criteria.

d. Applicant is the Spouse of a Person Who Has a Case File in any Agency Status Except "IN".

The Commission will not accept applications from persons who are married to individuals who already have a case file. The applicant's case file will be closed administratively and merged with the spouse's file. If both the husband and wife are PC status, and both are eligible, the couple shall decide which one shall be considered the head of household. The case file of the other spouse shall be closed.

Applicants who fall under this exclusion may need legal assistance. For example, a person who is legally married but separated from the certified applicant may not submit a separate application. Individuals with such special problems should be advised to seek legal counsel.

e. Applicant is Listed as a Dependent in One or More Case Files in Agency Status "IN" Through "SC".

If the case file in which the applicant is a dependent is in any agency status from "IN" or "SC", the certification worker will enter "NO" on the "Relocate with Family" entry on the family member demographic form in the parent's case file. The parent's case file number will be cross-referenced in the applicant's case file; the applicant's case file number will be cross-referenced in the parent's case file. The cross-reference numbers will be entered through the demographics screen. Corrected demographic sheets will be attached to the cover of the appropriate case file. Data entry will be done at the time the case file is transferred to the DCC Staff Assistant.

f. Applicant is Listed as a Dependent in One or More Case Files in Agency Status "S2" Through "CL".

If the case file in which the applicant is a dependent is in any agency status from "S2" through "CL" (for reason #1, Post-Move, only) the certification worker will enter "NO" on the "Relocatee with Family" entry in the demographic form and attach the demographic form to the front of the case file. The case will be referred to the DCC Manager who will consult with the Housing and Land Development (HLD) Manager and Assistant Director for Relocation Operations.

If the parent's case is currently being processed by HLD, their benefit determination may be affected by the applicant's eligibility.

If the parents have already relocated and the applicant was erroneously listed as a dependent within the household at the time of move, the Assistant Director will determine if the parents received maximum benefits as a result of the applicant being included as a household member. If so, the Assistant Director shall determine whether the benefits to which the applicant is entitled shall be reduced by an amount equivalent to the higher benefit paid to the parents.

8. Eligibility Summary Section VIII: Eligible Applicants With No Census Number.

If the certification worker finds that an eligible applicant has no valid census number, the certification worker will prepare a manual letter to the applicant, informing him/her that the eligibility determination cannot be issued until the applicant submits the correct census number. There must be supporting documentation of the census number.

The letter will inform the applicant that the census number information should be submitted within 30 days. The due date will be data entered through the time extension item on the Certification File entry screen. The case file will be returned to the file room until the census number is received.

When the applicant responds, the certification worker will proceed to 9.

If the applicant fails to respond within 30 days, a second letter allowing an additional 30 days will be issued. The second letter will inform the applicant that his/her case file will be closed if no census number is received. The time extension will be data entered.

After the second 30 days has expired with no response, the case file will be administratively closed.

9. Eligibility Summary Section IX: Completing the Eligibility Summary.

When the certification worker has completed the eligibility review, the worker will date and sign the Eligibility Summary.

If the certification worker has been unable to make a determination on one or more criteria, he/she will mark the sections which require higher level determination, and forward the case file to the DCC Manager.

When the DCC Manager has made determinations on the unresolved criteria, he/she will sign and date the Eligibility Summary and return it to the certification worker.

If the DCC Manager is unable to make a determination on one or more criteria, the case will be referred to the Assistant Director for Relocation Operations for final decision. When this happens, the Assistant Director will enter the determination, sign and date the Eligibility Summary, and return it to the DCC Manager.

a. C Code.

If the certification worker determines that the applicant is eligible for benefits, he/she will complete the C code inset box at the end of Section IV. This information is needed for record purposes and is not used for eligibility determination. C = current continuous domicile. An applicant who lived at a homesite in 1974 and has continued to live at that homesite, and occupies the homesite at the time of certification determination, is recorded as "YES". If the applicant does not currently occupy a homesite on the HPL,

1217 LETTER OF CERTIFICATION/DENIAL.

1. Generating the Notice of Determination.

The Letter of Certification or Denial will be generated after the Staff Assistant enters information from the Update into the Eligibility Summary Update screen, and requests the Certification/Denial letter run. (See MM#1210 Attachments A through E)

The following data is entered from the Update:

- date of application
- certified/denied code
- date of determination
- denial reason
- C code
- additional quads from NHIRC records

When the Notice is ready for signature, it will be forwarded to the Assistant Director for Relocation Operations.

After the Assistant Director has signed the Notice, it shall be returned to the Staff Assistant, who will send the Notice to the applicant by certified mail, return receipt. In the case of a Notice of Denial, the Staff Assistant will attach a copy of the Commission regulations on eligibility hearings and administrative review (MM#1210 Attachment F). The copy of the signed Notice shall be filed in the case file, Section II, by the Staff Assistant.

If the Assistant Director reverses the decision of the DCC Manager or the certification worker and doesn't sign the Notice, the case file will be returned to the DCC Staff Assistant. The Staff Assistant will fill out a Request to Change or Delete Certification Entry, and forward it to the computer operator. The Staff Assistant will also give the case file to the DCC Manager who will change and initial the eligibility determination on the Update. After the change has been made on the Update, the Staff Assistant will generate a new Notice of certification or denial, attach it to the case file, and the file will be returned to the Assistant Director for signature.

2. Return Receipt.

When the return receipt for the Notice of Certification/Denial is received by the Commission, it will be routed to the Staff Assistant. He/she will data enter the date the letter was received by the applicant through the Eligibility Summary update screen. After data entry, the receipt will be forwarded to the data clerk for filing in the case file.

MANAGEMENT SECTION 1200 ELIGIBILITY _____
MANUAL SUBJECT 1210 Basic Procedures for APPROVED
Eligibility Determinations 07/19/89

3. Returned Mail.

If the letter is returned as undeliverable, the Staff Assistant will research the files to determine if the applicant may have an alternate address. If other addresses are on record, the Notice will be reissued to the new address(es). The notice will be issued certified mail, return receipt.

If notices which have been sent certified mail return receipt are returned to the Commission as undeliverable, the notices will be reissued for regular mail delivery. This will be done after the files have been reviewed for alternative valid addresses and the notice has been reissued, certified mail, to alternative addresses.

If the notice is eventually returned to the Commission as undeliverable, it will be filed in the applicant's case file.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1220	Eligibility Review	APPROVED
_____for Divorced Spouses_____				11/1/89_____

SECTION 1200 ELIGIBILITY

SUBJECT 1220 Eligibility Review for Divorced Spouses

AUTHORITY: 25 CFR 700.143; Legal Opinion dated 7/7/89.

BACKGROUND.

Prior to July 7, 1986 spouses of clients who were divorced before signing the relocation contract were advised to submit an application for benefits if they wanted to be considered for eligibility for relocation assistance. After July 7, 1986 the application deadline regulation (25 CFR 700.137) was interpreted as excluding spouses divorced after 7/7/86 from separate eligibility review, as they could not file an application for benefits. The legal opinion issued by the agency's Legal Counsel on July 7, 1989, determined that no application was required for a divorced spouse, as the client's application could be considered to have been submitted on behalf of the head of household and spouse.

Prior to July 7, 1986 spouses of clients who were divorced before signing the relocation contract were advised to submit an application for benefits if they wanted to be considered for eligibility for relocation assistance. After July 7, 1986 the application deadline regulation (25 CFR 700.137) was interpreted as excluding spouses divorced after 7/7/86 from separate eligibility review, as they could not file an application for benefits. The legal opinion issued by the agency's Legal Counsel on July 7, 1989, determined that no application was required for a divorced spouse, as the client's application could be considered to have been submitted on behalf of the head-of-household and spouse.

These procedures have been developed in order to instruct staff about how to handle cases in which divorce occurred between July 8, 1986 and July 7, 1989; and how to respond to clients who are considering divorce prior to executing the Relocation Contract.

1220.A. POLICY.

1. Eligibility Review for Divorced Spouses.

Persons who were legally married to an applicant before 7/7/86, and who were included in their case for any period of time while it was being processed, and were legally divorced before the relocation contract was signed, may be considered for separate eligibility on the strength of their inclusion in the applicant's casefile.

Exclusion: Divorced spouses who had applied separately prior to marriage and had received an eligibility determination may not be reconsidered for eligibility following divorce.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1220	Eligibility Review	APPROVED
_____for Divorced Spouses_____				11/1/89_____

2. Distribution of Benefits Pursuant to a Divorce Decree.

a. Divorce Prior to Contract Signing.

The Office will provide relocation assistance benefits to the certified eligible head of household. Regardless of whether or not the divorced spouse is separately eligible for benefits, the Office will not prorate benefits between a certified client and a divorced spouse pursuant to the terms of a divorce decree issued by a state or tribal court. A divorced spouse who obtains a distribution of the client's benefits through a divorce decree, may seek enforcement of the order from the court after the Office has disbursed relocation benefits to the certified client. The Office will not be involved in this action.

b. Divorce After Contract Signing.

(1). If divorce occurs after the contract is signed but before the relocation house is occupied, benefits may be prorated between the husband and wife according to 25 CFR 700.143(a)(3).

(2). If divorce occurs after all benefits vested by the contract have been disbursed, the Office will not be involved in the division of benefits between the husband and wife.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1220	Eligibility Review	APPROVED
			for Divorced Spouses	11/1/89

1220.B. PROCEDURES.

GENERAL. Counselors and other case workers will inform clients of the change in policy interpretation as appropriate, while the clients' cases are being processed. In addition, Office case workers may contact clients and their former spouses who were divorced between July 8, 1986 and July 7, 1989 if file information demonstrates a high probability that the divorced spouse is separately eligible for benefits.

1221. CONTACTING CLIENTS DIVORCED BETWEEN 7/8/86 AND 7/7/89.

Following approval of these procedures, counselors and other case workers may review cases of clients divorced between 7/8/86 and 7/7/89, to determine if there is information about the potential eligibility of the divorced spouse. If file information demonstrates a high probability that the divorced spouse may be separately eligible for benefits, the counselor will contact the client and former spouse to inform them of the Office's change in policy.

A counselor who determines that a client/former spouse should be contacted will document their decision in a memorandum to file. The memorandum shall explain the counselor's reasons for concluding that the former spouse is probably eligible for benefits. The counselor may consult with the Eligibility/Appeals staff for interpretation of the eligibility regulations as they apply to the former spouse's situation. The memorandum will state the action which the counselor plans to take in order to inform the client/former spouse of the Office's policy.

The memorandum will be submitted to the Counseling Team Leader for review and approval. Following approval, a copy will be routed to the Eligibility/Appeals Branch. If a casefile is subsequently opened on the former spouse, the memorandum will be inserted into the casefile.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1220	Eligibility Review	APPROVED
_____for Divorced Spouses_____				11/1/89_____

1222. ADVISEMENT DURING COUNSELING.

Counselors who learn that a pre-move client is having marital problems or is in the process of obtaining a divorce will advise the client and the spouse of the impact upon case processing and benefit distribution. The counselor will advise the client that the divorced spouse may request an eligibility review by the Eligibility/Appeals Branch when the divorce becomes final.

The counselor shall advise the client that divorce may not be considered as a means for separately eligible persons to obtain two housing benefits. All recommendations for certification of divorced spouses will be reviewed by the Deputy Director prior to final determination. The file information must demonstrate that the divorce action was precipitated by marital problems which were noted and recorded by the counselor. The E/A staff shall obtain completed form MM#1220.3 from the pre-move counselor and shall include this form with support documentation when preparing a recommendation for certification.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1220	Eligibility Review	APPROVED
_____for Divorced Spouses_____				11/1/89_____

1223. ELIGIBILITY REVIEW BY THE ELIGIBILITY/APEALS BRANCH.

A. Pre-Screening and Request for Eligibility Review.

1. A person who requests eligibility review as a divorced spouse must present copies of documents showing that he/she was legally married to an applicant prior to 7/7/86, and was divorced prior to the date the client signed the relocation contract. If the divorced spouse does not have copies of the documents at the time of the office visit, the applicant's casefile may be researched for the documents.

2. Eligibility/Appeals staff will review the documents presented by the divorced spouse. Acceptable documents are: copy of marriage license issued by civil authority; copy of marriage certificate issued by tribal authority; divorce order issued by tribal or state court. Clients who were traditionally married must obtain documents issued by the tribe which validate the marriage.

3. Eligibility/Appeals staff will explain the eligibility criteria set forth in Office regulations, which the applicant must meet in order to be determined eligible for benefits.

4. If the applicant presents the required marriage and divorce documents, and wants an eligibility review conducted, E/A staff will obtain a completed form MM#1220.1 from the applicant.

B. Intake.

General. Intake will be conducted as set forth in the applicable sections of Management Manual #1110. Personal data submitted by the applicant will be recorded in the automated records, but action to track the Office's requests for information and the client's responses will be handled manually and will not be data entered.

1. **Manual Case File.** Eligibility/Appeals staff will create a case file for the applicant, and will insert documents submitted by the applicant at the time of initial contact. The Eligibility Appeals Specialist will review the file of the former spouse and files of family members of the applicant, and make copies of documents which name the applicant and which have a direct bearing on the applicant's eligibility determination. The copies will be filed in the second section of the case file.

Documents which will be inserted into the case file may include:

- Request for Eligibility Review, Form MM#1220.1, and attached pages.
- Original application form, if applicant had submitted an application in prior years which was later merged into the

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1220	Eligibility Review	APPROVED

				for Divorced Spouses_____11/1/89_____

divorced spouse's file.

- Copy of JUA roster showing household membership at claimed QQL.
- Copy of grazing permit, livestock sales receipts, etc.
- Copy of parent's family card showing applicant as family member.
- Copy of divorced spouse's family card, showing applicant as family member.
- Copy of divorced spouse's application, listing applicant as spouse at the time of original application.
- Copy of marriage license or marriage certificate.
- Copy of divorce decree.
- Other relevant documentation.

2. Case Number.

a. If the applicant had a previous casefile which was closed when the case was merged with that of the divorced client, the earlier casefile will be reopened and the case number will be reactivated.

b. If the applicant had no previous casefile, the E/A Specialist will assign the next sequential case number to the applicant.

3. Data Entry. Eligibility Appeals staff will perform data entry of the client and current household member demographic data. Data entry will create a master automated client and household member record for the applicant. The type of application will be recorded as "D" (code table 73).

The following information will be entered in the automated records:

- name
- address
- type of application
- date of birth
- census #
- social security #
- marital status
- cross-reference # (former spouse's case #)
- FJUA QQL
- current household membership and identifying data for each member, as recorded on the household membership form.
- date of application

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1220	Eligibility Review	APPROVED
			for Divorced Spouses	11/1/89

4. Determining the Date of Application:

a. If the applicant was married to the original client at the time the original client applied for benefits, the date will be the date of original application.

b. If the applicant married the original client after the original client applied for benefits, the date of application will be the date of the legal marriage.

c. If the applicant had submitted a signed and dated application prior to marriage, and the application or file had been merged with the file of the spouse, the applicant's original application will be used to determine the correct date of application.

5. Time Frame for Intake. The intake period is a maximum of 75 calendar days, which may be shortened if the client submits required information promptly. During this period of time the applicant must provide the documentation required to demonstrate eligibility, and the E/A staff will conduct the investigations and interviews necessary for an eligibility determination. The time period may be extended by the E/A Specialist for an additional 30 days, if the applicant encounters difficulty obtaining documentation. The time period will not be extended unless the client can specifically identify the documents he/she is trying to get.

C. Eligibility Determination.

General. The Eligibility/Appeals Specialist will follow the applicable sections of the Eligibility Procedures, MM#1210, in reviewing the information submitted by the applicant and preparing a recommendation to the Certifying Officer.

1. When the 75 days allowed for intake has elapsed (or the applicant has submitted all requested information and documentation in less than 75 days) the E/A Specialist will review the case and prepare an Eligibility Summary (form MM#1220.2) for the applicant.

2. The E/A Specialist will obtain completed form MM#1220.3 from the pre-move counselor assigned to the applicant's former spouse. The Specialist will review the information in the applicant's and former spouse's case files, and will determine whether or not there is any evidence that the applicant and spouse may have obtained a divorce in order to qualify for two housing benefits.

The Specialist will record the recommendation regarding the client's eligibility in Part 3 of form MM#1220.2.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1220	Eligibility Review	APPROVED
			for Divorced Spouses	11/1/89

3. The Summary and casefile shall be routed to the Deputy Director for review of compliance with audit requirements. If the Deputy Director determines that there is information which might indicate that the divorce may have been obtained solely to obtain separate benefits, the case shall be recommended for denial. The Deputy Director will complete the review within 5 days of receiving the file.

4. The Deputy Director shall route completed cases to the Certifying Officer, who will review the case within 5 days and issue an eligibility determination.

5. Based upon the Certifying Officer's decision, the E/A Para-Legal Specialist will prepare a Notice of Certification or a Notice of Denial for the Certifying Officer's signature.

D. Eligibility Factors.

1. Legal Residence in 1974 and at the time the applicant became a head of household will be examined as for all applicants for voluntary relocation assistance.

2. Head of Household Status: The applicant became a head of household no later than the date he/she married the client from whom he/she is now divorced. However, the applicant may have achieved head-of-household status prior to that date. The Eligibility/Appeals staff will review information related to the earliest point in time that the applicant asserts he/she became a head-of-household, and determine if the applicant was a legal resident of the partitioned lands when the status was achieved.

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1230	Certification Review	APPROVED
				07/19/89

INSTRUCTIONS: This section of the Management Manual was developed in 1987 and implemented in 1987 and 1988 as a one-time review of certified clients pursuant to the instructions of P. L. 99-590. It has not been updated to incorporate changes in agency titles which have occurred since the completion of activity.

SECTION 1200 ELIGIBILITY

SUBJECT 1230 Certification Review

AUTHORITY P.L. 99-590

POLICY.

Pursuant to P.L. 99-590, the Commission will review files of certified applicants to verify their eligibility. The review will encompass the files of all clients who have been certified, or who are pending initial determination, or who are pending reversal of initial denial, who have not yet signed a Relocation Contract. The review will be conducted in accordance with the regulations in effect at the time the person was certified.

All notices issued pursuant to these procedures will be sent certified mail, return receipt.

1231 INITIAL REVIEW BY LEGAL COUNSEL

Agency Legal Counsel will complete pages 1 and 2 of the Certification Review Form, MM#1230.1. In order to complete these pages, Legal Counsel will:

1. Check casefiles out of the data room, and perform data entry (code "2") of the files checked out.
2. Review files in the following order:
 - a. Cases which have been referred into housing; client has not yet signed contract. (Housing Acquisition Supervisor will refer these cases).
 - b. Cases pending reversal following appeal of initial denial (reversal point prior to eligibility conference, following eligibility conference; or prior to the hearing). (Eligibility/Appeals Supervisor will refer these cases).
 - c. PC cases pending initial determination; (Eligibility/Appeals Supervisor will refer these cases).
 - d. After the cases in categories a., b., and c., have been reviewed, remaining casefiles will be reviewed in sequential order as determined by Legal Counsel.
3. Legal Counsel will review the documentation in the casefile, and record basic data regarding eligibility factors on page 1.
4. If Legal Counsel concludes that the client was certified in accordance with law and regulation, this determination will be entered in the first block at the top of page 2. Counsel will sign the form, enter a "7" code in the automated certification review file, and return the casefile to the data room.
5. If Legal Counsel is unable to determine that the client was certified in accordance with law and regulation, the issue(s) requiring further examination will be recorded on page 2. Legal Counsel will check block 2 at the top of the page, enter a "3" code in the certification review file, sign the form, and route the case file to the Eligibility/Appeals Supervisor.

1232 REVIEW BY ELIGIBILITY/APPEALS SUPERVISOR.

The Eligibility/Appeals Supervisor will complete Part 3 (Eligibility Detail) of the Certification Review Form. In order to complete Part 3, the Supervisor will review all information in the casefile related to the issue(s) of concern and prepare a detailed outline of the facts in the case and cite the specific file document from which each fact is derived.

Files of parents and other related family members will be reviewed as necessary to extract information about the person's eligibility. Any information taken from another casefile will be referenced in Part 3 of the Certification Review Form.

The Supervisor will record his/her conclusions about the client's eligibility on page 4 of the form and enter a recommendation for further action on page 5.

- a. If the Supervisor concludes that the information available in the file supports the initial determination of eligibility, the file will be forwarded to the Director of Relocation Operations for concurrence and transmitted to Legal Counsel for final review.
- b. If the Supervisor concludes that the information in the file does not support the initial determination of eligibility, the Supervisor will determine the information which is necessary in order to support the initial determination, and record it in section 2.a, page 5.

A Notice of Certification Review (Form MM#1230.2) will be issued to the client, informing him/her of the certification review and the need for the client to submit additional information to sustain the original certification determination. The case will be placed on hold for 60 days.

After 60 days, the Supervisor will review the casefile for additional information, and determine if it supports the initial eligibility determination.

- a. If the Supervisor concludes that the information received supports the initial determination, #1 on page 7 will be checked and the case will be routed to Legal Counsel through the Director of Relocation Operations.
- b. If the client failed to submit any additional information, or the information submitted does not support the initial determination, the Supervisor will determine whether or not recertification review is applicable. Recertification review will be conducted for clients whose head of household status is the issue of concern. The Supervisor will check the appropriate entries under #2 on page 7.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1230	Certification Review	APPROVED
				07/19/89

- If the Supervisor concludes that recertification review is applicable, the results will be recorded on pages 8 and 9 of the form, and forwarded to the Director of Relocation Operations for concurrence and transmitted to Legal Counsel for final review.
- If the Supervisor concludes that recertification review is not applicable, the Supervisor will recommend issuing a Notice of Decertification. The form will be forwarded to the Director of Relocation Operations for concurrence and to Legal Counsel for final review.

1233 FINAL REVIEW BY LEGAL COUNSEL.

Agency Legal Counsel will determine the final action to be taken, and sign Part 4 of the form.

- a. If Legal Counsel determines that the client was not eligible at the time of original certification, and no recertification review was performed, the Legal Counsel will issue a Notice of Decertification, Form MM#1230.3. Legal Counsel will enter a "9" code in the certification review file, and route the casefile and the form to the Assistant for data entry and preparation of Notice of Decertification for the Counsel's signature.
- b. If Legal Counsel determines that the client was not eligible at the time of initial determination, but recertification review concluded that the client achieved head of household status at a subsequent point in time, Legal Counsel will approve and sign the Determination of Recertification, Form MM#1230.4. Legal Counsel will enter an "8" code in the certification review file and route the casefile to the Assistant for data entry check. The Notice will be filed in casefile. The client will be issued a copy of Form MM#1230.5, Notice of Determination of Eligibility.
- c. If Legal Counsel determines that the client was eligible at the time of original certification, Counsel will check either code "5" or "6" as appropriate and enter the code in the auto-mated file. The casefile and form will be returned to the Appeals Assistant for data entry check. If the code is a "5", (cleared following receipt of additional information) the Assistant will prepare Form MM#1230.5, Notice of Determination of Eligibility, for the Counsel's signature.

1234 DATA ENTRY QUALITY CONTROL.

- a. Legal Counsel will perform data entry from the determination box checked on page 2 or page 12 of the form.
- b. After performing data entry of the code, Legal Counsel will initial the box to signify that data entry has been performed.
- c. The form, the casefile, and the data entry report will be routed to the Appeals Assistant. The Assistant will check the entry as shown on the report against the entry recorded on the form, and verify that the entry on the report is the same as the code checked on the form.
 - If the code in the master file matches the determination on the form, the Assistant will initial beside the Legal Counsel's initial to signify that the entry has verified as correct.
 - If the code in the master file does not match the determination on the form, the Assistant will note the discrepancy on the report and route the report and the form back to Legal Counsel for resolution of the discrepancy.

Legal Counsel will correct the entry and initial and date the correct entry. The form will be routed to the Assistant for data entry verification and filing in the casefile.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1230	Certification Review	APPROVED
				07/19/89

1235 REVIEW OF THE INITIAL REVIEW CONDUCTED BY LEGAL COUNSEL.

In September, 1987, it was determined by senior management officials that Commission staff would conduct a new review of cases which had received an initial review by Legal Counsel. The re-review was to be conducted using Forms MM#1230.7, MM#1230.8, and MM#1230.9. Instructions for the re-review are stated below.

1. Staff Direction/Training.

Staff who will be conducting the review will receive direction from Management staff on September 18, 1987. Management will instruct reviewers regarding the scope of review, in relation to the direction contained in the Legal Opinion dated September 11, 1987. Copies of the opinion will be issued to the reviewers.

2. Time Frame.

Review will begin on September 21, 1987 and will be completed in four weeks.

In order to achieve this goal, staff will review no fewer than 300 case files per week; or 60 case files (total for all reviewers) per day. Each reviewer will review a minimum of 20 files per day.

Criteria will be reviewed in descending order. As soon as the reviewer determines that the client meets one of the requirements for the eligibility factor under consideration, the reviewer will move on to the next eligibility factor. The reviewer will not look for more than one qualifying criterion for each eligibility factor.

If the reviewer progresses through the list of criteria without finding a qualifying document in the file, and gets to the "other" category, which requires a more exhaustive and time consuming review, the reviewer will put the file aside until completing the daily objective of 20 files. "Other" files will be reviewed after 20 files have been finished.

3. Staff.

Eligibility/Appeals staff will be the principal staff assigned to the project. The Eligibility/Appeals Supervisor (E/A Supervisor) and the Eligibility/Appeals Assistant (E/A Assistant) will be temporarily relieved of all assigned duties. Their usual duties will be assumed as described below. The Counseling Aide and the Management Analyst will be assigned full time to the project.

- The Division of Certification and Counseling Supervisor (DCC Supervisor will assume responsibility for responding to incoming phone calls and drop in clients (3s) needing information/clarification about the Documents Request Letter.
- The E/A Assistant will instruct the Administrative Coordinator on September 18, 1987 of the action needed (copying and mailing) in response to transcripts and hearing schedules received from the hearing officer while the review is taking place. The Administrative Coordinator will handle these responsibilities while the review is going on.
- The Grants/Contracts Administrator will process invoices for hearing officer payment, unless the amount required is negligible and the E/A Assistant can handle it while completing the 20 files per day.

The following E/A activities will be deferred while the review is underway:

- review of the cases coded '3'
- review of documents submitted by '3' clients
- hearings
- new requests for hearings, waiver of time limit for filing appeals, data entry associated with hearing requests
- '3's who have requested an extension of time for submitting documents will receive a blanket extension until November 2, 1987. The E/A Supervisor will prepare a standard letter on September 17, 1987, and the Administrative Coordinator will assist with typing and mailing in order to get the letter out by September 18, 1987.

4. Scheduling.

Reviewers will work in the hearing room on a daily schedule of 7:30 a.m. to 4:30 p.m. The need for overtime/comptime will be considered as the project progresses. It is anticipated that the review can be completed without exceeding the 40 hour workweek.

The E/A Supervisor shall supervisor the Counseling Aide and the Management Analyst while they are performing file review. Problem cases will be referred to the Supervisor for handling.

5. Review Priorities.

Cases shall be reviewed in this order:

- a. Cases in Housing which have been assigned to a Specialist.
- b. Cases in Housing, not yet assigned.

Cases in housing will be reviewed during the first week, so that Legal Counsel can travel to Flagstaff and conduct final review the weekend of September 26-27, 1987. This will minimize disruption of the contract signing schedule.

- c. Cases pending referral by the DCC Supervisor
- d. All other cases, in case file order according to type of regulation. The reviewers will concentrate on one set of regulations at a time.

6. Data Entry.

Management has determined that the following file information is needed from this review: All-clear code (C) entered by Legal Counsel; or change '7' code to '3' code, also entered by Legal Counsel. These manual determinations are recorded by Legal Counsel on the last page of the review form after considering the reviewer's recommendation. After recording the determination, Legal Counsel will perform data entry and will initial the form to signify that data entry has been accomplished.

Data Entry Check.

When Legal Counsel has finished review and data entry, the forms will be returned to the E/A Assistant. During the four weeks that the review is going on, the E/A Assistant will turn the forms over to the Administrative Coordinator for data entry check. The staff person doing the checking will check the entry recorded on the form against the code shown on the data entry report. If he/she discovers any data entry discrepancies, he/she will note it on the report and return both the form and the report to Legal Counsel to determine where the error lies, make the correction, and initial the correction. Legal Counsel will return the report and the form to the E/A Assistant for final check.

If Legal Counsel is not available to make timely corrections, this function will be performed by the ADP Supervisor upon the Director of Operation's written instruction.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1230	Certification Review	APPROVED
				07/19/89

The reviewers will maintain a manual log of the date of initial review determination, for subsequent data entry in the automated certification review file.

7. Information to be Given Clients.

Since the '7' review is being conducted to amplify the documentation prepared during Legal Counsel's initial review, there will be minimal impact upon case processing.

If there are any cases scheduled for contract signing, they will be reviewed on September 21, 1987. If the case is 'confirmed code 7', there will be no postponement of contract signing. If the case is 'not confirmed' or 'confirmed under "other" criteria' the signing will be postponed until Legal Counsel completes review.

There will be no impact on cases scheduled for initial interviews or updates.

Clients in housing whose contract signing is postponed for a couple of weeks, or other clients who become aware of the further review, should be informed that staff are double-checking the files to assure that all files contain sufficient documentation to sustain the client's eligibility in the event of outside audit. Clients should not be alarmed about the review. If they want to be reassured about their eligibility status, they may check with the counselor or with the E/A Supervisor AFTER review is completed (November 2, 1987).

8. Case File Checkout and Document Flow.

Reviewers will checkout 30 case files initially. Every afternoon at 3:00 pm. they will request enough files to bring them back up to 30 files. The File Clerk will pull the case files and put them in 4 boxes for each of the reviewers to pick up first thing the next morning.

If the reviewers are able to complete more than 30 files per day the number of files which can be checked out will be increased.

Cases will fall into one of two categories following review.

1. If the results of the review confirm Legal Counsel's initial determination, the casefile will be returned to files and the review form will placed in a box for Legal Counsel's final review and approval.

MANAGEMENT	SECTION	1200	ELIGIBILITY	_____
MANUAL	SUBJECT	1230	Certification Review	APPROVED

07/19/89

2. If the results of the review are unable to confirm Legal Counsel's initial determination, or the determination is confirmed using "other" criteria, the review form will be attached to the casefile and these files will be collected in a box for Legal Counsel's review. The E/A Supervisor will make a list daily of all such files and give the list to the Administrative Coordinator by 3:00 p.m. The Administrative Coordinator will transfer the files to Legal Counsel, using his/her password. The File Clerk will keep the box of files for Legal Counsel in the data room. The File Clerk may check these files out to other staff and keep a manual record; the files must be returned the same day.

MANAGEMENT PLAN

Staff Review of Cases Coded '7' by Legal Counsel

1. Staff Direction/ Training.

Staff who will be conducting the review will receive direction from Management staff on September 18, 1987. Management will instruct reviewers regarding the scope of review, in relation to the direction contained in the Legal Opinion dated September 11, 1987. Copies of the opinion will be issued to the reviewers.

2. Time Frame.

Review will begin on September 21, 1987 and will be completed in four weeks.

In order to achieve this goal, staff will review no fewer than 300 case files per week; or 60 case files (total for all reviewers) per day. Each reviewer will review a minimum of 20 files per day.

Criteria will be reviewed in descending order. As soon as the reviewer determines that the client meets one of the requirements for the eligibility factor under consideration, the reviewer will move on to the next eligibility factor. The reviewer will not look for more than one qualifying criterion for each eligibility factor.

If the reviewer progresses through the list of criteria without finding a qualifying document in the file, and gets to the "other" category, which requires a more exhaustive and time consuming review, the reviewer will put the file aside until completing the daily objective of 20 files. "Other" files will be reviewed after 20 files have been finished.

3. Staff.

Eligibility/Appeals staff will be the principal staff assigned to the project. The Eligibility/Appeals Supervisor (E/A Supervisor) and the Eligibility/Appeals Assistant (E/A Assistant) will be temporarily relieved of all assigned duties. Their usual duties will be assumed as described below. The Counseling Aide and the Management Analyst will be assigned full time to the project.

- The Division of Certification and Counseling Supervisor (DCC Supervisor) will assume responsibility for responding to incoming phone calls and drop in clients (3s) needing information/clarification about the Documents Request Letter.
- The E/A Assistant will instruct the Administrative Coordinator

on September 18, 1987 of the action needed (copying and mailing) in response to transcripts and hearing schedules received from the hearing officer while the review is taking place. The Administrative Coordinator will handle these responsibilities while the review is going on.

- The Grants/Contracts Administrator will process invoices for hearing officer payment, unless the amount required is negligible and the E/A Assistant can handle it while completing the 20 files per day.

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- review of the cases coded '3'
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- '3's who have requested an extension of time for submitting documents will receive a blanket extension until November 2, 1987. The E/A Supervisor will prepare a standard letter on September 17, 1987, and the Administrative Coordinator will assist with typing and mailing in order to get the letter out by September 18, 1987.

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Reviewers will work in the hearing room on a daily schedule of 7:30 a.m. to 4:30 p.m. The need for overtime/comptime will be considered as the project progresses. It is anticipated that the review can be completed without exceeding the 40 hour workweek.

The E/A Supervisor shall supervise the Counseling Aide and the Management Analyst while they are performing file review. Problem cases will be referred to the Supervisor for handling.

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Cases shall be reviewed in this order:

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Cases in housing will be reviewed during the first week, so that Legal Counsel can travel to Flagstaff and conduct final review

the weekend of September 26-27, 1987. This will minimize disruption of the contract signing schedule.

- c. Cases pending referral by the DCC Supervisor
- d. All other cases, in case file order according to type of regulation. The reviewers will concentrate on one set of regulations at a time.

6. Data Entry.

Management has determined that the following file information is needed from this review: All-clear code (C) entered by Legal Counsel; or change '7' code to '3' code, also entered by Legal Counsel. These manual determinations are recorded by Legal Counsel on the last page of the review form after considering the reviewer's recommendation. After recording the determination, Legal Counsel will perform data entry and will initial the form to signify that data entry has been accomplished.

Data Entry Check.

When Legal Counsel has finished review and data entry, the forms will be returned to the E/A Assistant. During the four weeks that the review is going on, the E/A Assistant will turn the forms over to the Administrative Coordinator for data entry check. The staff person doing the checking will check the entry recorded on the form against the code shown on the data entry report. If he/she discovers any data entry discrepancies, he/she will note it on the report and return both the form and the report to Legal Counsel to determine where the error lies, make the correction, and initial the correction. Legal Counsel will return the report and the form to the E/A Assistant for final check.

If Legal Counsel is not available to make timely corrections, this function will be performed by the ADP Supervisor upon the Director of Operation's written instruction.

The reviewers will maintain a manual log of the date of initial review determination, for subsequent data entry in the automated certification review file.

7. Information to be Given Clients.

Since the '7' review is being conducted to amplify the documentation prepared during Legal Counsel's initial review, there will be minimal impact upon case processing.

If there are any cases scheduled for contract signing, they will be reviewed on September 21, 1987. If the case is 'confirmed code 7', there will be no postponement of contract signing. If the case is 'not confirmed' or 'confirmed under "other" criteria' the signing will be postponed until Legal Counsel completes review.

There will be no impact on cases scheduled for initial interviews or updates.

Clients in housing whose contract signing is postponed for a couple of weeks, or other clients who become aware of the further review, should be informed that staff are double-checking the files to assure that all files contain sufficient documentation to sustain the client's eligibility in the event of outside audit. Clients should not be alarmed about the review. If they want to be reassured about their eligibility status, they may check with the counselor or with the E/A Supervisor AFTER review is completed (November 2, 1987).

8. Case File Checkout and Document Flow.

Reviewers will checkout 30 case files initially. Every afternoon at 3:00 pm. they will request enough files to bring them back up to 30 files. The File Clerk will pull the case files and put them in 4 boxes for each of the reviewers to pick up first thing the next morning.

If the reviewers are able to complete more than 30 files per day the number of files which can be checked out will be increased.

Cases will fall into one of two categories following review.

1. If the results of the review confirm Legal Counsel's initial determination, the casefile will be returned to files and the review form will be placed in a box for Legal Counsel's final review and approval.
2. If the results of the review are unable to confirm Legal Counsel's initial determination, or the determination is confirmed using "other" criteria, the review form will be attached to the casefile and these files will be collected in a box for Legal Counsel's review. The E/A Supervisor will make a list daily of all such files and give the list to the Administrative Coordinator by 3:00 p.m. The Administrative Coordinator will transfer the files to Legal Counsel, using his/her password. The File Clerk will keep the

box of files for Legal Counsel in the data room. The File Clerk may check these files out to other staff and keep a manual record; the files must be returned the same day.

SECTION 1200 ELIGIBILITY

SUBJECT 1240 Implementation of the Judgement in Sands v. NHIRC.

AUTHORITY: Order CIV-85-1961-PHX-RCB filed August 10, 1989 by the United States District Court for the District of Arizona in the case of Cecelia Sands v. Navajo and Hopi Indian Relocation Commission; Judgement and Procedural Stipulation issued November 2, 1989 in the case of Sands v. NHIRC.

BACKGROUND: The Judgement issued by the District Court required the Office to take action on two provisions of the Court Order. The Office was required to allow all denied applicants from whom the Office received no signed return receipt indicating personal delivery of the notice of denial, to file a request for waiver of the appeal deadline and to request an appeal. In addition, the Office was required to review records available at the time of initial determination for clients who were denied for failure to submit requested documents and information. If the review demonstrated that there was sufficient information at the time of initial determination to certify an applicant, the initial determination would be reversed and a Notice of Eligibility would be issued to the applicant.

PROCEDURES.

1241. APPLICANTS WHO DID NOT SIGN THE NOTICE OF DETERMINATION

General. The Office shall identify all denied applicants who did not personally sign the certified mail return receipt attached to the Denial Notice. Those applicants who did not sign the certified mail return receipt and who requested an appeal after the deadline and were denied an appeal because their request was filed too late, will be accepted into the appeal process. Those applicants who did not request an appeal after they were denied shall be issued a Notice of Right to Request Waiver and Appeal (Attachment MM#1240.B). Identification will exclude those applicants who filed a timely appeal and were admitted to the appeal process despite the failure to sign the certified mail receipt.

The Office shall maintain records of all Notices of Right to Request Waiver and Appeal which are issued and the responses which are received from the clients to whom they are issued. The Office shall provide reports to Navajo-Hopi Legal Services Program periodically, as provided by the Procedural Stipulations (Attachment MM#1240.A). Those clients who file an appeal of the initial denial within the time frame specified in the Procedural Stipulations shall be admitted into the appeal process. Those who fail to file an appeal timely shall not be entitled to further consideration, and their cases shall be closed.

1241.1 Identification of the Applicants Who Did Not Sign the Notice of Denial.

1. File Review Form. The ADP Branch will program a one page form (MM#1240.1) for all applicants whose casefiles will be reviewed to determine whether or not they signed the certified mail return receipt. Criteria for the files to be reviewed are: all applicants who were issued an initial determination of denial or decertification prior to November 2, 1989 (date of the Judgement) who were not subsequently admitted into the appeals process (no accepted appeal). The forms will be run in case file order and will include name, mailing address, and deceased code.

In addition to the form, a master list will be generated of all files to be reviewed.

2. Checking Out Casefiles. The review will be conducted in the data room. The Eligibility/Appeals Supervisor will pull files in casefile order for each applicant with a file review form. The Supervisor will fill out the form and return the file to the file drawer when the activities described in #3 and #4 have been completed.

3. Validating the Client's Signature. The Supervisor will determine whether or not the client signed the return mail receipt. Denial Notices which were returned as undelivered mail, or were signed for by someone else, were clearly not signed for by the client. If the client's name is signed in the addressee block of the certified mail return receipt, the Supervisor will check the validity of the signature:

a. Handwriting. The name and handwriting of the signature will be compared with the name and handwriting of other documents in the casefile bearing the client's signature, including the application, documents collected during the intake process, and other certified mail return receipts. If the name is spelled differently from the way the client spelled his/her name on other documents and/or the handwriting appears significantly different from the client's signature on other documents, the Supervisor will conclude that someone else signed the client's name.

b. Legibility. If the signature is not legible, the client will receive the benefit of the doubt.

c. Fingerprints. If the signature is a fingerprint, the case will be accepted into the Sands process.

Disagreement With the Supervisor's Determination. If there is a disagreement about the Supervisor's determination that the client signed or did not sign the return mail receipt, the circumstances will be documented and the

file will be forwarded to Legal Counsel for review and decision. The Office may procure the services of a handwriting expert to render an opinion regarding the authorship of disputed signatures.

4. Additional Information to be Checked During Initial Review.

The Supervisor will next check for the following information in the casefiles of clients who did not sign the receipt.

a. If there is information that the client has a different mailing address from the address recorded in the automated records, the Supervisor will record the more recent address on the file review form.

b. If there is information that the client is deceased but this information is not recorded in the automated files, the Supervisor will note it for data entry.

c. If the client filed an appeal but it was rejected due to timeliness, the Supervisor will note it under 'comments' on the file review form. Such cases will be checked against an automated report of rejected cases.

5. Data Entry of Initial Information. After all cases with a file review form have been reviewed, the Eligibility/Appeals Specialist or other designated staff person will perform data entry of the signed for receipt code (Y,N), the deceased code, and change of address. Entry of an "N" code will reopen the casefile.

1241.2 Accepting Late Appeals on File for Applicants Who Did Not Sign for the Notice of Denial.

1. Acceptance Letter and Explanatory Conference Schedule. The Specialist will enter appeal action code '3' (code table 74) for applicants who did not sign the certified mail return receipt and who filed an appeal which was rejected as untimely. After entering the code, the Specialist will print letters to the applicant or to the applicant's legal representative, as appropriate (forms MM#1240.2 and MM#1240.3) informing them that the appeal has been accepted pursuant to the Sands court order. Next, the Specialist will generate form letter MM#1310.5 informing the client of the date and time for the explanatory conference (see MM #1316).

2. Mailing the Letters. Acceptance letters issued to clients who are not represented by Navajo-Hopi Legal Services Program will be sent certified mail, restricted delivery. Copies of the letters will be sent to NHLSP. Letters issued to NHLSP for clients whom they represent will be sent in a mass mailing, certified with return

receipt requested. A numeric list of clients accepted into the appeal process will be sent to NHLSP for ready reference.

1241.3 Issuing the Notice of Right to Request Waiver and Appeal.

1. Programmed Notice. The ADP Branch will program the Notice of Right to Request Waiver and Appeal (Attachment 1240.B), based upon the finalized version provided by the Office's staff attorney.

2. Computer Report of Applications Who Will Receive the Notice. ADP Branch will provide the Eligibility/Appeals Branch with a report of all applicants who did not sign the certified mail return receipt and were not admitted into the appeals process as provided in 1241.2. The report will list clients in alphabetical order and will include: the applicant's name, casefile number, census number, chapter affiliation, current mailing address, and permanent address.

The Specialist will send a copy of the report to NHLSP.

3. Generating the Notice. The E/A Specialist will generate Notices to each applicant on the list. Generation of the Notices will create the Sands Tracking Record for each client. Notices will be printed on gold letterhead. The Specialist will type the number of the certified mail return receipt which will be affixed to each mailing envelope at the bottom left hand corner of each Notice. E/A will identify itself on the green return receipt as the Office branch issuing the Notice.

4. Mailing the Notices. The Specialist will fold each Notice for insertion into window envelopes so that the address is visible. A postage-free envelope addressed to the Office will be folded and enclosed with the Notice in the mailing envelope. The envelopes will be sealed and the certified mail receipt attached. Each envelope will be sent restricted delivery, to be delivered to addressee only.

1241.4 Tracking Client Response to the Notice.

1. Data Entry of Receipt of Notice. As the certified mail return receipts are received by the Office, they will be routed by the Administrative Coordinator to the Eligibility/Appeals Specialist based on the identifying information on the return receipt. The Specialist will perform data entry of the date the client received the letter, and receipt code of 'C' if signed for by the client.

2. Notice Returned Undelivered. If the Notice is unclaimed and is returned as undelivered mail, the Specialist will enter a 'N' receipt code in the automated records.

3. Notice Signed for By Someone Else. If the return receipt is signed by someone other than the client the Specialist will enter an 'O' and the date of receipt in the client's Sands Record. Forty-five days will be allowed for the Request for Waiver and Appeal to be returned to the Office, signed by the client. If no Notice is received within forty-five days, the Notice will be reissued according to the following procedures.

a. The Notice will be computer generated and mailed according to the procedures in 1241.3.4. Each Notice will be sent certified mail, restricted delivery. The mail clerk will assure that the post office stamps each letter "RESTRICTED DELIVERY" in red ink. However, instead of being mailed separately, the Notices will be enclosed in a postage-free envelope provided by the Field Operations Office of the Phoenix Postal Service. A letter to the postmaster will be inserted, stressing the requirement that the letter must be issued only to the person to whom it is addressed.

b. The automated records will record the response to the second Notice in the same manner as the response to the first Notice; that is: the Specialist will record the date that the client received the Notice, receipt code, date appeal request received, and any other pertinent information (change of address, deceased). This information will replace the responses recorded for the first Notice.

c. Notices which are undelivered will be added to the weekly report to NHLSP requesting alternate addresses.

d. The Specialist will bring any notices signed for by someone other than the client to the attention of the Management Analyst within a day of the receipt of the green card. The Management Analyst will issue a written complaint to the postal official identified as the responsible authority, and ask for immediate action to deliver the notice to the client to whom it was addressed.

4. Recording the Notice of Request for Waiver and Appeal. When the Notice is returned by the client, it will be opened and both the envelope and the Notice will be date stamped by the mail clerk. The Notice will then be reinserted into the envelope, which will be routed to the E/A Specialist. The Specialist will record the postmark date as the date of the client's request for appeal. The envelope will be stapled to the Notice and both documents will be filed in the casefile.

Clients who come to the office to sign and submit the Notice in person will be referred to the E/A Branch. The Specialist will date stamp the Notice and will enter the date of the client's visit as the date of the request for appeal.

If the client comes to the office with the Notice but declines to sign and submit it while present, the Specialist shall verify that the client signed the certified mail return receipt. If someone other than the client signed the receipt, but the client is in possession of the Notice personally addressed to him/her, the Specialist will develop a memorandum to record documenting the fact that the client had received the Notice. The client will be requested to sign the memorandum acknowledging personal receipt of the Notice.

a. Appeal Submitted by NHLSP. A written appeal from NHLSP submitted on behalf of the client within the specified time period will be accepted in lieu of a returned Request for Waiver and Appeal.

5. Reports to NHLSP The ADP Branch will program three reports to be delivered to the E/A Branch on Monday mornings. The reports will list clients in alphabetical order and include casefile number, census number, chapter affiliation, current mailing address, and permanent address.

a. The Report of First Notices/Undelivered will list the clients who were issued a Notice which was returned undelivered to the Office. These are the clients for whom NHLSP will attempt to provide a current mailing address to the Office within 6 months. The report will be a cumulative listing; clients added to the report each week will be designated by an asterisk.

b. The Report of Second Notices/Undelivered will list clients who were issued a second Notice to the address provided by NHLSP, whose Notices have been returned as undeliverable mail. These are the clients who NHLSP must notify within 60 days. The report will include the date that NHLSP received the notification that the Notice was undelivered, and the date by which the appeal must be received in order to be accepted. The report will be a cumulative listing; clients added to the report each week will be designated by an asterisk.

c. The Current General Status/Sands will provide historic tracking of the actions which have been taken with all clients with a Sands record. When applicable, the due date for an action will be calculated and printed on the report.

6. Deceased clients. No Notices will be issued to clients whose records show a deceased code. If the Office learns that a client is deceased after issuing a Notice, the information will be recorded in the automated files. If the deceased client had an immediate family spouse and/or children) which would be the household remaining to be relocated if the client were found eligible for benefits, the Office will accept an appeal from the immediate family on behalf of the deceased client. The appeal must be submitted within the specified

time period in order to be acceptable. If no appeal is filed, the casefile will be closed manually upon request to the ADP Branch.

In order for the ONHIR to accept an appeal from the immediate family on behalf of a deceased client, the appellant must have been identified by the applicant as a member of the applicant's household at the time of initial application or during subsequent contacts prior to the applicant's death.

If the applicant had identified the appellant as a household member but had not provided the supporting documentation requested at the time of intake, the appellant will provide copies of the legal documents used by the ONHIR to demonstrate household membership: copies of marriage certificate/license, and copies of children's birth certificates. The appellant must also provide a copy of the applicant's death certificate, or equivalent proof of death.

In the case of older children, if the applicant had identified a child who had reached age of majority at the time of the applicant's death, the Office may request reasonable proof that the child was still a member of the household and residing with the applicant when he/she passed away.

If the appellant was not named on the initial application but claims to have subsequently become a legal member of the client's household through marriage or birth, the appellant may furnish legal documents to demonstrate legal household membership.

No appeals will be accepted from individuals who claim to have been living with the applicant in an unmarried spousal relationship at the time of his/her death.

7. Mailing the Reports. The E/A Specialist will issue the reports certified mail, return receipt requested; and will maintain a file with copies of the reports mailed each week. The certified mail return receipt will be attached to the appropriate mailing.

1241.5 Second Notice of Request for Waiver and Appeal.

1. Data Entry of New Address. When NHLSP provides the Office with a current address for clients whose first Notice was returned delivered, the E/A Specialist will enter the new mailing address in the automated records.

2. Generating a Second Notice. The Specialist will generate and issue a second Notice to the client according to the procedures set forth in 1241.3.

3. Tracking Client Response to the Second Notice. The Specialist will perform data entry of information required to track client response to the second Notice as provided in 1241.4.

4. Data Entry for 60 Day Notification by NHLSP. If the Second Notice is returned undelivered, the date that NHLSP receives the Second Notices/Undelivered Report will be entered in the automated files for all clients showing up on the report for the first time. The 60 day period provided for NHLSP notification to the client shall begin the date NHLSP received the Office's report.

1241.6 Determining Acceptability of Request for Waiver and Appeal.

1. Acceptability Factors. After performing data entry of the date of receipt of a Notice of Request for Waiver and Appeal, the E/A staff shall determine if the Request is acceptable. In order to be acceptable, the Request must meet the following conditions:

a. The Notice must have been submitted within 90 days of the date the client received the Notice from the Office, or within 60 days from the date that NHLSP receives a request to contact clients with undeliverable mail. The post-mark date on the envelope shall be used as the date the client or NHLSP submitted the request.

b. The Notice must be signed by the client.

2. Appeal Accepted. If the appeal is accepted, the Specialist will enter 'accept code 3' in the client's appeal record and will print an acceptance letter. Entry of the code will open an appeal file for the client.

3. Appeal Rejected. If the appeal is rejected, the Specialist will enter the reason for rejection in the client's Sands Record and will generate a rejection letter.

4. Mailing the Accept/Reject Letter. The letter will be sent to the client regular mail. A copy of the letter will be sent to NHLSP.

5. Case Closure. Casefiles shall be automatically closed after 10 days for all clients who fail to submit an appeal within the 90 day timeframe; and for clients did not appeal within 60 days following final notification to NHLSP of undeliverable mail.

1241.7 Action Pursuant to Appeal.

Appeals submitted by clients pursuant to Sands v NHIRC will follow the procedures contained in Management Manual #1310. After the client's appeal has been accepted, the E/A Supervisor will review documents and information provided by the client to demonstrate

MANAGEMENT SECTION 1200 ELIGIBILITY
MANUAL SUBJECT 1240 Implementation of the APPROVED
Judgement in Sands vs NHIRC 4/23/91

eligibility. The denial may be reversed at any point during the appeal process that information sufficient to certify the client is received.

1242. APPLICANTS DENIED FOR FAILURE TO PROVIDE DOCUMENTS AND INFORMATION.

General. The Office shall review the files of all applicants who were denial for failure to provide documents and information and who were not admitted into the appeal process, to determine if Office records contained adequate information, at the time of denial, to certify such applicants. If information available at the time of denial demonstrates that the applicant was eligible for benefits, the applicant will be so certified.

1242.1 Identification of Clients Denied for Failure to Provide Documents and Information.

1. Computer Report of Files to be Reviewed. The Management Analyst will request the ADP Branch to provide a report of all clients denied for failure to provide documents and information (denial reasons #5 and #6) who were not subsequently admitted into the appeal process. The report will exclude all clients accepted into the appeal process under 1241 of this section of the Management Manual. The report will list clients in alphabetical order and will include the client's name, casefile number, census number, chapter affiliation, current and permanent addresses, and deceased code.

2. Copy of Report to NHLSP. The Eligibility/Appeals staff will send NHLSP a copy of the report, with a cover letter informing Legal Services that these are the clients whose records will be reviewed.

3. Eligibility Summary Forms. The Management Analyst will request the ADP Branch to generate Eligibility Summary forms for denied applicants listed on the report (Form MM#1240.7).

1242.2 Conducting the File Review.

1. Sequence of the Review. E/A staff will start with the files of clients who signed the certified mail receipt attached to the original Notice of Denial, who do not have the opportunity to appeal under 1241. After completing this category, E/A staff will review the files of clients who did not sign the certified mail receipt attached to the original Notice of Denial, who fail to appeal under the provisions of 1241.

2. Information to be Reviewed. The E/A staff will review the records and record their findings on the Eligibility Summary forms. In addition to the client casefiles, the E/A staff will review other information contained in Office records at the time of denial which may bear upon the client's eligibility. Such records may include, but

are not limited to: the JUA roster, casefiles of parents and other family members, hearing records for family members (hearings conducted prior to the client's denial, or which reference information available before the client's denial) and appraisal records. Information bearing upon the client's case which is not contained in the casefile will be copied and inserted into the casefile, with the date of insertion and notation that it is being inserted pursuant to the Sands order.

Information submitted by the client subsequent to the denial determination cannot be considered during this review.

Each document contained in the client casefile will be stamped either "document reviewed Sands #2" or "document excluded from review Sands #2", depending upon the date of receipt of the document. Documents will be added to the file only if they are relevant to the time period preceding the date of denial. Such documents will also be stamped "documents reviewed Sands #2".

3. Filling Out the Eligibility Summary Form. E/A staff will record the information available at the time of determination on the Eligibility Summary Form, and shall determine whether or not there was sufficient information in Office records at the time of initial determination to certify the applicant for benefits. This determination will be recorded under Determination of Reviewer.

a. If E/A staff determine that there was insufficient information available at the time of initial determination to certify the applicant, they shall recommend that the initial determination stand.

b. If E/A staff determine that there was sufficient information available at the time of initial determination to certify the applicant, they shall recommend that the denial be reversed and that a Notice of Eligibility be issued to the applicant.

4. Determination by Staff Attorney. The casefiles with Eligibility Summary Forms attached will be forwarded to the staff attorney for final determination.

5. Data Entry. After recording the final determination on the Eligibility Summary, the attorney will return the files to the E/A Specialist for data entry. The Specialist will record the Sands Review Determination (uphold, reverse) in the certification file. If the applicant submitted late documents, this information will be recorded in the automated files (late documents 'Y').

6. Notice of Eligibility. If the attorney determines that the denial should be reversed, the E/A Specialist will prepare form

MM#1240.9, Determination of Eligibility Pursuant to Sands v NHIRC, for signature.

7. Report to NHLSP. After all files have been reviewed and the review determination entered in the automated records, the E/A staff will generate a report to NHLSP showing client name, casefile number, census number, chapter affiliation, current and permanent addresses, review determination, and late documents indicator. If the denial was reversed, the report will show the date of determination and the determination code.

8. NHLSP Access. Authorized representatives of NHLSP shall be granted access upon three days advance written request to the files of clients reviewed under this Stipulation. The request shall specify the files which the representative will review.

MANAGEMENT SECTION 1200 ELIGIBILITY
MANUAL SUBJECT 1250 Hopi Reservation Evictees APPROVED
01/12/96

INSTRUCTIONS: This section of the Management Manual was originally approved 1/16/84 and was a one-time activity conducted to implement the requirements of P. L. 96-305, Section 7. These procedures have not been updated to reflect subsequent changes in agency structure or titles.

SECTION 1200 ELIGIBILITY

SUBJECT 1250 Hopi Reservation Evictees

AUTHORITY P.L. 96-305, Section 7; 25 CFR Subpart P

POLICY.

Applicants who meet eligibility criteria established in 25 CFR Subpart P shall receive relocation assistance on a preferential handling basis. Eligible Hopi Reservation Evictees will receive relocation assistance equivalent to that available for other relocatees, with the exception that they are not eligible for bonus payments, and shall receive no appraisal payment for improvements they may have owned on District Six.

1251 APPLICATION/INTAKE PROCEDURES

1. Obtain A Completed Application Form From The Client.

In order to be valid, the application must be signed by the client, dated and notarized.

2. Assign The Next Open Sequential Case Number To The Client.

Enter the number on the client courtesy card so that the client may refer to it whenever he/she contacts the Commission.

3. Identifying Documents.

In reviewing the information on the application with the client, the certification specialist should ask the client to produce documents which verify the information to be sure it is correct. For example:

- mailing address (driver's license)
- date of birth (family card, driver's license)
- social security # (social security card, wage statements)
- census # (family card)

Do not make copies of these documents; it is not necessary to insert them into the client file.

4. Recording The Quarter Quad Location (QQL).

If the client is currently living on the HPL, record the QQL number of the client's improvements and attach the BIA/JUA roster.

5. Eligibility Determination Summary Sheet.

While the client is present, fill out the Eligibility Determination Summary Sheet, Form MM#1250.2, explaining the eligibility requirements to the client in the process.

If the client's name appears on one of the official lists, and the client has provided documentary proof of head of household status, the client may be certified immediately by the certification officer. Exceptions to the above include:

a. Dual Eligibility.

In reviewing the client's case, if it becomes obvious that the client is eligible as a regular relocatee then he or she is not eligible for

certification as a Hopi Reservation evictee. There are few applicants in this circumstance. They should be issued a letter stating that they are eligible as a regular relocatee.

NOTE: Evictees certified prior to December 14, 1983 are not affected by this provision.

b. Late Applications.

If the client meets eviction and head of household criteria but applied after the deadline of March 13, 1984, the case will be referred to the Assistant Director for Relocation Operations for determination. (See Subject 1252.4).

6. Pending Cases.

If the client's name is not on one of the official lists and the client says he/she will provide other documentation, or if the client doesn't have copies of head of household supporting documents and says he/she will send them in, he/she shall be allowed 30 days to submit the document. This time period may be extended up to two months by the certification officer for good reason.

7. Field Investigations.

If it is necessary for the certification specialist or the certification officer to conduct a field investigation to corroborate the information which the client has provided, the field investigation shall ordinarily be scheduled within the 30 day pending period.

8. Case Review And Determination.

No later than 30 days from initial application, the certification officer shall review any pending cases.

- a. If the client has provided the required substantiating documentation, the certification officer shall determine if the documentation supports the client's claim or not. If the client has a valid claim, the certification officer shall certify the client and issue the Notice of Certification.
- b. If the certification officer determines that the documentation does not support the client's claim, or that the client has failed to submit any documentation, he/she shall issue a Request for Information Letter, (See Form MM#1250.1) giving the client an additional 30 days to submit information to support his/her claim.

1252 ELIGIBILITY VERIFICATION

1. Eviction.

Eligibility is based upon eviction as a consequence of the decision in **U.S. vs. Kabinto.** The final decision was issued by the Court of Appeals on 2/18/72. People who moved before this are not eligible for benefits even if they moved because of harassment.

25 CFR 700.603 names four lists which shall be used by the Commission to identify the persons who were evicted from the Hopi reservation. Copies of the four lists named in the regulations have been compiled. If the client's name appears on one or more of the official lists, no further proof of eviction is required. The certification worker will make this determination while the client is present and enter the determination on the application form (Enumerated: District 6 List) and on the Summary Sheet (Form MM#1250.2). If the client's name does not appear on any of the official lists, the client must furnish evidence which proves he/she was an evictee. Such evidence may include:

- a. Proof that the individual was a dependent within a family whose head of household is named on one of the official lists. The certification worker will obtain a copy of the birth certificate or family card, showing date of birth and relationship of the applicant to the listed evictee.
- b. School records.
- c. Military hardship discharge.
- d. Copy of eviction notice issued 2/18/72.
- e. Client statement/interview record. Interview should be conducted and typed while the client is in the office, so the client may review and sign it. The statement must be notarized.

2. Head Of Household.

The applicant must be head of household as of the date of certification for benefits. He/she is eligible if he/she represents a unit of two or more persons living together at a specific location, and forming a unit of permanent and domestic character; or is a single person actually maintaining and supporting himself/herself.

The client will provide the following documents in support of eligibility:

a. Marriage.

- copy of marriage license issued by state or tribal government.
- marriage certificate issued by tribal government.
- family card.

In cases where couples are living together and claim to be a household, they must produce some evidence that the union is permanent in nature, even though no legal marriage exists. Such proof may include:

- birth certificates of children, giving the names of both partners.
- documents signed by both individuals.
- documents stating the number of people in the household.
- photos of traditional marriage ceremony or other domestic activity.
- invitation cards to traditional marriage ceremony.

A field investigation may be conducted to verify the existence of the domestic unit.

NOTE: The Commission will no longer issue affidavits of common-law marriage or traditional marriage.

b. Children and Other Dependents.

- birth certificates of children.
- adoption or guardianship papers.

- other court records demonstrating custody.
- family card.

c. Unusual Circumstances.

The head of household may be supporting a dependent but may not have legal custody of the dependent (see 25 CFR 700.57). For example, the parent awarded custody in a divorce case may not be the parent actually exercising "custody, control and care" of children. In such cases, the Manager of the Division will specify alternate documentation to verify household membership. The alternate documentation may include:

- school attendance records
- income tax records
- medical records
- social service agency records

In all such cases, a field investigation shall be conducted to verify the client's contention of actual custody.

3. Single And Self-Supporting.

A single person is eligible as head of household if he/she can demonstrate that he/she is financially self-sufficient and maintains an independent lifestyle. In order to demonstrate this, the applicant must submit:

a. Proof of Income.

Wage statements, check stubs, SSI benefit determination notices, AFDC or General Assistance statements, income tax records, checks, etc. A college student may qualify if the majority of his/her support comes from scholarships, grants or other income received independent of the family. The student must furnish proof of scholarship/grant award. This information is also needed for benefit determination after a client is certified, so it is a good idea to ask for it at the time of the intake interview.

Documented proof of current income is sufficient to qualify a single person as head of household. Income received during the one year period before application or review of application will be considered.

b. Other Evidence.

If an individual claims to be financially self-sufficient but is unable to produce any proof of income, the Commission shall certify eligibility only if there is a preponderance of evidence supporting his/her claim. Such evidence may include:

- interview statement of client.
- field investigation which verifies that the client maintains a dwelling separate from his/her parents, and is economically self-sufficient through farming, grazing and other subsistence activities.

4. Late Applications.

If an application for benefits comes in after the deadline, the certification specialist should make determination of eviction and head of household eligibility. If the client does not meet these requirements, the fact that the application is late is irrelevant.

If, however, the applicant is eligible under eviction and head of household criteria, the certification officer shall forward the application to the Assistant Director within one working day, and will recommend whether or not the deadline should be waived. The recommendation should include the reason the client submitted the application late.

5. Office Conference.

It is not necessary to conduct the standard office conference with Hopi Reservation evictees unless they are unable to produce evidence of eviction or head of household status. If they are unable to produce such evidence, an office conference will be conducted to record the client's verbal statements regarding the validity of the claim.

6. Field Investigations.

No field investigation is required for clients whose name is on one of the five official lists or who produce other documentary evidence of eviction, and who are able to produce satisfactory documentation of head of household.

A field investigation may be conducted to verify:

- claims of eviction where no documentation is presented.
- the existence of a household unit, where there is no evidence of marriage or custody of dependent.
- that a single person is financially independent despite a lack of documentation.

7. Action Of Division Manager.

The Division Manager will review all denials, and will review certifications of cases in which the client's name does not appear on one of the official lists of evictees, or the client does not meet standard head of household criteria.

SECTION 1200 ELIGIBILITY

SUBJECT 1260 CCD Interim Procedures

POLICY.

Residence records are maintained on all individuals whose names are included within the Commission's system of records. A major subcategory within the system is the file of certified heads of households. The residence determination for these individuals is referred to as the "CCD Determination". This section of the Management Manual sets forth the procedures for making and recording this determination.

1. Background.

In order to respond to various reporting and program demands, the Commission maintains records of the residence of certified applicants, distinguishing between clients who are known to be actual residents of the partitioned lands and those who have moved pursuant to the Act.

The information about residence is recorded in the client master file. A programmed report entitled "verified CCD's/Alpha PRM" can be generated from the file information, listing all certified heads of household who are current actual residents of the HPL.

The file information was developed in 1983, in response to proposed Congressional action to restrict expenditure of housing acquisition funds, prioritizing the relocation of clients who were actual residents of the HPL. Restrictive language became effective with the FY '84 budget appropriations.

Initial file information was developed through consultation between the Commission Executive Director and staff of the BIA Office of Hopi Partitioned Lands. The Commission provided the BIA with a list of all applicants certified on the basis of full-time residency, who had not been relocated by the Commission as of the date the list was compiled. The BIA compared this list with its records on grazing permittees and their families and conducted field work in connection with the review. If it was determined that a person had moved since certification, the name was deleted from the list. If there was doubt about a person's residence, the name remained on the list.

After several months of review and revision, Commission files on certified applicants were updated to show the residence status. If a certified applicant was known to be an actual, permanent resident of the HPL, a code of "S" or "P" was entered in their records. The code indicated the source of information: "S" from the Executive Director's list (Steve's list); "P" from the BIA permittee list.

Next, the list was submitted to the Hopi Tribe, Keams Canyon BIA, the Navajo Tribal Justice Department, and other offices of the Navajo Tribe, with a request for review and verification of the residence of listed persons.

Following response of the Hopi Tribe (no response was received from Navajo Tribal offices), the files were again updated. A person who was not verified by the Hopi Tribe as being an actual resident was given a revised code, indicating probable recent move from the HPL. The revised codes were "X" and "Z".

2. Maintenance Of The Residence Code.

The Eligibility/Appeals Supervisor is authorized to maintain the residence records of certified heads of household, taking the actions necessary to add, change or delete records as updated information is received. All requests for updates of the residence code shall be forwarded to the Supervisor by the Commission office which receives or initiates the request.

In order to verify the information received and approve or disapprove the request, the Eligibility/Appeals Supervisor may:

- conduct records review
- interview the client
- conduct a field investigation.

The Supervisor will record the source of information, type of update requested, action taken, and decision, on the Add/Update Form MM#1260.1 and will perform related data entry as described by these procedures.

3. Adding Names To The File.

Names are added to the file when the Commission certifies an applicant who is an actual permanent resident of the HPL (See 1260.4); or when it is determined that an actual resident was inadvertently omitted from the original list (See 1260.5).

Names added to the lists since 11/84 will be distinguished from names entered earlier by the code "C", which stands for "currently continuously domiciled". A "C" residence code is equivalent to "S" or "P" in identifying a person who is a permanent actual resident of the HPL.

4. Adding Names At The Time Of Certification.

Procedures for determining the residence status of an applicant found eligible for relocation assistance, are set forth in the Certification Procedures.

5. Adding Names Of Residents Inadvertently Omitted From The Initial List.

Information that a name may have been inadvertently omitted may be received in one of several different ways. Procedures for reviewing and approving or disapproving a request to add a name to the CCD list vary according to the form of the request.

a. Information Submitted by the BIA, Hopi or Navajo Tribal Offices, or Other Governmental Entity.

Information about persons identified as actual residents must include at a minimum:

- name of person
- census number

In order to take action on the request to add name(s), the Supervisor may request additional identifying data from the agency, such as: QOL, chapter, mailing address, family membership.

No names submitted by Tribal offices shall be added to the list without independent verification.

b. Request From Client to Add His/Her Name to the List.

Clients may contact the Branch of Pre-Move Counseling about their residence status because it affects case processing.

When a client contacts a counselor on this issue, by phone or walk-in visit, the counselor shall:

(1) First, check the residence determination in the automated file (Master File, Steve CD entry) and inform the client of his/her residence code and what it means.

- A "C", "S", or "P" designates an actual resident.
- A "X", "Y", or "Z" code designates a person who lived on the partitioned lands at the time the list was compiled but has subsequently moved.

- A blank entry in the Steve CD field means that the person is not currently a resident of the partitioned lands, and was not a resident when the list was compiled, or when the person was certified.

(2) Next, the counselor shall explain agency policy regarding the priority assigned to relocation of actual residents. The counselor shall explain that if the determination is incorrect (i.e., the client claims to be an actual resident; but is not shown as such), it can be corrected; but that agency policy regarding prioritization of CCD's for move may not be appealed.

(3) If the client states the determination is incorrect, he/she will be referred to the Eligibility/Appeals Supervisor who will interview the client. In the absence of the Supervisor and the assistant within the Eligibility/Appeals Branch, the counselor shall conduct the interview. The interview shall focus on the residence history of the client since 1974, with particular attention to current residence. The interviewer shall ask the client where they are currently living and if they have lived off the partitioned lands for any period of time since 1974. If so, for how long and for what purpose? The interviewer will ask about the location of the HPL residence, who owns it, and who lives there.

If the Supervisor or Eligibility/Appeals Assistant conducts the interview, the information shall be recorded on the Add/Update Record. If the Counselor conducts the interview, the information shall be recorded in a file memorandum and forwarded to the Supervisor.

(4) If the Counselor has documentation which relates to the client's residence (such as information recorded on the Social History Form), it shall be forwarded to the Eligibility/Appeals Supervisor for review. However, there is no special documentation which can be used to verify actual residence, and the client will not be instructed to submit documents.

6. Changing Residence Code.

A code designating an actual resident will be changed when the person moves voluntarily, pursuant to the Act (Note: When the Commission moves an actual resident the code in the master file does not change, but the name is automatically removed from the CCD report).

- a. An actual resident originally coded as "S" will be recoded as "X" upon move.

- b. An actual resident originally coded as "P" will be recoded as "Z" upon move.
- c. An actual resident originally coded as "C" will be recoded as "Y" upon move.

The code may be changed up until the time during case processing that the client meets with the Pre-Move Counselor to develop the individual family relocation plan (clients with a CT or SI agency status only).

Procedures for reviewing and approving or disapproving changes to the residence code vary according to the source of the request. In order to verify information which will result in a change of the code, the Supervisor may undertake the actions described in a. and b..

a. Information submitted by the BIA, Hopi or Navajo Tribal offices, or Other Governmental Entity.

Information about persons identified as having moved from the HPL must include at a minimum:

- name of person
- census number

The Supervisor may request additional information needed to correctly identify the person, and may also request information about how the agency learned of the person's change of residence, in order to validate the information.

b. Commission Staff Review.

The Supervisor may circulate the CCD list periodically among staff who make field investigations and home visits, and have personal knowledge of the actual residence of many applicants. A staff member who has personal knowledge that a client moved shall mark the name for recoding

The Supervisor may request that the staff person document his//her source of knowledge.

7. Deletion of Names From The File.

An original determination of "S" or "P" can be changed when the client moves, but can never be deleted. A determination of "C" can be deleted. The Supervisor shall delete a "C" upon determining that the original entry was (a)

MANAGEMENT MANUAL

SECTION 1200 ELIGIBILITY

SUBJECT 1260 CCD INTERIM PROCEDURES

This section of the (§1260) was approved in December 1985 as interim procedures to identify persons residing on the partitioned lands. These procedures are currently (1990) obsolete, and have been superseded by instructions in the counseling procedures (subject 1410) relating to updating information about client residence prior to relocation.

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1270	Processing Cases	APPROVED
			Pursuant to 25 CFR 700.138	12/06/96

SECTION 1200 ELIGIBILITY

SUBJECT 1270 PROCESSING CASES PURSUANT TO 25 CFR 700.138.

AUTHORITY: 25 CFR 700.138; memorandum from Legal Counsel dated 12/21/89.

BACKGROUND.

Review of P.L. 93-531, the language contained in various appropriations acts, Office regulations, as well as the supplemental language published by the Office with regulations set forth at 25 CFR 700.137, 700.138, and 700.139 indicate that Congress and the Office anticipated that certain residents of the Partitioned Lands would not voluntarily comply with the Navajo-Hopi Land Dispute Settlement Act of 12/22/74. It is also clear that Congress realized that certain persons residing on the partitioned lands who had not voluntarily complied with the Act could be evicted from their homes, and instructed that a replacement home would be provided before eviction took place.

Congress instructed the ONHIR to establish a deadline for applications from persons potentially eligible for relocation assistance. The ONHIR accordingly published regulations at 25 CFR 700.137 and established July 7, 1986 as the final date for applications from persons agreeing to relocate voluntarily from the partitioned lands.

Following the end of this period benefits for voluntary relocation are not available. Individuals can not present themselves to ONHIR and request relocation assistance. After 7/7/86, the ONHIR has assumed responsibility for identifying persons potentially subject to relocation. The ONHIR is required, through regulations published at 25 CFR 700.137, 700.138, and 700.139, to initiate a final contact with certain residents of the HPL who have failed to make timely arrangements for relocation and who are subject to eviction.

The Office has interpreted the term 'timely arrangements for relocation' to mean that (1) a person submitted an application for voluntary relocation assistance on or before 7/7/86; and (2) subsequent to being determined eligible for relocation assistance, an applicant cooperated with Office staff in selecting a relocation site and developing a relocation plan for their family.

Due to the number of eligible voluntary relocatees as related to program funding levels, and other program constraints, the period for accomplishing the relocation of eligible persons who submitted applications for voluntary relocation has extended beyond July 7, 1986. The ONHIR determined that final

contact with the remaining residents of the partitioned lands regarding the requirement to relocate (referred to as 'last resort contact') would take place after relocation plans had been developed for the majority of eligible relocatees who submitted applications for voluntary relocation assistance and who had cooperated with the relocation effort.

In 1991 the Ninth Circuit Court of Appeals appointed a mediator to resolve the dispute between the Hopi Tribe and Navajo residents of the partitioned lands who did not want to relocate. The ONHIR deferred implementation of last resort contact until the conclusion of the mediation effort. Five years of negotiation resulted in the enactment of P. L. 104-301, the Navajo-Hopi Land Dispute Settlement Act of 1996, on October 11, 1996. The Act authorizes the Hopi Tribe to grant 75 year leases to certain Navajo families, who are subject to the terms of the Settlement Agreement.

The Settlement Agreement further provides that the ONHIR will implement the provisions of 25 CFR 700.137, 700.138, and 700.139 for all Navajos residing on the HPL who either did not submit an application for voluntary relocation assistance by 7/7/86 or refused to accept relocation assistance after applying and being determined eligible; and who did not make timely arrangements for a 75 year lease on the HPL pursuant to the terms of P.L. 104-301. Under the Settlement Agreement, implementation of sections 700.137, 700.138 and 700.139 is to be completed by February 1, 2000.

POLICY.

Pursuant to 25 CFR 700.138, the ONHIR will make a final last resort contact with all Navajo residents of the Hopi Partitioned Lands who do not sign the Accommodation Agreement. Last resort contact will take place as soon as practicable following the Hopi Tribe's completion of the Accommodation Agreement sign-up effort, which will be accomplished by March 31, 1997 as of the date of these procedures. The ONHIR will make an eligibility determination for individuals living physically full-time on the HPL at the time of last resort contact who did not file an application for relocation assistance by 7/7/86.

HPL residents who did not apply by 7/7/86 will be required to provide all pertinent information set forth on Form MM#1270.1 Eligibility Determination for HPL Residents Pursuant to 25 CFR 700.138 if they want it to be considered in determining their eligibility. If the HPL resident is unwilling to provide the information, the E/A staff will complete the form based upon existing information. The information gathered by the E/A Branch will be submitted to Legal Counsel for initial determination regarding the person's eligibility for replacement housing.

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1270	Processing Cases	APPROVED
			Pursuant to 25 CFR 700.138	12/06/96

Results of Legal Counsel's decision will be transmitted to the HPL resident. If the HPL resident is certified eligible for relocation assistance, the resident will be issued an Agreement to Move which must be completed and returned to the ONHIR by a specified date. The resident will be notified of a date certain by which the relocation site must be selected and the family relocation plan must be completed.

Those HPL residents who are determined ineligible to receive benefits may appeal the determination under ONHIR regulations and procedures (25 CFR 700 Subpart L and Management Manual #1310 Eligibility Appeals).

Upon completion of the last resort contact and issuance of eligibility determinations to all HPL residents who failed to submit an application for voluntary relocation, the ONHIR will issue a ninety day notice to vacate to all eligible persons living on the HPL who have failed or refused to sign an Agreement to Move and/or have failed or refused to select a relocation site and participate in relocation planning interviews. The notice will specify the date by which the person will be required to vacate the Hopi Partitioned Lands.

The notice will further inform the person that if he/she fails to make arrangements to move by a specified date, his/her name will be included in a list of names and addresses which will be sent to the Secretary of Interior and the U. S. Attorney for the District of Arizona for such action as they deem appropriate. Persons eligible for assistance will be assured that relocation assistance will continue to be available.

The ONHIR will develop a second list of persons who in the best knowledge of the agency are living on the HPL but aren't eligible for replacement housing.

A member of the Navajo Tribe who contacts the ONHIR prior to last resort contact to request relocation assistance will be informed that 7/7/86 was the deadline for submitting an application for voluntary relocation assistance. No information will be taken from individuals other than those living physically full-time on the HPL who are contacted personally by the ONHIR at the time of last resort contact. Interviews and information gathering will not take place independent of the last resort contact.

The ONHIR will not conduct last resort contact on the Navajo Partitioned Lands, as no Hopis currently live physically full-time on the NPL.

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1270	Processing Cases	APPROVED
Pursuant to 25 CFR 700.138				12/06/96

ELIGIBILITY CRITERIA.

Persons who are identified at the time of last resort contact as potentially subject to eviction must meet all of the following criteria in order to be determined eligible for relocation assistance.

1. They must currently own or occupy an identifiable residence on land partitioned to the tribe of which they are not a member.
2. They must have been continuous legal residents of the land partitioned to the tribe of which they are not a member, and at no other location, from 12/22/74 until 7/7/86, must have resided there physically full-time on 7/7/86, and continuously thereafter until an eligibility determination is rendered.
3. They must have no other place of residence.
4. They must have attained head of household status on or before July 7, 1986. Head of household is defined at 25 CFR 700.69.
5. They would be subject to eviction if benefits are not provided.
6. They must meet all other eligibility criteria set forth in 25 CFR 700.69, 700.97, 700.138, and 700.147.

PROCEDURES .

1270.1 Last Resort Contact With HPL Residents .

The ONHIR will develop a detailed management plan for implementing the last resort contact. The management plan will contain instructions to staff and time frames for the accomplishment of tasks and project phases. The plan will include, but will not be limited to, the identification of homesites to be contacted, the contact schedule, information to be provided to homesite residents, development of manual and automated records, and identification of staff assignments.

1270.2 Determination Factors .

1. Current Physical Residence on the HPL. The HPL resident and his/her spouse and children, if the resident is married, must be living in a habitable dwelling on the HPL at the time of contact and until the eligibility determination is rendered. The resident may be the owner of the dwelling, or a family member of the owner. The resident's possessions must be located at the dwelling, to which he/she returns at the end of the day. The person may have no other place of residence. The information and documents listed in 1270.2 #5 below must support a finding of current as well as continuous residence on the HPL.

2. Physical Residence on 7/7/86 and Continuously Thereafter Until Contact. The resident must provide information that he/she was living on the HPL physically full-time on July 7, 1986 and maintained continuous full-time physical residence on the HPL and at no other location until eligibility determination. While it may not be possible to verify the resident's continuous residence on a weekly or monthly basis for the entire period, the resident must provide sufficient information to support a determination of continuous full-time residency. If there is information that the resident lived in another location for any period of time, the resident will not be eligible for relocation assistance unless they qualify for an exception pursuant to 1270.2 #6.

3. Legal Residence on 12/22/74 and Continuous Legal Residence on the HPL from 12/22/74 Until 7/7/86. The resident must provide information that he/she was a legal resident of the HPL on 12/22/74 and maintained legal residency thereon from 12/22/74 until 7/7/86. Applicable instructions in MM#1110 Intake Procedures and MM#1210 Procedures for Eligibility Determination will be followed in determining whether or not the information provided by the HPL resident supports the claim of legal residency on the HPL. If the resident has refused to provide information to substantiate legal residence in 1974 and/or available records do not demonstrate that the person was an HPL resident/improvement owner or a dependent minor in the household of an HPL resident/improvement owner, the HPL resident will be issued a denial determination.

4. Head of Household by 7/7/86. The resident must provide information

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1270	Processing Cases	APPROVED
			Pursuant to 25 CFR 700.138	12/06/96

that he/she achieved head of household status by 7/7/86. The resident must provide the following documents:

- proof of legal marriage
- birth certificate of first child

Applicable instructions in MM#1110 and MM#1210 will be followed in determining whether or not the information provided by the HPL resident supports the claim to head of household status.

If the resident is a single person, he/she must provide the information listed in 1720.2 #5 to demonstrate that he/she was self-supporting on 7/7/86.

5. Information to be Reviewed to Demonstrate Full-Time Continuous Residence from 7/7/86 Until Contact. The resident must provide documents and information which attest to the resident's maintenance of economic self-sufficiency as a full-time physical resident of the HPL homesite on 7/7/86 and continuously thereafter until eligibility determination. The resident must provide a Consent for Release of Information from the Social Security Administration for a detailed social security earnings record (DEQY: Detailed Employment Inquiry) starting with 1978, showing name of employer and place of employment. Failure to provide this Consent for Release of Information will result in a determination of denial for relocation assistance.

If the resident wants information demonstrating self-support considered by the ONHIR in reaching an eligibility determination, he/she must provide the following documents:

- HPL grazing permit
- tribal assistance payments
- wage statements from chapter work projects
- wage statements from local employers located within commuting distance, such as trading posts, schools, tribal/federal branch agencies, missions.
- livestock sales receipts
- receipts for crafts sold, such as rugs, jewelry, etc.
- childrens' school enrollment records
- records of medical, social, and other services which indicate place of residence.

Field Investigations. ONHIR staff may conduct field investigations to verify residence at the homesite and take photographs of the improvements for

ONHIR records. Staff may interview local residents about the homesite occupants' history of grazing, farming, gardening, etc. Field investigations and interviews may be conducted to verify other activities which a resident claims as means of self-support, such as: medicine man services; rug and basket weaving, pottery, jewelry, or other craft production.

6. Exceptions to the Requirement for Continuous Full-Time Residence:

(1). Temporarily Away for Education. Persons who were legal residents of the HPL on 12/22/74 and maintained continuous legal residence on the HPL and at no other location until 7/7/86; and were residing physically full-time on the HPL on 7/7/86, and were thereafter away because of enrollment in college or vocational training and returned permanently to the HPL homesite immediately following completion of the training/education and resided there physically full-time continuously thereafter until the eligibility determination is issued will be considered to have been continuous residents of the HPL.

The resident must provide transcripts from the college or vocational training institute which demonstrate enrollment and the period of time attended. Information provided about by the applicant about full-time residence on the HPL must demonstrate that the applicant returned to the partitioned lands as a full-time resident immediately after completing the college or training program.

(2). Temporarily Away Because of Incarceration. Persons who were legal residents of the HPL on 12/22/74 and maintained continuous legal residence on the HPL and at no other location until 7/7/86; and were residing physically full-time on the HPL on 7/7/86, and were thereafter away because they were sentenced to a jail term and returned permanently to the HPL homesite immediately following completion of the jail term and resided there physically full-time continuously thereafter until the eligibility determination is issued will be considered to have been continuous residents of the HPL.

The resident must provide certified or authenticated documentation from the facility where he/she was incarcerated (municipal, county, state, or federal) which established the date the applicant was taken into custody and the date the individual was released from custody. Information provided about by the applicant about full-time residence on the HPL must demonstrate that the applicant returned to the partitioned lands as a full-time resident immediately after release from prison.

(3). Temporarily Away for Medical Treatment. Persons who were legal residents of the HPL on 12/22/74 and maintained continuous legal residence on the HPL and at no other location until 7/7/86; and were residing physically full-time on the HPL on 7/7/86, and were thereafter away for prolonged medical treatment and returned permanently to the HPL homesite immediately following

completion of medical treatment and resided there physically full-time continuously thereafter until the eligibility determination is issued will be considered to have been continuous residents of the HPL.

The resident must provide documentation from the medical facility or attending physician stating the nature of treatment, name/location of hospital, nursing home, or other medical facility; and duration of treatment. Information provided by the applicant about full-time residence on the HPL must demonstrate that the applicant returned to the partitioned lands as a full-time resident immediately following completion of medical treatment.

(4). Temporarily Away for Employment or Military Service. Persons who were legal residents of the HPL on 12/22/74 and maintained continuous legal residence on the HPL and at no other location until 7/7/86; and were residing physically full-time on the HPL on 7/7/86, and were thereafter away for reasons of employment or military service and returned therefrom regularly (weekends, leave or off-season) and whose immediate legal family (legal spouse, minor children) were continuous legal residents of the HPL from 12/22/74 until 7/7/86 and resided there physically full-time on 7/7/86 and continuously thereafter until the eligibility determination is issued will be considered to have been continuous residents of the HPL.

Military Service. An applicant who is temporarily away for military service must provide copies of the service records. If the applicant has been discharged, a copy of the discharge documents will be required. The applicant must provide information that he/she returned to the HPL when he/she was on leave. The applicant's immediate family (legal spouse, minor children) must have resided on the partitioned lands during the applicant's tour of duty. The E/A Specialist may conduct interviews of camp and other local residents to verify the applicant's contacts with the HPL while serving in the military. The applicant must demonstrate that he/she returned to the partitioned lands as a full-time resident immediately after discharge from the service.

Employment. An applicant who is temporarily away for employment must provide information about the job location(s) and living arrangements. The applicant must provide information that he/she returned to the HPL over weekends, holidays, and off-season. The applicant's immediate family (legal spouse, minor children) must have resided on the partitioned lands while the applicant was working elsewhere. The E/A Specialist may conduct interviews of camp and other local residents to verify the applicant's contacts with the HPL while working off the HPL. The applicant must demonstrate that he/she returned immediately to the partitioned lands as a full-time resident when the job ended.

7. Time Frame for Submitting Documents: The HPL resident shall have 120 days to provide information which will support eligibility. After 120 days have elapsed, or the HPL resident has provided all information requested, whichever is sooner, the E/A staff will complete form MM#1270.1 and submit it to Legal Counsel for eligibility determination.

8. Review of Existing Records. The E/A staff will review information contained in records known to exist on HPL homesites. Such records may include but are not limited to:

- (1) JUA roster.
- (2) ONHIR appraisal records.
- (3) ONHIR files of persons who failed to file an application for relocation assistance by 7/7/86.
- (4) casefiles of resident's parents, siblings, or other family members.
- (5) mediator's list A of persons eligible for an Accommodation Agreement.
- (6) BIA and Hopi Tribe/OHL records.

Documented Contact with HPL Residents. While no specific or minimum number of contacts between HPL residents and ONHIR, BIA and/or OHL staff is required in order to demonstrate continuous residence, records must show sufficient contact to support a finding of continuous residence. Contacts must have occurred at the resident's homesite or adjacent camps; contacts at other locations will not be sufficient to support a claim to continuous residence at the homesite.

Type/nature of historic contact with HPL residents will also be considered. Statements made by camp residents and recorded by staff at group meetings will be reviewed. Such statements may document a resident's prior residence history and intention to remain on (or conversely, to leave) the HPL. These statements may also provide information on the residence of the improvement owner's children or other extended family members.

Negative contacts will also be considered. Recorded statements of staff, including BIA, OHL, and ONHIR field staff, or of other residents of the vicinity to the effect that the person had left the area; or whose camp was uninhabited at the time of a field visit; will be considered evidence that the HPL resident did not reside continuously on the HPL.

1270.3 Eligibility Determination and Appeal.

1. Summary and Recommendation by E/A Staff. E/A staff will complete form MM#1270.1, Eligibility Determination for HPL Residents Pursuant to 25 CFR 700.138 based upon information provided by the resident and contained in available records. The staff will complete Part 4, Conclusions/Recommendations by Eligibility/Appeals Staff. The staff recommendation will be attached to the casefile containing all information relating to the resident's eligibility determination, and will be forwarded to Legal Counsel for final review and determination.

2. Determination by Legal Counsel. Legal Counsel, in capacity of agency Certifying Officer, will review the staff recommendation and all supporting documentation. Legal Counsel may request additional information or

investigation by the E/A staff. Legal Counsel will record the determination on p.8, Part 4 of form MM#1270.1. After Legal Counsel has recorded his determination, the form and casefile will be returned to the E/A office.

3. Generation of Letter of Determination. The E/A staff will perform data entry into the automated certification file. Data entry will record the determination (certified or denied) and generate a letter to the applicant. The letter will be sent certified/restricted delivery/return receipt requested.

4. Appeal Through ONHIR Administrative Appeal Procedures. A resident who is denied and disagrees with the agency's determination may appeal in accordance with 25 CFR Subpart L and MM#1310. The request for administrative hearing must be received by the ONHIR no later than 60 days following the resident's receipt of the Notice of Determination.

5. Case Referral. After the eligibility determination has been rendered, the case will be referred to the office responsible for accomplishing the applicable course of action.

a. Certified Client Who Has Signed An Agreement to Move: The client will be referred to the Counseling Branch and to ICB for selection of a relocation site and development of a relocation plan.

b. Certified Client Who Has Failed or Refused to Sign An Agreement to Move: At the end of all notice periods the client's name will be forwarded to the Secretary of Interior and the Justice Department, along with the names of other HPL residents who are eligible for relocation assistance but are unwilling to relocate.

c. Ineligible: An HPL resident who is denied and does not appeal, or whose denial has been upheld through Final Agency Action, may be considered to be a member of a household which will receive replacement housing and may be included as a household member for the purpose of calculating amount of benefit determination, if they meet household membership criteria (MM#1714). Otherwise, the person's name will be included on the list maintained by ONHIR of persons living on the HPL at the time of last resort contact who aren't eligible for replacement housing.

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1271	Eligibility Review and Determination	APPROVED 02/02/98

SECTION 1200 ELIGIBILITY

SUBJECT 1271 PROCESSING REQUESTS FOR ELIGIBILITY REVIEW AND
DETERMINATION

AUTHORITY: 25 CFR 700.138; memorandum from Legal Counsel dated
12/21/89; Management Manual Subject 1270.

POLICY.

The ONHIR will make a final outreach contact with Navajo residents of the Hopi Partitioned Lands as it prepares to complete work on the HPL by February 1, 2000. ONHIR Management Manual #12700 describes the activities of the Outreach Program. Commencing July 1, 1997, the start of the Outreach Program, the ONHIR will accept requests for eligibility review and determination only from persons who are currently residing physically full-time on the HPL.

The final date for HPL residents to submit a request for eligibility review and determination will be established at a later date.

The request must take the form of a completed, signed and notarized Request for Eligibility Determination, form MM#1270.2. Requests will be accepted only from HPL residents born prior to 12/22/74 who failed to submit an application for relocation assistance by 7/7/86 and who:

(1) Are encountered at an occupied HPL homesite during the outreach effort; or who notify the ONHIR that they are full-time physical residents of the HPL and want to request an eligibility review and determination; or

(2) Are not encountered at an occupied HPL homesite during the outreach effort but who are listed on the mediator's list, prepared in 1992 and updated in 1996, of persons eligible to sign the Accommodation Agreement with the Hopi Tribe (the A and B lists).

ELIGIBILITY CRITERIA.

Persons who submit completed Requests for Eligibility Determination must meet all of the following criteria in order to be determined eligible for relocation assistance.

1. They must currently own or occupy an identifiable residence on land partitioned to the tribe of which they are not a member.

MANAGEMENT	SECTION	1200	ELIGIBILITY	
MANUAL	SUBJECT	1271	Eligibility Review	APPROVED
			and Determination	02/02/98

2. They must have been continuous legal residents of the land partitioned to the tribe of which they are not a member, and at no other location, from 12/22/74 until 7/7/86, must have resided there physically full-time on 7/7/86, and continuously thereafter until an eligibility determination is rendered.

3. They must have no other place of residence.

4. They must have attained head of household status on or before July 7, 1986. Head of household is defined at 25 CFR 700.69.

5. They would be subject to eviction if benefits are not provided.

6. They must meet all other eligibility criteria set forth in 25 CFR 700.69, 700.97, 700.138, and 700.147.

PROCEDURES.

1271.1 Obtaining a Request for Eligibility Determination and Supporting Documentation.

1. Accepting Request Forms During HPL Outreach. The counseling teams will inform HPL residents that they encounter at occupied HPL homesites, who did not submit an application for benefits by July 7, 1986, that they may request an eligibility determination pursuant to 25 CFR 700.138. The counseling teams will have the following information and forms with them:

- 1) Form MM#1270.2 Request for Eligibility Determination.
- 2) Eligibility Criteria.
- 3) Residence History Record, form MM#1270.8
- 4) Documents Required for Proof of Residency and Head of Household, form MM#1270G
- 5) Instructions for Submitting a Request for Eligibility Determination, form MM#1270.9

2. Obtaining a Completed Request for Eligibility Determination, Form MM#1270.2. Homesite residents who want to request an eligibility determination will be asked to fill out and sign form MM#1270.2 while the counselor is at the homesite. The counselor will interpret the entries on the form as necessary, and will witness the applicant's signature and sign as interpreter. The other counselor will witness and notarize the counselor's signature as interpreter. The client must also sign the Privacy Act Notice attached to the Request.

3. Instructions for Completing the Application Process. The counselors will go over the instructions for completing the application process. All documents and information must be submitted to the Eligibility/Appeals Office within 120 days.

a. The Residence History Record may be completed during the field visit or left with the applicant to be returned to ONHIR within 120 days.

b. The ONHIR is requiring that the client obtain a Certificate of Indian Blood and a copy of the client's Social Security earnings records (DEQY). The CIB is used for verification of name and census number, and the DEQY is used to provide information on residence and self-support.

c. Form MM#1270G lists additional documents which the client must submit in order to demonstrate residence and head of household status. The specific documents required will depend upon the client's circumstances.

d. Form MM#1270E lists the eligibility criteria which the client must meet in order to be determined eligible for relocation assistance.

4. Persons Represented by Legal Services Program. Certain persons associated with occupied HPL homesites are represented by the Navajo-Hopi Legal Services Program. NHLSP has identified these persons to the ONHIR. The ONHIR will accept completed Requests from any of these persons who are encountered in the field or who make an office appointment, and will refer them to NHLSP for additional assistance.

5. Creation of Casefile and Data Entry. As completed Requests are received, the E/A staff will create client casefiles for the applicant and will assign the next sequential casefile number. The staff will perform data entry of client information into the automated master file.

6. Office Interview. During the outreach the counselors will inform homesite residents that persons who are on the A or B lists but who are not encountered at the homesite must make an appointment for an office interview if they wish to submit a Request for Eligibility Determination. During the office interview the E/A staff will provide the instructions and forms and conduct an interview with the person.

Persons who submit completed Requests to the counselors have the option of contacting the E/A office for an appointment to obtain further information, discuss their case, and submit supporting documents.

7. Field Investigations. The E/A Specialist may conduct a field investigation in order to verify or fill in details of information supplied by the applicant.

8. Time Extensions. Extensions of the 120 day requirement for documents may be granted only in cases where the applicant has requested a specific document which has not yet been provided by the issuing agency/business. A request for an extension must be in writing and must specify the document the person is trying to get. Extensions will not exceed 30 days.

1271.2 Eligibility Determination and Appeal.

1. Preparation of form MM#1270.1, Eligibility for HPL Residents Pursuant to 25 CFR 700.138. At the end of 120 calendar days, the Eligibility/Appeals Specialist will review the Request and all supporting information and documents. The Specialist will also review other pertinent records, including but not limited to the JUA roster, ONHIR appraisal records, and casefiles of other family members. The E/A Specialist will fill out form MM#1270.1, Eligibility Determination for HPL Residents, which summarizes all available information relating to the eligibility of the applicant.

2. Determination by Certifying Officer. Agency Legal Counsel, in his capacity as Certifying Officer, will review form MM#1270.1 and all attached documentation. The Certifying Officer may request additional field or document investigation by the E/A staff. Upon completion of the review, the Certifying Officer will issue a determination regarding the eligibility of the applicant.

a. Determination of Eligibility. If the applicant is determined to be eligible, a Notice of Certification will be issued to the client by certified mail. Eligibility/Appeals staff will enter the determination date and code in the automated files and will refer the case to Counseling for the development of a relocation plan.

b. Determination of Denial. If the applicant is determined to be ineligible for benefits, a Notice of Denial will be issued to the client by registered mail, return receipt requested. The Notice will specify the reason for denial: failure to meet residency criteria and/or failure to meet head of household criteria. Eligibility/Appeals staff will enter the determination date and code in the automated files.

3. Appeal of Denial. The denied client will have 60 days from the date of receipt of the Notice of Denial to appeal the determination. The Notice of Denial will refer the client to NHLSP, and will instruct the client that any appeal must be in writing.

MANAGEMENT	SUBJECT	1200	ELIGIBILITY	_____
MANUAL	SECTION	1280	Determination of Cases	DRAFT
Reopened Pursuant to CIV-96-1205-PCT-ROS				12/04/97

SECTION 1200 ELIGIBILITY

SUBJECT 1280 Determination of Cases Reopened Pursuant to
Kee Yazzie Williams v. ONHIR
CIV-96-1205-PCT-ROS.

AUTHORITY: CIV-96-1205-PCT-ROS Stipulation for Settlement and Dismissal issued by the United States District Court for the District of Arizona dated September 26, 1997.

POLICY.

The Office of Navajo and Hopi Indian Relocation will reopen the twenty named casefiles identified by the Stipulation for Settlement and Dismissal in CIV-96-1205-PCT-ROS. The ONHIR will make a determination on the eligibility of the persons identified in the Stipulation. The determination shall be based upon the eligibility criteria published at 25 CFR 700.69 and 700.147.

PROCEDURES.

Staff of the Eligibility/Appeals Office shall have the operating responsibility for implementing these procedures. The Agency Legal Counsel shall issue the determinations in accordance with the Stipulation, these procedures, and Management Manual Section 1210, Basic Procedures for Eligibility Determinations.

1. Reopening the Files. The Agency Legal Counsel has prepared a memorandum to the Information Services Team Leader which has been approved by the Executive Director, listing the 20 casefiles to be reopened. These files, originally closed with 'IN' status, have been reopened as application type 'S' (Stipulation).

2. Review of Casefiles. The Legal Assistant will review the contents of each file to determine the action to be taken.

a. Recommendation for Certification. If the applicant or his/her legal representative has contacted the Office of Relocation to request reopening of the casefile since July 7, 1986, and if there is sufficient information in the casefile to support a determination that the applicant was a legal resident of the Hopi Partitioned Lands in 1974 and was a head of household at the time he/she moved from the HPL (or is still a resident of the HPL), Eligibility/Appeals staff will prepare a recommendation for certification. The recommendation will be forwarded to Legal Counsel for review and determination.

b. Request for Additional Information. If there has been no contact by the applicant since July 7, 1986 and if there is insufficient information in the casefile to support a determination that the applicant was a legal resident of the Hopi Partitioned Lands in 1974 and was a head of household at the time he/she moved from the HPL, the Eligibility/Appeals staff will notify the applicant that the casefile has been reopened and additional information is needed to render an eligibility determination. The information needed will be specified (form MM#1280.1).

The applicant may wish to make an appointment to discuss the case and provide documents and information in person. Mileage and meal allowance will not be reimbursed unless the client is subsequently certified.

3. Notifying Applicants of Casefile Reopening and Need for Additional Information. Form MM#1280.1, Notification of Casefile Reopening and Need for Additional Information, will be sent registered mail, restricted delivery, return receipt requested. The letter will be sent to the applicant's last known address.

4. Alternate Address Provided by NHLSP. If the Notification is returned by the Post Office as undeliverable, the E/A staff will notify Navajo-Hopi Legal Services Program that a valid address is required. NHLSP will have 60 days to provide the ONHIR with a valid address for the applicant.

a. Alternate Address Provided. If NHLSP provides an alternate address, form MM#1280.1 requesting documents and information will be reissued to the new address.

b. No Alternate Address Provided, or Alternate Address is Invalid. If no alternate address is provided, or the registered/return receipt letter issued to the alternate address is returned by the Post Office as undeliverable, the casefile will be closed.

5. Review of Casefile Information After 60 Days. Sixty days after the client receives the notification of casefile reopening and the need for additional information, the file will be closed to receipt of any further information and will be reviewed for an eligibility determination. The Eligibility Appeals Specialist may conduct a field investigation if he determines that it would assist in determining the applicant's eligibility.

a. Time Extension. The client may ask for a 30 day extension if he/she has requested a specific document (ie. marriage certificate, employer's wage records) which has not yet been received. Extensions will not be granted to applicants who request more time but have not taken steps to obtain specific documentation.

6. Recommendation to Agency Legal Counsel. E/A staff will review the casefile information and prepare a written recommendation which addresses the applicant's legal residence on the HPL on 12/22/74 and the applicant's head of household status at the time of move from the HPL. All applicable records will be reviewed, including the JUA roster and ONHIR appraisal files. The recommendation and file materials will be routed to Legal Counsel for review and determination.

If the applicant has failed to provide information and file documentation does not support the conclusion that he/she was a legal resident as of 12/22/74 and/or head of household at the time of move from the HPL, the E/A staff will recommend denial on those grounds. Applicants will not be denied for failure to submit documentation.

7. Determination and Notification to Applicant. Agency Legal Counsel will review the recommendation. Legal Counsel may direct the E/A staff to conduct further review or gather additional information through field investigation or office interview. Legal Counsel will issue a written determination of eligibility and route the casefile back to E/A for the preparation of a letter of certification or denial.

8. Data Entry of Eligibility Determination and Notice of Certification or Denial. The Legal Assistant will perform data entry of the determination and the date of determination, and will prepare a Notice for signature by Legal Counsel.

9. Mailing the Notice. The Notice of Certification or Denial will be sent to the applicant registered mail, return receipt requested.

10. Undeliverable Mail/Denied Applicants. If the Notice of Denial is returned to the ONHIR, the Legal Assistant will notify NHLSP that the Notice of Denial has been returned as undeliverable mail. The Assistant will provide the address to which the Notice was sent, and will request an alternate address. Legal Services Program will have 60 days from the date of the ONHIR notification to provide an alternate address.

a. Alternate Address Provided. If an alternate address is provided, ONHIR will reissue the Notice registered mail, return receipt requested, to the alternate address.

b. Invalid Aternate Address. If the alternate address is invalid and the 2nd Notice is returned as undeliverable mail, the the casefile will be closed.

c. No Alternate Address Provided. If NHLSP fails to provide an alternate address for the Notice of Denial within 60 days, the casefile will be closed.

11. Appeal of Denial Determination. Individuals who are denied by the ONHIR will have 90 days from the date they sign for their denial letter to appeal the denial. The date the request for appeal is made shall be the date it is received and date-stamped by the ONHIR.

If no appeal is received by the ONHIR within 90 days of the date the Notice is received by the client, as recorded on the return mail receipt, the casefile will be closed.

12. Deceased Clients. If the casefile contains information that the client is deceased, E/A staff will determine if the client had identified a surviving household remaining to be relocated based upon information existing in the casefile on August 26, 1997, the date of the Order in the Williams case.

Surviving household remaining to be relocated is defined as legal spouse and/or minor children. The member(s) of the surviving household must have been identified as member(s) of the applicant's household at the time of initial contact or subsequently, and must have been member(s) of the immediate household at the time of the applicant's death. The member(s) of the surviving household will be required to provide a copy of the client's death certificate or equivalent proof of death. They may also be required to furnish proof of relationship, such as marriage certificate, birth certificates, family card.

a. Deceased Client With No Household Remaining to be Relocated. If the deceased applicant had no surviving household, the casefile will be closed. If the deceased client owned improvements on the HPL, the ONHIR may pay the estate an appraisal benefit upon receipt of a properly executed court order of probate.

b. Deceased Client With Surviving Household. If the deceased client had a surviving household, the E/A staff will issue a modified version of MM#1280.1, informing the legal spouse or other representative of the household that the case has been reopened and that they may submit documents and information in support of the client's claim to eligibility for benefits.

(1). If the deceased client is subsequently certified, the casefile will be transferred to the representative of the surviving household according to ONHIR procedures (MM#1714.6).

(2). If the deceased client is subsequently denied, the ONHIR will accept an appeal from the immediate family on behalf of the

§1200 ELIGIBILITY

§1290 Eligibility review for those individuals who contacted the ONHIR requesting relocation assistance benefits after July 7, 1986.

AUTHORITY: 25 CFR 700.138

BACKGROUND:

The background for the development of these procedures is similar to those as set forth in Section 1270, (Processing Cases Pursuant to 25 CFR §700.138.) Review of Public Law 93-531, the language contained in various appropriations acts, Office regulations, as well as the supplemental language published by the Office with regulations set forth 25 CFR §§ 700.137, 700.138, and 700.139, indicate that Congress envisioned that certain residents of the Hopi Partitioned Lands would not voluntarily comply with the Navajo-Hopi Land Dispute Settlement Act of December 22, 1974.

Congress instructed the ONHIR to establish a deadline for the acceptance of applications from persons potentially eligible for relocation assistance benefits. The ONHIR published regulations at 25 CFR §700.137, establishing July 7, 1986, as the final date for applications from persons agreeing to voluntarily relocate from the partitioned lands. After July 7, 1986, individuals could not present themselves to the Office for the purpose of submitting an Application for Voluntary Relocation Assistance Benefits. After July 7, 1986 passed, the Office initiated its identification of those persons potentially subject to the Act. As required by 25 CFR §§700.137, 700.138, and 700.139, the Office made "Last Resort Contact" with those residents of the Hopi Partitioned Lands who had failed to make timely arrangements for relocation. Policy and Procedures for the implementation of this "Last Resort Contact" were developed and adopted on December 6, 1996, at Section 1270, et seq. of these procedures, "Processing Cases Pursuant to 25 CFR §700.138." In accordance therewith, the ONHIR proceeded with "Last Resort Contact", identifying and contacting those residents of the Hopi Partitioned Land who had failed to make timely arrangements for relocation. As a result, a number of residents of the Hopi Partitioned Lands requested benefits and received relocation housing.

Following July 7, 1986, the ONHIR received initial contacts by a large number of individuals requesting relocation assistance benefits. The ONHIR maintained a manual record (thereafter an automated file was created) of these individuals. The automated records reflect the ONHIR received approximately 483 contacts from individuals requesting benefits after July 7, 1986. A small group of these individuals was subject to the "Last Resort Contact" as provided for in Management Manual §1270 and the ONHIR accepted requests for benefits from them.

The ONHIR has concluded that it is in the best interest of the government as well as those individuals who did not apply before July 7, 1986, but who contacted the ONHIR after July 7, 1986 and before March 31, 2000 who may have been subject to the Act and eligible for relocation assistance benefits, be afforded the opportunity to submit a request for eligibility determination pursuant to 25 CFR §137 and 138.

The ONHIR will contact those persons who came forward and requested relocation assistance benefits after July 7, 1986 and before March 31, 2000. These persons will be advised that they may submit a Request for Eligibility Determination for Relocation Assistance Benefits pursuant to 25 CFR §700.138 and MM§1270. The method of contact shall be as set forth in Section II of these procedures.

Eligibility determinations will be made pursuant to the criteria in MM § 1270, as interpreted in administrative hearings held after implementation of that section.

Only those individuals whom the ONHIR has record of, documenting their contact with the Office after July 7, 1986 and before March 31, 2000, and those individuals who have convincing evidence proving their contact will be permitted to submit a Request under this section. (Convincing evidence as defined in Section I(C) of these Procedures.) Requests for Reconsideration may be submitted to the Executive Director but there shall be no right of administrative appeal from the Executive Director's decision, pursuant to 25 CFR Subpart L.

1. Determination of those persons who will be contacted by the ONHIR and permitted to submit a Request for an Eligibility Determination.

A. Review of the List of Names:

The ONHIR created in its automated records a list of the names of approximately 483 individuals who came forward requesting relocation assistance benefits after July 7, 1986 and before March 31, 2000. The Eligibility/Appeals Specialist (hereinafter referred to as the "Specialist") shall review the names of the persons on this list and shall complete Form MM#1290.1, which answers the following questions:

1. Did this person apply for relocation assistance benefits before July 7, 1986? If so, regardless of the disposition of the application, name shall be excluded from the list.
2. Did this person apply for relocation benefits under 25 CFR §700.138? If so, regardless of the disposition of the application, name shall be excluded from the list of those persons to be contacted.

3. Did this person contact the ONHIR on more than one occasion after July 7, 1986, resulting in their name appearing on the list multiple times? In such event the automated file shall record only the earliest contact. (Documentation of the additional contact dates including the number of undated contacts, will be placed on the contact screen created as a result of the first contact. A copy of the information will be sent to NHLSP))
4. Did this person relocate in another household, as a spouse, minor or adult child or other adult household member? If so, their name shall be excluded from the list of those to be contacted.
5. Did this person sign an Accommodation Agreement with the Hopi Tribe? If so, the name shall be excluded from the list of those to be contacted.
6. Was this person born after December 22, 1973? If so, the name shall be excluded from the list. (P.L. 93-531 prohibits such a person from being certified eligible for benefits.)
7. Is this person deceased? Does the ONHIR have documentation in the form of either a death certificate or funeral announcement? If so, the person's name shall be excluded from the list.
8. Is this person a District VI Evictee? If so, the person's name shall be excluded from the list.
9. Are there additional reasons for inclusion of the person's name from the list?
10. Are there additional reasons for exclusion of the person's name from the list?

B. Creation of the "Post 1986 Contact List"

After the Specialist completes Form MM#1290.1 on each individual who contacted the ONHIR, the form shall be routed to the Office's Deputy Executive Director for approval of the inclusion or exclusion of the person's name from the list.

An automated file will be created incorporating the names of those individuals on the "Post 1986 Contact List." This file will track all actions taken in connection with each individual, such as the date the notice was sent and received.

When the review of all of the contacts has been completed, the ONHIR will furnish Navajo-Hopi Legal Services Program, hereinafter referred to as "NHLSP," with a copy of the report of the names, mailing addresses, dates of birth, Navajo Census numbers and the date of first

contact of those individuals remaining on the list and comprising the "Post 1986 Contact List." The names of individuals with undated contacts will be provided to NHLSP. "Undated Contacts" are those contacts from individuals requesting relocation benefits for which no date of contact was recorded. There is sufficient evidence to establish that contact was made with our office.

The ONHIR will also provide NHLSP with a report listing the names of those persons whose names were not put on the list indicating the reason (s) therefore. This list shall include the names, addresses, Navajo Census numbers, and the dates of birth of those individuals whose names have been excluded from the list if this information is available to the ONHIR. The NHLSP shall have 180 days from the date of receipt of the list of names of those excluded from the "Post 1986 Contact List" to challenge the removal of the name of any person. The initial challenge shall be submitted in writing to ONHIR. An initial determination on whether or not to include the person on the list will be made. The ONHIR shall have 90 days to respond to such challenge.

For example, but not limited to:

1. A person excluded from the list because he/she relocated as part of another household (i.e. #4 MM1290.1) who can clearly show they did not actually, physically relocate with the household and that they remained full-time residents of the H.P.L. until the date of contact.
2. A person mistakenly excluded from the list may present clear evidence to show why he/she should be included.

If the initial challenge is denied, Requests for Reconsideration of names excluded from the list shall thereafter be submitted in writing to the Executive Director. There shall be no right to further administrative review under 25 CFR Subpart L. The decision of the Executive Director will be final.

C. Definition of Convincing Evidence of Contact

Convincing evidence of contact shall be in the form of documentary evidence and sworn testimony of the individual or any other person who can present information as to why the person's name should be included on the list. The evidence may be supported by written documentation in whatever format appropriate to the circumstances of the individual. The sufficiency of the evidence to establish the inclusion of the individual's name on the list shall be evaluated by ONHIR. ONHIR shall make the determination as to whether or not the individual will be included on the list and may submit a Request for an Eligibility Determination under these procedures.

11. Contacting the Persons Named on the 'Post 1986 Contact List'

A. Generating and Mailing the Notice of Opportunity to Submit Request for an Eligibility Determination for Relocation Assistance Benefits.

The Office shall issue to those individuals whose names appear on the "Post 1986 Contact List" a Notice of Opportunity to Submit Request for an Eligibility Determination for Relocation Assistance Benefits Pursuant to 25 CFR §700.138. (Form MM#1290.3) The Specialist will generate the Notice to each individual on the list. Generation of these notices will create a tracking record for each individual.

The Notice shall inform the individual of their opportunity to submit a request for an eligibility determination and inform them they have 90 days from the date of their receipt of the Notice to come forward and request the eligibility determination. The Notice shall include a statement informing the person of how such request can be made. The procedures to be followed in accepting requests under these procedures are set forth below in Section **111**.

The Notice will be computer generated and will be sent by certified mail, restricted delivery, return receipt requested. The Specialist will enter the number of the U.S. Post Office Receipt on the lower left hand corner of the notice and each envelope will be stamped "Restricted Delivery" in red ink. A copy of the Eligibility Requirements under Section 138 shall be included with each notice.

B. No Mailing Address

In those instances where the ONHIR does not have a mailing address for the individual, the Specialist assigned to the review will attempt to locate a current address for the individual at the time of the completion of Form MM#1290.1. If the Specialist is unable to locate a current mailing address for the individual, the Specialist shall complete Form MM1290.2, "Notice of Lack of Mailing Address" on the individual and mail the form to NHLSP by certified mail/return receipt requested.

The Specialist shall also make the appropriate data entry in the automated files indicating the name of the individual, their census number if known, and the date the Notice was sent to NHLSP. Upon return of the U.S. Post Office mailing receipt, the Specialist will enter the date the Notice was received by NHLSP in the automated records. NHLSP will have 60 days from the date of receipt of the notice to provide the ONHIR with a current mailing address.

A Report of those individuals for whom NHLSP has been notified that the ONHIR has no mailing address will be created. A copy of this Report will be delivered to NHLSP at the completion of the review so that NHLSP can provide a mailing address if they have one.

In the event no address is received from NHLSP within the 60 day period, the ONHIR will take no further action on the matter and make no further attempts to contact the individual.

C. Tracking Client Responses to the Notice

1. Data Entry of Receipt of Notice. As the certified mail return receipts are received by the ONHIR, they will be routed to the E/A Branch. The Specialist will perform data entry of the date the individual received the notice, and receipt code of "C" if signed for by the individual. The Specialist will record any other pertinent information such as a change of address or the deceased code, if applicable.
2. Data Entry/Notice Returned Undeliverable. If the Notice is unclaimed and is returned as undelivered mail, the Specialist will enter an "N" receipt code in the automated record.
3. Data Entry of Notice Signed for by Someone Else. If the return receipt is signed by someone other than the addressee, the Specialist will enter an "O" Code and the date of receipt in the individuals's automated file. Sixty (60) days will be allowed for the individual to come forward and contact the ONHIR. In the event the individual does not come forward within this time period and submit a Request for an Eligibility Determination within this time period. A Second Notice will be automatically regenerated by the automated system for mailing to the individual at the same address. This Second Notice shall be tracked as set forth in Section D(3) and (4) of these procedures.

D. Second Mailing of Notice of Opportunity to Submit Request for Eligibility Determination for Relocation Assistance Benefits

1. Data Entry of New Address. When NHLSP provides the Office with a current address for those individuals whose Notice was returned undelivered, or the Specialist discovers or is provided with a current address, the Specialist will enter the new mailing address in the automated records.
2. Generating the Notice for a Second Mailing. The Specialist will generate a Notice for mailing to the individual a second time.
3. Tracking Responses to Second Mailing of Notice . The Specialist will perform data entry of the information required to track the response to the second mailing of the Notice.

4. Second Mailing of Notice Returned to ONHIR Undelivered. If the Second Notice is also returned undelivered, the date the ONHIR receives notice from the Post Office that the Notice was undelivered will be entered in the automated files. No Third Notices will be sent by the ONHIR and the ONHIR will make no further attempts to contact the individual.
- E. Data Entry The Specialist shall perform data entry for undelivered First and Second Notices and new addresses daily.

III. Requirement to Submit a Timely Request for an Eligibility Determination

If the individual whose name appears on the "Post 1986 Contact List" has personally signed for the Notice of Opportunity to Submit a Request for an Eligibility Determination but fails to submit a Request within the 90 day period as specified by these procedures, the matter will be closed and the individual will not be allowed to submit a request. Requests for Reconsideration shall be submitted in writing to the Executive Director. There shall be no right to further administrative review under 25 CFR Subpart L. The decision of the Executive Director will be final.

IV. Reports to Navajo-Hopi Legal Services Program

As addressed in the foregoing procedures, the ONHIR will create several reports to be delivered to the E/A Branch on Mondays for forwarding to NHLSP. These reports are as follows:

A. The Report of No Mailing Address will be created upon completion of the Review of the List of Names as set forth in Section **I(B)** of these procedures and shall incorporate the names of all the individuals for whom ONHIR was unable to locate a current mailing address.

B. The Report of Notice Mailed and Returned Undelivered will list the names of those persons who were issued a Notice which was returned undelivered to the Office. NHLSP will attempt to provide a current mailing address to the Office within 60 days. The report will be a cumulative listing; clients added to the report will be designated by an asterisk.

C. Report of Current Status of those Persons issued Notice of Opportunity to Submit a Request for an Eligibility Determination for Relocation Assistance Benefits. This report will provide historic tracking of the actions which have been taken with respect to the processing of Notices to the those persons who are the "Post 1986 Contact List." The reports will reflect the date the Notice was sent, the date the Notice was received, the individuals current mailing address, and the date the individual requested a determination under Section 138.

D. Mailing the Reports The Specialist will send the reports by certified mail, return receipt requested; and will maintain a file with copies of the reports mailed each week. The certified mail return receipt will be attached to the appropriate mailing.

V. Deceased Persons

No notices will be issued if the ONHIR has knowledge that a person on the list is deceased. If the Office learns that an individual is deceased after issuing a Notice, the information will be recorded in the automated files. This information will be provided to NHLSP.

If the deceased individual had an immediate family (legal spouse and/or minor children who resided with the individual full-time on the H.P.L. on the date of initial contact with the ONHIR, and who would constitute a household remaining to be relocated in the event the individual were determined eligible) the ONHIR may determine on a case-by-case basis to accept a Request for an Eligibility Determination from the immediate family of the decedent. The request must be submitted within the applicable time period in order to be accepted.

In order for the ONHIR to accept a request from the immediate family on behalf of a deceased individual, the immediate family member(s) must have been identified by the deceased as a resident member in the person's household on the date of the initial contact with the Office and/or on any subsequent contacts.

In the event the ONHIR has no information identifying family members of the deceased, written documentation may be presented by NHLSP for consideration which proves their household membership on the date of contact. Such information will be presented to the ONHIR. The ONHIR will make an initial determination whether or not to accept the request. The ONHIR shall have 90 days to respond.

The surviving household members must provide copies of legal documents to support their claim of inclusion in the individual's household. Examples of such are copies of marriage licenses, birth certificates of children, joint tax returns, as well as any other document which would support the claim of the surviving household member(s). The ONHIR must also be furnished with a copy of the person's

Death Certificate or equivalent proof of death.

In the case of older children, if the individual had identified a child who had reached the age of majority at the time of the individual's death, the Office may request reasonable proof that the child was still a member of the household and residing with the individual when he/she passed away.

If a person claiming to have been a household member of the deceased was not named by the deceased at the time of the initial contact (or subsequent contacts) but claims to have become a legal member of the household through marriage or birth, such person may furnish legal documents to demonstrate legal household membership.

Requests for eligibility determinations may be accepted on a case-by-case basis from individuals who claim to have been living with a deceased person whose name appears on the list on the date of the person's death provided that a marriage between the two parties has been validated by the Family Court of the Navajo Nation and that a copy of the Order of Validation of Marriage has been furnished to the ONHIR.

The ONHIR may entertain Requests for Reconsideration of denials of surviving family members to Request an Eligibility Determination. Initial Requests shall be presented to ONHIR Legal Counsel who will make an initial response to grant or deny the request with 30 days. Requests for Reconsideration thereafter shall then be submitted to the Executive Director. There shall be no right to appeal the final decision of the Executive Director, pursuant to 25 CFR Subpart L, §700.301, et seq.

VI. Divorced Spouses

The divorced spouse of a person whose name appears on the "Post 1986 Contact List" will be permitted to submit a Request for an Eligibility Determination provided that the requester can provide sufficient evidence to establish the following:

1. They were legally married to the person whose name appears on the list on the date the person contacted the ONHIR and that they were divorced sometime thereafter.
2. They were a resident member of the person's household and resided with the person on the H.P.L. on the date of contact.

Sufficient evidence shall be in the form of a Marriage License or Validation and Certificate and Decree of Dissolution of Marriage issued in a Court of competent jurisdiction.

In order to receive relocation assistance benefits as a divorced spouse, the person must meet the eligibility criteria set forth in 25 CFR §700.138 and Management Manual §1270, and the ONHIR's Divorced Spouse

Procedures set forth in Management Manual §1220, et seq. as well as all other eligibility requirements of 25 CFR Part 700.

VII. Submission of Requests for Eligibility Determinations for Relocation Assistance Benefits.

Those persons whose names appear on the "Post 1986 Contact List" must present themselves at the ONHIR's Flagstaff Office to submit a Request for an Eligibility Determination and complete all the required forms. All requests under this section will be processed in accordance with the procedures set forth in §1270, et seq. of the Management Manual.

No requests for determinations will be accepted via the U.S. Mail or telephonically.

SECTION 1300

APPEALS

SUBJECT 1310 Appeals of Eligibility Determinations.

AUTHORITY P.L. 93-531; 25 CFR 700.301-321.

POLICY.

Applicants who are aggrieved by O.N.H.I.R. determinations of eligibility or benefits may appeal the Office's determination. An Applicant may appeal a denial issued pursuant to Subpart "L" of 25 CFR 700. The appeal must comply with the requirements of 25 CFR 700.301-321, and the provisions of this section of the Management Manual. The Office shall conduct an administrative review of initial determination upon receipt of an appeal. If no timely appeal is submitted, the case will be referred to the Executive Director for Final Agency Action.

The Office has determined that hearings shall be scheduled in cases of appeal of eligibility determinations if disagreement about the applicant's entitlement to relocation benefits cannot be resolved during the less formal Pre-hearing phase of review as set forth in Section 1316 of these procedures or if the Applicant insists on a hearing despite an agreement of counsel that a hearing would serve no practical purposes. Whenever holding a hearing is required, the Office will schedule a hearing as set forth in Section 1316 and 1318.

Hearings shall not ordinarily be scheduled in cases of appeal of determinations of benefit level which are: amount of housing benefit, bonus, and value of appraisal. If the Applicant disagrees with the determination amount he/she shall have the opportunity to present his/her arguments during a Conference, after which the appeal shall be referred directly to the Executive Director for Final Agency Action if resolution has not been achieved.

Appeal Following Decertification Determination. An Applicant who is determined to be ineligible for relocation assistance benefits as a result of the certification review process (Management Manual #1230) may appeal the determination according to 25 CFR 700.301-321 and these procedures.

Disagreements Not Subject to Appeal. Persons who disagree with O.N.H.I.R. decisions on matters other than eligibility or benefit amounts may submit their disagreement in writing to the Office. The matter will be referred to the appropriate operations office for review and recommendation. The disagreement may be referred to the Executive Director for final resolution.

1311 PROCESS OVERVIEW.

After the eligibility determination is issued by the Certifying Officer, the Applicant aggrieved by the determination may request reconsideration by filing a written appeal with the Office. Appeals are received and processed by the Eligibility/Appeals Branch (E/A Branch) according to the procedures set forth in this section of the Management Manual.

The appeal is processed through three principal levels of review:

1. Pre-Hearing Procedures.
2. Hearing.
3. Final Agency Action.

The Pre-Hearing Procedures as set forth in Section 1316 of these procedures are mandatory.

Withdrawal of Appeal. An Applicant may withdraw an appeal at any point during the appeal process, and the case will be closed. Withdrawal of an appeal shall follow the procedures in Section 1314.

Administrative Reversal. If at any point during the appeal process the Office receives sufficient information to reverse the denial, a Notice of Certification shall be issued and the appeal shall be concluded. An Applicant may not appeal a Notice of Certification.

1312 ACTIVITIES PRIOR TO RECEIPT OF APPEAL.

After a denial determination has been issued to an Applicant, the Applicant may contact the Office for additional information prior to deciding whether or not to file an appeal. The contact may be by phone or in person. The Applicant will be referred to the Eligibility/Appeals Branch.

Staff of the branch shall provide the following information, depending upon the nature of the Applicant's questions. Staff shall not advise the Applicant regarding the merits of his/her case. Contacts with denied Applicants will be recorded in the contact file. Staff will explain:

- The reason(s) for denial.
- The process used to arrive at the determination. The staff member shall explain that all information which the Applicant provided was reviewed. If the Applicant has additional information which he/she believes may result in a reversal of the determination, the Applicant should file an appeal and submit the additional information as soon as possible.
- The appeals process, including the time frame for filing an appeal.
- The Applicant's right to legal representation during the appeal process. The staff members shall explain the Applicant's options. The Applicant has the right to present his/her case personally, or to designate a legal representative of his/her choice who is an attorney at law, State Bar Member or Navajo Nation Court Advocate. The Applicant may seek representation by a private attorney or an attorney employed by a legal services program. The staff member shall further inform the Applicant that free legal services are available through the Navajo-Hopi Legal Services Program, and provide the Applicant with the address and phone number of that agency.

Documents Received Prior to the Filing of an Appeal.

Between the date of denial decision and the date the appeal is filed, the agency may receive late documents from the Applicant. Documents received during this interim period will be forwarded to the Eligibility/Appeals Branch. Staff will issue the Applicant a letter acknowledging receipt of the documents, and will advise the Applicant that in order for the documents to be used in support of the Applicant's application for benefits, the Applicant must file a timely appeal of the denial.

1313 INITIAL PROCESSING OF ELIGIBILITY APPEAL.

1. Timeframe for Appealing.

Applicants who submitted applications pursuant to 25 CFR 700.601, Hopi Reservation Evictees, and Applicants who submitted applications pursuant to 25 CFR 700.147 and were denied on 11/14/85 were allowed 30 days from the date of receipt of denial in order to file an appeal.

As the result of a request by Navajo-Hopi Legal Services Program, the 30 day requirement for filing an appeal, as stated in 25 CFR 700.307 was extended to 60 days by the former Commissioners, and applies to all denials issued subsequent to 11/14/85.

2. Filing an Appeal.

- a. The Notice of Appeal must be in writing and must clearly state the name of the Applicant who is appealing a denial determination. No verbal or telephonic requests for an appeal will be accepted by the Office.
- b. The Notice of Appeal must be received at the O.N.H.I.R. within 60 days of the date of the Applicant's receipt of the denial determination. The date of the Applicant's receipt of the denial determination letter shall be excluded and the 60 day time period shall begin to run on the following calendar day.
- c. If an Applicant is present at the offices of the O.N.H.I.R. and states that he/she is desirous of appealing a denial determination, the Applicant will be referred to the E/A Branch. E/A staff will inform the client about the appeal process and will accept a written appeal from the Applicant if the Applicant chooses to submit an appeal at that time.
- d. Appeals submitted by mail will be received and date stamped by the Administrative Branch prior to routing to the E/A Branch.
- e. Appeals submitted in person at the offices of the O.N.H.I.R. will be date stamped as received by the E/A Branch staff worker.

3. Determining the Acceptability of an Appeal.

The E/A staff shall first verify that the appeal meets the definition of an appeal of a eligibility determination as defined by Office regulations and these procedures. Complaints and inquiries which fall outside the scope of an appeal shall be routed to the appropriate program supervisor.

Next, E/A staff shall create an automated appeal record, and will review the appeal for acceptability.

Appeals will be reviewed in chronological order according to the date they were received by the Office. If the E/A staff are unable to determine the acceptability of an appeal, the case will be referred to the Certifying Officer for determination.

4. Creating an Appeal File.

The automated record will be created by entering the case file number, type of appeal (E or D), and attorney number in the automated appeals file. After the record has been created, the E/A staff will enter the date the Office received the appeal, and the type of application.

5. Determining Timeliness of Appeal

The appeal must be received by the O.N.H.I.R. within the time period specified in 1313.1 above. This time period begins the first full calendar day following receipt of the Notice of Initial Determination. The Notice is determined to have been received by the Applicant on the date that the Applicant personally signs the certified mail return receipt.

Eligibility/Appeals staff will check the date on the return receipt. Next, the staff will compare this date with the date on the appeal to determine if the appeal was received by the Office within the specified time period.

6. Clients With No Date Of Receipt Of Notice.

Even though an Applicant was issued a Notice of Denial, there may be no date of Notice receipt in the Applicant's file. E/A staff will determine which of the following circumstances applies, calculate the date of receipt accordingly, and perform data entry of the date.

a. The return receipt is signed but not dated: Use the Tracking Number on the USPS Certificate of Mailing; go to the USPS website; find the date of receipt and print out a copy of this document and then enter the date of receipt in the Applicant's file. Put a copy of the USPS date receipt document in the Applicant's file.

b. The Applicant never received the Notice, as demonstrated by lack of return receipt in the file; or by mail return of the Notice as undeliverable. When the Applicant contacts the Office about his/her case, E/A staff shall obtain the correct mailing address and will re-issue the Notice, certified mail. When the receipt is returned to the Office, the date recorded on it will be the date entered in the file.

c. If the Applicant comes to the Office in person and is given a copy of the Notice, the Applicant will sign and date a statement acknowledging receipt. This date will be entered in the file as the date of receipt.

7. Appeal Filed Timely.

If the appeal was filed within the specified time period, E/A staff will enter an accept code (Action #1) into the appeals file through the appeals entry screen, and generate a letter of acceptance (Form MM#1310.1 and Form MM#1310.2). This letter informs the Applicant or his/her legal representative that the appeal has been accepted.

8. Appeal Not Filed Timely.

If the appeal was not filed within the specified time period, the appeal will be rejected. E/A staff will enter a reject code (Action #2) into the appeals file through the appeals entry screen, and generate a letter of rejection to the Applicant or his/her legal representative informing him/her that the appeal has been rejected on the basis that it was not filed timely (Form MM#1310.3 and Form MM#1310.4).

9. Letter Accepting/Rejecting Appeal. After the data entry to record the acceptance or rejection of an appeal has been performed, a letter advising the Applicant whether or not his/her appeal has been accepted will be computer generated. Generation of the letter will record the date the letter was issued in the appeal file. The letter will be signed by the Certifying Officer and mailed by certified mail, return receipt requested.

10. Request for Waiver of Time Frame. The O.N.H.I.R. will not consider requests for waiver of the time limit for filing an appeal of the notice of denial of relocation benefits from those Applicants from whom the Office received personally signed return receipts but who did not file a timely appeal except as provided in Policy Memorandum #9 (Revised 2/7/2005.)

11. Processing Documentation Submitted in Connection with Appeal.

Additional documents may be submitted in connection with an appeal, either at the time the appeal is filed or before or after the receipt of the appeal. Documents received before an appeal is filed will not be considered unless and until a timely appeal is filed. Documents will be handled according to the procedures in this section.

a. Request For Access To And Copy Of The Applicant's File Pursuant To FOIA/Privacy Act.

If the Applicant or his/her legal representative submits a request for access to and/or copy of the Applicant's file in connection with the appeal, the Administrative Branch will receive the request and route it to the FOIA/Privacy Act Officer for action. The FOIA/Privacy Act Officer will approve or disapprove the request and inform the requestor of his/her decision.

b. Requests/Petitions To Amend Applicant's Records.

Requests/Petitions to amend Applicant's records will be routed to the FOIA/Privacy Act Officer. Depending upon the nature of the request, information submitted by means of the Request/Petition will be added to the Applicant record for consideration. Information will not be deleted from the Applicant's file unless the Applicant can demonstrate that the Office committed an administrative error in recording information.

The FOIA/Privacy Act Officer will respond to the request within the time period specified by law and regulation.

c. Supporting Documentation.

If and only if a timely appeal has been filed, the agency may receive documents submitted by the Applicant to support his/her claim to eligibility. The documents may be received before or after an appeal has been filed.

The E/A staff will screen these documents and determine if the supporting material includes original documents which should be copied for the file and the originals returned to the Applicant. The E/A staff will copy the documents and return the originals to the Applicant by regular mail, with a brief cover letter.

The E/A staff shall determine if the documents contain demographic information which needs to be entered in the Applicant's or Applicant's family member's file. The information will be routed to the designated staff person for data entry.

After data entry has been performed, E/A staff will retrieve the case file from the data room, file the documents and review the case.

If the documentation is sufficient to reverse the denial, E/A staff shall prepare a recommendation for certification to the Certifying Officer. Following the Officer's decision, the E/A staff will enter a reversal code which generates a Notice of Certification for the Certifying Officer's signature.

If the supplemental documentation is not sufficient to reverse the denial, E/A staff will prepare a letter to the Applicant or his/her legal representative stating that the documentation has been received but it is insufficient to certify the Applicant.

d. Address Change.

If documentation received in connection with an appeal indicates the Applicant has moved to a new address, E/A staff will fill out a Change of Address Form and forward it to the Relocation Operations Branch for data entry.

e. Other Correspondence.

Correspondence which relates directly to the appeal of a denied Applicant but does not fall into one of the categories above, will be evaluated by E/A staff. The original document will be placed in the Applicant's case file and routed to the Certifying Officer who will make a determination as to the appropriate response.

12. Copying And Mailing Documents Connected With An Appeal.

E/A staff will copy documents and casefiles which must be distributed in connection with the appeals process. The E/A staff shall request help from other agency branches as necessary in performing this duty.

If an Applicant has an authorized legal representative, all correspondence relating to the Applicant's case will be issued to the legal representative. If the Applicant is self-represented, correspondence will be issued directly to him/her.

All documents sent to the Applicant or his/her legal representative will be sent by certified mail/return receipt requested. The certified mail return receipt shall be marked by the E/A staff with the case file number. The number of the certified mail receipt will be typed on the letter which is sent certified, so that upon return the receipt can be attached to the correct file document.

13. Appeals Section of the Case File.

Documents relating to an appeal action will be filed in the appropriate section of the casefile, with the eligibility documentation. Documents will be filed in chronological sequence according to date.

1314 WITHDRAWAL OF AN APPEAL.

An unrepresented Applicant may withdraw an appeal at any stage of the appeal process. The notification of withdrawal of the appeal must be in writing. A represented Applicant, with the concurrence of the Applicant's legal representative, may withdraw the appeal at any stage of the appeal process.

E/A staff will copy the Request for Withdrawal received from the Applicant (or his/her legal representative) and forward it to the Hearing Officer requesting the Hearing Officer issue an Order of Dismissal. Upon receipt of the Order of Dismissal from the Hearing Officer, E/A staff will make the appropriate data entry in the automated system and provide a copy to the Applicant or, for represented Applicants, to the Applicant's legal representative.

A copy of Order and Request for Withdrawal of the Appeal will be delivered to the Executive Director with a request for the entry of Final Agency Action. Upon entry of Final Agency Action E/A staff will make the necessary data entry in the automated records and provide a copy of the Final Agency Action to the Applicant or, for represented Applicants, to the Applicant's legal representative.

Re-opening a Withdrawn Appeal.

A denied Applicant who wishes to re-open an appeal after it has been withdrawn must submit a written request to the Executive Director setting forth good cause for re-opening the appeal. If the appeal is reinstated, the Applicant and the Hearing Officer will be informed in writing that the appeal has been re-opened.

1315 REVERSAL OF DENIAL DETERMINATION.

A determination of denial may be reversed at any time that the Certifying Officer receives sufficient supporting documentation to conclude that the Applicant is eligible for benefits. The E/A staff will enter the reversal point (code table 82). Data entry will generate a Notice of Certification to the Applicant and will enter the date letter issued in the automated files.

The Notice of Certification will be attached to the case file, along with supporting documentation, and forwarded to the Certifying Officer for signature. After approval, the Notice will be mailed to the Applicant by certified mail, return receipt requested. A copy of the Notice will be issued to the Applicant's legal representative. E/A staff will also deliver a copy of the Notice of Certification to the Relocation Operations Branch for action.

Automated File Record. When the Notice of Certification is generated, the Applicant master and certification files will be automatically updated to show:

- Applicant is certified.
- Date of (new) determination.
- Date of certification letter issue.
- Revised agency status.

The Applicant master file and certification file will not show that the Applicant was initially issued a denial determination. However, the appeals file will show both the initial and the reversal determinations.

1316 Pre-Hearing Conferences

A Pre-Hearing Conference may be held in each case prior to hearing to clarify the issues and to enable the parties to better prepare for hearing resulting in a streamlined hearing process.

I. Pre-Hearing Procedure when Applicant is Represented by Counsel

A. Discussion or Conference of Counsel: Report.

Upon receipt of a Notice from the Hearing Officer that the Appeal is pending before the Hearing Officer, counsels who will present the case to the Hearing Officer shall confer in person or by telephone to see if they can reach agreement on:

1. Facts which are agreed upon and concerning which no testimony shall be offered.
2. Legal conclusions on which there is agreement.
3. Factual matters which are not agreed on, but which both parties agree are relevant.
4. Legal issues which the parties agree are relevant but on which agreement has not been reached.
5. Exhibits which the parties stipulate may be admitted at the hearing.
6. The matters on which agreement is reached as well as matters which are discussed but on which agreement has not been reached shall be reduced to writing by either or both counsels and signed by counsels (either manually or electronically) and filed by mail, fax, or e-mail with the Hearing Officer within 15 days after the discussion or conference.

1. This requirement may be fulfilled by counsels completing the standard Post Discussion/Conference Report and forwarding this document to the Hearing Officer.

B. Post Discussion/Conference: Disclosure of the Parties.

1. Within 21 days of the filing of the Post-Discussion Conference Disclosure Statement, counsel for the Applicant shall serve (by mail, fax, or e-mail) counsel for the Office with a Statement which sets forth:

a. The name and contact information of each witness it intends to call or which it may call to testify as to factual matters on which there is no agreement as well as an identification of the issue on which said witness will or may offer testimony and a summary of that testimony.

b. A legal memorandum setting forth the Applicant's position on each legal issue which the Applicant intends to raise and on which no agreement was reached together with appropriate citation to legal authority in support of that position.

1. Legal memoranda are only required on issues that are not routine in eligibility appeals. Such non-routine issues include claims of waiver, estoppel, unconstitutionality, denials of due process and equal protection and the like.

- c. A copy of any exhibit that the Applicant intends to offer at the hearing in this matter or may offer which the counsels have not stipulated to.
2. Within 21 days after receipt of the Applicant's Disclosure Statement, counsel for the Office shall serve (by mail, fax, or e-mail) counsel for the Applicant with a Statement which sets forth:
 - a. The name and contact information of each witness it intends to call or which it may call to testify as to factual matters on which there is no agreement as well as an identification of the issue on which said witness will or may offer testimony and a summary of that testimony.
 - b. A legal memorandum setting forth the Office's position on each legal issue which the Office intends to raise and on which no agreement was reached together with appropriate citation to legal authority in support of that position.
 1. Legal memoranda are only required on issues that are not routine in eligibility appeals.
 - c. A copy of any exhibit that the Office intends to offer at the hearing in this matter or may offer which the counsels have not stipulated to.

C. Request to Set Hearing and Request for Pre-Hearing Conference.

Following the exchange of statements either the Applicant or the Office may file a "Request to set Hearing" with the Hearing Officer or a "Request for Pre-hearing Conference" with the Hearing Officer. Such requests can be filed by mail, e-mail, or fax. If a Request for a Pre-Hearing Conference is made, the Hearing Officer will schedule a Pre-Hearing Conference.

1. A request for Pre-hearing Conference shall set forth the issues the requesting party wishes discussed at the conference and the reason why the requesting party believes such a pre-hearing conference is appropriate.
2. The Hearing Officer shall rule on requests to set hearing.
3. The Hearing Officer is empowered to set a Pre-hearing Conference whether or not one is requested if he/she believes such a conference will assist in the simplification of issues or resolution of a pending Appeal.
4. At the discretion of the Hearing Officer Pre-Hearing Conferences may be conducted telephonically.

D. Presentation of Witnesses, Legal Theories, or Evidence not Previously Disclosed.

The Hearing Officer shall not permit a witness not previously disclosed in the counsel conference/discussion and disclosure statement process or in a document filed thereafter on a timely basis considering when the party seeking to present the witness learned of the witness' identity to testify or a legal theory not disclosed in that process to be presented or accept evidence not previously disclosed to be accepted into evidence except with the agreement of the other party or for good cause shown or upon a showing of excusable neglect.

1. When the Hearing Officer agrees to permit such testimony, presentation of legal theories or evidence, then upon request of the opposing party the Hearing Officer will permit a recess of the hearing for a reasonable period of time to permit the opposing party to meet with any such new witness and/or respond to the testimony, legal theory or evidence being offered.

E. Extensions of Time

Any time period set forth in these procedures may be extended by written stipulation of counsels of record or, in the absence of such a stipulation by the Hearing Officer for good cause shown.

II. Pre-Hearing Procedure When Applicant is Not Represented by Counsel

A. First Pre-Hearing Conference

1. The Hearing Officer shall set a First Pre-Hearing Conference with at least 45 days Notice to the Applicant and the Office.
2. At the First Pre-Hearing Conference the Hearing Officer shall advise the Applicant of the availability of counsel to represent the Applicant without charge through the Navajo-Hopi Legal Services Program (as well as the possibility of the Applicant retaining private counsel.) If the Applicant decides to seek representation, the First Pre-Hearing Conference shall be recessed.
3. If the Applicant wishes to proceed without counsel, then at the First Pre-Hearing Conference the Hearing Officer shall explain the Hearing Procedures to the Applicant.
4. The Hearing Officer shall also endeavor to obtain agreements with respect to facts in the case, a listing of possible witnesses for the hearing and the general nature of their testimony, and a preliminary indication of proposed hearing exhibits.
5. The Hearing Officer shall set the matter for a Final Pre-Hearing Conference and direct the Applicant to bring information to that Conference on the witnesses to be called at the hearing and their anticipated testimony, exhibits to be offered, and the position the Applicant is taking on matters related to eligibility for relocation benefits.
6. A Pre-Hearing Order shall be issued by the Hearing Officer summarizing the First Pre-Hearing Conference.

B. Final Pre-Hearing Conference

1. The Final Pre-Hearing Conference shall be held as scheduled in the Pre-Hearing Order.
2. At the Final Pre-Hearing Conference the Hearing Officer shall supervise the preparation of a Joint Pre-Hearing Statement listing witnesses and summaries of their anticipated testimony; the legal theories of each party and the exhibits to be offered in evidence.

(a.) If the applicant names new witnesses or new theories or identifies new exhibits at the Final Pre-Hearing Conference, the Office shall be given 30 days to identify rebuttal witnesses; respond to new legal theories or locate rebuttal evidence, a summary of which shall be provided to the applicant.

3. At the Final Pre-Hearing Conference the Hearing Officer shall discuss the needed time for hearing the matter and set the matter for hearing.

C. Extensions of Time

Any time period set forth in these procedures may be extended by written stipulation of counsels of record or, in the absence of such a stipulation, by the Hearing Officer for good cause shown.

III. Administrative Subpoenas and Depositions

- A. Upon request of any party the Hearing Officer shall issue an administrative subpoena for testimony or production of documents and evidence.

1. The party requesting the subpoena shall be responsible to arrange for service of the subpoena in accordance with the law of the jurisdiction where the subpoena is served and shall file an appropriate Return or Affidavit of Service with the Hearing Officer.

- B. For good cause shown and on 21 days notice to the other party, the Hearing Officer may permit testimony to be taken under oath by deposition before a Court Reporter or by use of another method of recording the testimony approved by the Hearing Officer for use either as part of the discovery process or to become part of the Record in an Appeal.

1. The rules applicable to testimony of "live" witnesses shall govern the admissibility of deposition testimony.

1317 Explanatory Conference Determination

VACANT

1318 HEARINGS. 25 CFR 700.301-321.

After the Pre-Hearing Procedure has been concluded, the appeal is referred to hearing unless:

- The denial has been reversed.
- The appeal has been withdrawn.

The Office has delegated authority to conduct hearings to an attorney, hereinafter referred to as the Hearing Officer, contracted to provide professional services in this capacity. The Hearing Officer shall preside over hearings, conducting them according to regulations contained in Subpart "L" of 25 CFR §700; and procedures of this part of the Management Manual. The Hearing Officer shall submit his/her findings and conclusions to the Executive Director in the form of a Decision, Findings of Facts and Conclusions of Law.

1. Hearing Schedule.

The Hearing Officer and O.N.H.I.R. will establish the hearing schedule. The Hearing Officer will issue Hearing Notices to the parties.

A. In setting the hearing schedule, the Hearing Officer shall consider such factors as whether the parties are ready for a hearing; the length of time an Appeal has been pending; whether the matter has previously been continued; the age and health of the Applicant and other factors consistent with the Settlement Act and the interests of justice.

E/A staff shall data enter the date of hearing in the Applicant's appeal file, and shall reserve the hearing room.

2. Hearing Continuances.

Pursuant to 25 CFR 700.311, the Hearing Officer may grant a request for hearing continuance for good cause shown. If a continuance is granted, the Hearing Officer will issue a new Notice setting the date, time and place of hearing.

E/A staff will update the Applicant's appeal file from the information contained in the Office's copy of the Notice.

3. Hearing Record.

The E/A staff will assure that tape recording equipment is set up in the hearing room and functioning properly. Hearings shall be recorded and will be labeled and catalogued. The Office shall contract for the services of a transcriptionist for preparation of a transcript.

4. Interpretation.

When interpretation services are required, interpretation services will be provided by the Applicant.

5. Decision of the Hearing Officer.

The Hearing Officer shall submit a written decision incorporating findings of fact, credibility findings, conclusions of law, and recommendations to the Office within 60 days of the close of the hearing record. The Record shall close upon

receipt of a Post-Hearing brief or 21 days after the hearing transcript has been transmitted to the Hearing Officer and counsels of record, whichever date is earlier. E/A staff shall data enter the date of receipt of the decision and the Hearing Officer's recommendation in the Applicant's appeal file. Copies of the decision shall be sent to the Applicant and or his/her legal representative by certified mail, return receipt requested.

E/A staff will make copies of the Applicant's file for the Executive Director as instructed.

1319 FINAL AGENCY ACTION.

The Hearing Officer's Decision shall be referred to the Executive Director for Final Agency Action or remand to the Hearing Officer. A decision of the Executive Director to affirm or reverse the Hearing Officer's decision shall constitute Final Agency Action on an appeal under the administrative review process.

The Executive Director will sign the Notice of Final Agency Action. If the Applicant's denial has been reversed, a Notice of Certification will be generated by the E/A Staff for the Certifying Officer's signature. After signatures have been obtained; the E/A Branch will make copies of the documents. The original Notice of Certification will be issued to the Applicant and mailed by certified mail, return receipt requested. If Applicant is represented by counsel, said counsel will be furnished a copy of the Notice of Certification of Eligibility for Relocation Assistance Benefits.

The Notice of Final Agency Action shall be mailed directly to the Applicant if the Applicant is self-represented, by certified mail, return receipt requested. If the Applicant is represented by counsel the Notice shall be addressed to the Applicant, in care of the attorney of record, by certified mail.

Data Entry of the Final Agency Action shall be conducted by the E/A Staff.

1320 ACTION OF O.N.H.I.R. UPON APPEAL TO FEDERAL DISTRICT COURT.

An Applicant for relocation assistance who has been denied and whose denial has been upheld by the O.N.H.I.R. administrative appeal process, has the right to file an appeal with the United States District Court for the District of Arizona. The appeal must be filed within the appropriate statute of limitations. The U. S. Justice Department will represent the O.N.H.I.R. before the Court.

1. Action of the O.N.H.I.R. Office of Legal Counsel.

Upon receipt of written notice of intent to appeal to District Court, or notice that a complaint has been filed in the District Court, the O.N.H.I.R. Office of Legal Counsel will conduct a file review and prepare a summary of the facts and actions in the case. If O.N.H.I.R. Legal Counsel deems it appropriate to reverse the initial determination of denial, the file review will conclude with a recommendation to the Executive Director to certify the Applicant.

a. Reversal of Final Agency Action. If the O.N.H.I.R.'s earlier denial is reversed at this stage, the Office of Legal Counsel will notify the Information Systems Branch and request that the automated records be changed to reflect certification of the Applicant and date of the action. A manual letter will be issued to the Applicant /legal representative and the United States Justice Department informing them of the certification action. The certified client will be referred to the Relocation Operations Branch by means of a copy of the certification notice and will enter case processing according to standard program procedures.

b. No Change in Final Agency Action. If O.N.H.I.R. Legal Counsel does not deem it appropriate to recommend to the Executive Director to reverse the initial determination of denial, O.N.H.I.R. will notify The Applicant's legal representative of the results of the file review.

O.N.H.I.R. Legal Counsel will assist the Assistant U. S. Attorney with litigation as requested. The O.N.H.I.R. will issue a Notice of Certification to the Applicant if so instructed by the Assistant U. S. Attorney.

2. Action of the Federal District Court.

The O.N.H.I.R. will receive a copy of the District Court's Memorandum of Decision and Order. If the Court decides in favor of the appellant, the Office of Legal Counsel will recommend to the Executive Director whether or not the decision should be appealed to the Appellate Court

If the Applicant is certified eligible for relocation assistance benefits, the Office of Legal Counsel will notify the Information Systems Branch and request that the automated records be changed to reflect certification of the Applicant , and date of the action. The certified client will be referred to the Relocation Operations Branch and will enter case processing according to standard program procedures.

An Applicant whose appeal is denied by the United States District Court for the District of Arizona has the right to pursue the appeal as provided in the Federal Rules of Appellate Procedure.

SECTION 1300 APPEALS

SUBJECT 1330 Appeals of Benefit Amounts

AUTHORITY: 25 CFR 700.301-321

POLICY.

A client who disagrees with the Office's determination of benefit amount may file an appeal. The benefit determinations which may be appealed are (1) amount of housing benefit; (2) amount of bonus; and (3) value of improvements, if the client owns improvements on the partitioned lands.

These amounts are specified in the Notice of Benefit Determination which is issued by the Housing Specialist following the initial housing interview. The client shall be allowed 30 days from the date of receipt of the Notice to file an appeal of the amount of benefit determination. The Office of Relocation will not accept a benefits appeal which is filed after the Relocation Contract is signed.

When the Office receives an appeal of benefit amount, staff shall conduct administrative review of the appeal and shall hold an explanatory conference with the client/legal representative as part of the review process. The Office may schedule a hearing at its sole discretion. The determination to hold a formal hearing will be made by the Certifying Officer, based upon the results of the explanatory conference. If the Certifying Officer determines that the circumstances of the case do not warrant a formal hearing, the case summary with recommendations of the Certifying Officer will be submitted directly to the Commissioner for final agency action.

PROCEDURES.

1331 ACTIVITIES PRIOR TO FORMAL APPEAL.

Prior to receiving the formal Notice of Benefit Determination, clients will be informed during case planning of the benefit amounts which they will receive. If the client disagrees with the amount of a benefit, the disagreement must be discussed informally by the client and the counselor or specialist during an office conference.

Because the determinations are based largely upon specific procedural formulas, informal discussion will allow the case worker to explain the calculations used in reaching the determination. It will also allow the client to correct any erroneous information which affected the initial calculation.

The methods for computing benefit amounts are set forth in Management Manual Section 1710.

If the client is dissatisfied with the Office's response at the informal stage and wishes to reduce the grievance to formal appeal, the specialist will refer the client to the Eligibility/Appeals Branch.

1332 INITIAL SCREENING OF BENEFIT APPEAL.

An appeal of amount of benefit determination must be submitted in writing by the client or the client's legal representative. No verbal requests for appeal will be accepted by the ONHIR.

The written appeal will be routed to the Eligibility/Appeals staff, who will date stamp the appeal and enter the type of appeal in automated client records.

Next, the E/A staff shall determine whether or not the appeal was filed timely. The E/A staff will retrieve the client case file from the data room and determine if the appeal was filed within 30 days of receipt of the Notice of Benefit Determination, as recorded on the certified mail return receipt, filed in the client case file.

1. Appeal Filed Timely.

If the appeal was filed within the 30 day period, the E/A staff will draft a letter of acceptance for the Certifying Officer's signature. The letter will inform the client/legal representative that the appeal has been accepted and they will be notified of the date of the explanatory conference.

2. Appeal Not Filed Timely.

If the appeal was not filed within 30 days, the appeal will be rejected. The E/A staff will draft a letter of rejection to the client/legal representative for the Certifying Officer's signature. The letter will state that the appeal has been rejected on the basis that it was not filed timely.

3. Request for Waiver of Time Frame.

The Office may extend the time period for filing an appeal, on a case by case basis, for good cause shown. A client whose appeal is rejected as untimely may request the Office to waive the time limit. The request must be in writing and must state specifically why the client failed to submit an appeal within the 30 day period.

E/A staff will review a written request for waiver of the time limit, and shall prepare a recommendation for decision by Legal Counsel. A manual letter incorporating the Certifying Officer's decision will be issued to the client/legal representative by regular mail.

1333 EXPLANATORY CONFERENCE.

The Eligibility/Appeals staff shall retrieve the manual case file and review the circumstances of the appeal. The E/A staff will schedule an explanatory conference within 30 days of receipt of the appeal. Notification of the conference shall be issued by the E/A Branch to the client/legal representative approximately 10 days prior to the scheduled date.

1. Request For Continuance.

A request for continuance, submitted by the client/legal representative prior to or during the conference, shall be approved only if the client requires additional time to obtain documentation which relates directly to the value determination. The client must specify the exact nature of the documentation in requesting the continuance (i.e. an appraisal by a certified independent appraiser, whose name is provided).

The E/A Specialist will approve the request, with the concurrence of the Housing/Inspections Supervisor. Only one continuance of no more than 30 days will be granted for a benefit appeal. When a continuance is approved, the E/A staff will prepare a manual letter notifying the client/legal representative of the rescheduled date.

2. Determination Summary/Explanatory Conference Record.

In preparation for the conference, the Appeals staff shall fill out the top portion of the Determination Summary/Explanatory Conference Record (Form MM#1330.1). The top portion states the type of benefit appeal, the amount of benefit determined by the Office to be correct, and the basis for the Office's determination. The staff shall record the reason for the client's disagreement with the determination.

The documents from which the information is drawn will be referenced in the Summary.

3. Attendance At Conference.

The client and legal representative shall be present at the conference. No witnesses will be accommodated at the conference. If the client wishes to submit testimony from third parties in support of his/her argument, it may be submitted in the form of a written affidavit.

The Housing/Inspections Supervisor or designee and the Eligibility/Appeals Specialist shall represent the ONHIR at the conference. Other ONHIR staff shall be present as necessary to explain ONHIR's determination.

4. Conducting The Explanatory Conference.

Depending upon the issue being appealed, the Housing/Inspections

Supervisor and/or the Eligibility Appeals Specialist shall explain agency regulations and procedures which were followed in making the determination and the calculations which were applied. The client/legal representative shall explain the reasons for objection to the determination, and may present written documentation to support a higher benefit determination.

5. Explanatory Conference Determination.

Upon completion of the Explanatory Conference, the E/A Specialist shall complete the Explanatory Conference Record. The Record shall make note of any follow-up action agreed upon during the conference, such as: reappraisal, additional record review, field investigation, submittal of additional information by applicant. The E/A Specialist and Housing/Inspections Supervisor shall consult on the decision to be recommended to the Certifying Officer.

Within five working days of the explanatory conference, the Certifying Officer will issue a decision to the client/legal representative. The Certifying Officer shall uphold or amend the original benefit determination, or inform the applicant that final decision will be issued following completion of action agreed upon during the explanatory conference. A date certain for final decision will be stated in the letter. The Appeals Branch shall prepare and mail the determination letter, certified mail, return receipt.

6. Hearing/Final Agency Action.

If the client objects to the decision issued by the Certifying Officer, he/she may request reconsideration and a formal hearing. The request will be received by the E/A Branch and forwarded to the Certifying Officer, who shall determine what further administrative review is appropriate. The Certifying Officer shall notify the client of his/her decision within 30 days. The Certifying Officer may:

- Remand the case to a designated staff person with instruction for further review.
- Schedule a formal Hearing. Hearings shall be held according to the regulations in 25 CFR 700.301-321, and Section 1310 of the Management Manual.
- Refer the case for Final Agency Action. The case may be submitted for Final Agency Action according to the procedures in Section 1319 of this Management Manual. If no hearing is held, the Certifying Officer will prepare a summary of the circumstances of the appeal from the case file documentation and submit it to the Commissioner for decision.

The Eligibility/Appeals staff will prepare a manual letter to the client/legal representative of the Commissioner's decision. After the

MANAGEMENT	SECTION	1300	APPEALS	
MANUAL	SUBJECT	1330	Benefit Appeals	APPROVED
				<u>04/29/96</u>

Executive Director has signed the Notice of Final Agency Action, the E/A staff shall issue the letter certified mail, return receipt.

SECTION 1400 RELOCATION OPERATIONS

SUBJECT 1410 PRE-MOVE PLANNING

POLICY.

Following certification all clients are assigned to a relocation specialist, who will work with the client through pre-move planning, housing acquisition, and post-move services. The relocation specialist will gather information required by ONHIR and will inform the client of Office regulations and procedures, as they apply to the client's particular situation.

Prior to March 1998, counseling and housing functions were performed by separate branches of the ONHIR. In March 1998 the branches were merged. Older editions of this Management Manual will contain instructions which reflect the organizational structure of ONHIR prior to the merge.

PROCEDURES.

1410.1 Assignment of Specialist.

The Eligibility and Appeals Branch will route a copy of each letter of certification to the Relocation Operations Branch. The letters may contain special instructions about the case which the specialist must follow during the development of the client's relocation plan.

The secretary will receive the certification letters and make an entry in the client's automated contact file that the case has been received by Relocation Operations. The secretary will print a Case Assignment Form and deliver the form and the client casefile to the Relocation Operations Manager. The Manager will assign a specialist to the case and route the assignment to the specialist.

The assigned specialist shall inform the Manager if there are reasons why the case should be assigned to someone else. Reasons may include relationship by blood or marriage to the client or a member of the client's household; or prior relationship between the specialist and client which might impede an impartial professional relationship in processing the client's relocation plan. If such a circumstance exists, the Manager will reassign the client.

When the specialist signs the Case Assignment Form accepting the case, the ROB Manager will enter the specialist's initials in the automated records and countersign the form. The form will be filed in the casefile.

1410.2. Initial Counseling Interview.

The initial counseling interview, also called the initial pre-move interview, will be conducted within 30 days of case assignment. When a new client is assigned, the specialist will check out and review the client's casefile. Within seven days, the specialist will send a letter to the client to make an appointment for an initial interview. In the letter, the specialist will instruct the client as to the documents which should be brought to the interview. The specialist will also instruct the client about interview expense and reimbursement.

Field Appointments. If the client is unable to travel to Flagstaff, the specialist may schedule a field appointment at the client's home or other designated location. The client may be paid travel expense to the designated location according to standard travel expense procedures.

1410.3 Development of the Household Relocation Plan.

General. The specialist is responsible for working with the client to develop the client's household relocation plan. No two plans are identical; each plan must be formulated to meet the specific needs of the client. The specialist will advise the client about the procedures which apply to the client's particular case, and the actions which the client must take in order to receive replacement housing and related benefits. Procedures affecting the relocation plan are set forth in different sections of the Management Manual, which will be referenced in the instructions that follow.

1. Basic Information about the Relocation Benefit. At the initial pre-move interview the specialist will identify and record all of the household members living with and moving with the client. The specialist will inform the client of his/her relocation benefits and will explain the relocation process and answer the client's questions. Information which the specialist provides will include:

- 1). Amount of housing benefit and how it's computed.
- 2). Infrastructure: What is included and how this increases the benefit amount.
- 3). Bonus: amount and when it's issued.
- 4). Appraisal: If client owns improvements, their value will be incorporated into the housing benefit unless the client wants to retain the improvements.
- 5). Search and moving expense: How to submit a search expense claim and what activities are approved; when the moving expense is paid..

The specialist will obtain the information from the client which is necessary to complete these forms:

- 1). Household Relocation Plan, form MM#1410.3 (revised)
- 2). Client/Spouse Demographic Information, form MM#1410.4.
- 3). Survey of Housing Conditions, form MM#1410.8.

The specialist will make copies of documents which the client has brought to the interview and will return the originals to the client before he/she leaves the office. If the client is unable to provide all the necessary information or documents at the time of the interview, the specialist will instruct the client to send them in and will follow up by calling or writing the client until the information is provided.

If the client sends in documents or personally brings them to the office, the secretary will copy the documents and immediately return the originals to the client.

2. Contents of the Household Relocation Plan, form MM#1410.3.
The Household Relocation Plan must contain the following information,

depending upon the client's particular circumstances.

a. Client Information. The specialist will ask the client to confirm basic identifying information which is already in the casefile (such as birthdate, census number, social security number) and will enter up-to-date information on the client's mailing address and phone number.

b. Client's Pre-Move Location Description. (See MM#1760). The specialist will record the client's pre-move location description on the Survey of Housing Conditions, and enter the location code on the Survey and the HRP. This information will be data entered in the automated records, and will be updated whenever the client moves to a different location.

c. HPL Residence. The specialist will make sure the on/off HPL code in the computer is correct. Changes in a client's pre-move residence which affect the ONHIR's record of HPL residents will be handled in accordance with MM#1440, **HPL Residence Record**. Whenever a client moves away from or back to their home on the HPL, the specialist will investigate and record the move, and assure that the automated client master file is brought up to date.

The specialist will make a final verification of the HPL residence of clients who have a "1" code at the time of the initial housing interview.

d. Appraisal Information. Also see MM#1610. The specialist will check the automated records to learn if the client has an appraisal file. If so, the specialist will check it out and review the contents with the client. If the appraisal file is not complete and an initial appraisal or reappraisal has to be conducted, the specialist will make an appointment to meet the client at the homesite to conduct the appraisal. Appraisals will be conducted in accordance with the instructions in the Appraisal Handbook.

The specialist will assure that the Affidavit of Ownership is signed, and that posting and advertising are complete.

e. Owner Retention of Improvements. The specialist will inform the client about the ONHIR's policy regarding retention of improvements. If the client wants to retain one or more improvements, the specialist will list the improvements by improvement number and description on form MM#1610.3, Owner Retention of Improvements, and obtain the client's signature. The value of retained improvements will not be included in the calculation of the client's housing benefit. However, the client must remove retained improvements within 30 days of relocating to the replacement house. A copy of the retention form will be placed in the appraisal file and sent to the Hopi Tribe when the property is turned over to Hopi.

f. Household Membership. See MM#1714 for instructions. At the time of the initial interview, the specialist must identify all household members living with and moving with the client. The specialist will list the verifying documents which have been obtained and which are still needed on the HRP. Changes which occur in household membership will be recorded and

explained on the Case Narrative form up to the time the contract is signed. Household membership is not updated after contract signing.

g. Duplicate Census Number. The specialist will determine through checking the casefile, computer records, and discussion with the client, whether or not the client or any household member has previously participated in a benefit. If neither the client nor any household member has previously participated in a benefit, the specialist will obtain the client's signature on the Household Membership form in the HRP.

If the client or a household member has participated in a benefit, the specialist will follow the instructions in **MM#1716**.

h. Relocation Site. The choice of relocation site determines how the client's case will be processed. The relocation plan cannot proceed until the client has decided where they want to move.

(1). If the client has decided where they want to move the specialist will record the preferred relocation site and will follow the procedures for that type of acquisition. If the client wants to move to an on-reservation location, the specialist will make sure that the client has filled out an application for a homesite lease on the big reservation or the New Lands. The specialist may assist the client with transportation in getting the signatures needed to initiate a homesite lease.

(2). If the client has not decided where to move the specialist will discuss the procedures for on- and off-reservation moves and advise the client about the alternatives which are suitable for the client and household. Consideration of alternatives may include tours of the New Lands.

3. Special Cases. The specialist will identify any special situations which require out-of-the-ordinary actions on the client's case. Such situations may include the following:

a. Clients with Accommodation Agreements. Clients who have signed an Accommodation Agreement (AA) with the Hopi Tribe must relinquish the Accommodation Agreement in order to receive relocation benefits. The Relinquishment Form, MM#1271L, is available in the word processing library. The AA must be relinquished before the relocation contract is signed. Generally the AA should be relinquished after the client's homesite lease has been completed, before the case is transferred into the housing phase of case processing. However, the ROB Manager may approve delaying the relinquishment if the client presents good reasons why they do not want to relinquish until contract signing. The ROB Manager's approval must be in writing. The client must relinquish the AA before signing the relocation contract or the contract will be void.

Signature of Both Spouses on the Relinquishment. If both the husband and wife signed the Accommodation Agreement, both should sign the Relinquishment Form. The list of people who signed the Accommodation

Agreement is available from the Eligibility Specialist or the ROB Manager.

Relinquishment Tracking Form. The relinquishment of the AA will be recorded in the automated records by means of the Relinquishment Tracking Form, MM#1271T. The specialist will fill out the Tracking Form, attach a copy of the Relinquishment, and route the form through the team leader and the ROB Manager for final approval of the Deputy Director. Removal of the "7" action code will be done by the IS Manager. When the process is complete, a copy of the relinquishment will be routed to the Eligibility Branch for transmission to the Hopi Tribe.

b. Emergency Processing. A client may have an emergency need which requires that their case receive priority processing. The types of need which justify priority processing are set forth in **MM#1718, Emergency Moves**. Cases which are approved as emergency moves will be expedited by the specialist and the ICB homesite lease staff.

c. Temporary Emergency Moves. Under certain circumstances, the ONHIR may arrange temporary housing for an HPL resident who needs an emergency move while their relocation house is being acquired. Instructions for temporary emergency moves are stated in **MM#1722**.

d. Client Needs Legal Assistance. The client may require legal assistance in order for the case to move forward. Instructions for requesting ONHIR-sponsored legal assistance in cases of low-income clients needing a divorce, name change, or other legal service are found in **MM#1744**.

e. Power of Attorney. A client who is capable of making the decisions required to process their case but who is not physically able to travel to the ONHIR because of their job or other legitimate reason may appoint a power of attorney according to **MM#1742**.

f. Conservatorships and Guardianships Cases in which the client is not capable of planning and accomplishing their relocation will be staffed by the specialist, team leader, ROB Manager, Deputy Director, agency Legal Counsel, and other appropriate staff. A course of action which will protect the client's interests and the Government's interests will be determined. The case may require special assessment and legal intervention by the ONHIR's contract attorney. Instructions for such cases are contained in **MM#1746**.

g. Handicapped Clients. The specialist is responsible for determining if the client or a family member moving with the client has a handicap which requires physical modifications to the replacement house. The specialist will work with the ICB Team Leader and the contractor to make sure that the house modifications are incorporated into the house plans.

4. Housing Information: Contractor Sales and Solicitation Practices. The specialist will advise their clients not to engage in discussions with contractors or realtors about acquiring a relocation house until their case is transferred to the housing phase. The ONHIR will not be bound by any

agreement between a client and a contractor/realtor which takes place outside of the approved housing acquisition process.

The specialist will advise the client that they may not request or accept inducements from a contractor. All items promised by the contractor must be included in the contract. The prohibition on inducements does not extend to job offers. However, verbal promises of employment will not be included in the contract and are not enforceable against the contractor.

5. Form MM#1410.4 Client/Spouse Demographic Data. The specialist will fill out form MM#1410.4 Client/Spouse Demographic Data during the initial interview. During update interviews the specialist will ask if any of the information has changed, particularly employment status and income. Changes will be routed to the secretary for data entry.

6. Form MM#1410.8 Survey of Housing Conditions. The Survey of Housing Conditions, form MM#1410.8, is conducted in order for ONHIR to respond to questions from members of Congress and Congressional appropriations subcommittees about the locations and living conditions of people who are awaiting relocation benefits. The Survey also enables the ONHIR to prioritize clients requiring emergency moves because of hazardous or substandard housing.

The Survey will be conducted at the time of initial interview and anytime thereafter that the client moves to a different house. Questions on the Survey are largely self-explanatory, but instructions for filling it out are detailed in **MM#1410 Attachment A.**

7. Document Check and Data Entry. Documents collected during the interview will be copied and the originals returned to the client. Completed forms and copies of required documents will be routed to the secretary for data entry. The secretary will check the documents to verify that the information is complete and the codes have been recorded. Documents which are incomplete will be returned to the specialist for completion.

1410.4 Determination of Required Actions and Case Updates.

General. Throughout the relocation process, the specialist will focus on identifying and completing the actions required to move the client's case through the steps required for relocation case processing. Identification of required actions will begin with the initial counseling interview and will end when the final post move visit is completed. The specialist will contact the client as often as necessary to assist the client with the actions which are necessary to accomplish the client's relocation.

1. Biweekly Activity Schedules. The specialists will submit biweekly schedules of field and office visits a week in advance. Any changes will also be submitted. The schedules are submitted to the team leaders, secretaries, and ROB Manager.

2. Action Codes. At the conclusion of the initial counseling interview, the specialist will determine the actions which need to be completed before the client can be scheduled for the initial housing interview. The specialist will write the action codes and a brief description of the required actions (code table 159) on the HRP. The specialist will also enter the action code and the beginning date for the action in the Action Code computer file.

After entering the action code, the specialist will pull up the Case Narrative screen and write up a narrative report. The specialist will transfer the case narrative from the word processing folder to the Action Code file. The narrative should not be deleted from the word processing folder until the following day.

The specialist will also print the Case Narrative screen to be filed in the client's casefile.

3. Tracking Required Actions and Updating the Relocation Plan. No less frequently than every two months the specialist will update the client's records by checking progress on the actions required to move the case forward. If the plan requires the client to take specified actions, the specialist will contact the client by phone, mail, or field visit to determine progress on the action. If the plan requires action by the specialist, he/she will write up what he/she has done on the case. If the client is applying for a homesite lease, the specialist will check regularly with ICB to determine the status of lease processing.

4. Completed Actions. When an action has been completed, the specialist will write it up on the case narrative and route the report and any supporting documents to the team leader. If the team leader agrees that the action has been successfully completed, he/she will approve the write-up and enter the completion date in the client's Action Code file.

If the team leader determines that the action has not been successfully completed, he/she will return the Case Narrative to the specialist with

instructions. The action will remain open.

5. Case Narrative Updates. Information about the client's case will be recorded on the Case Narrative Form MM#1410.7, which will be printed and filed in the client's casefile. The Narrative will describe required actions, progress on the actions, completion activity, and other information which the client provides about the household.

6. Updating Demographic Information. At the time of the initial interview the specialist will ask the client to call and provide information whenever changes occur which affect the client's records. The most common changes are: changes in household membership; change in employment, job location or amount of income; and preferred relocation site.

7. Recording Changes to Demographic Information. The specialist will generate printouts of the Household Membership Inquiry screen and the Income screen, and will record any changes to demographic information on these printouts. The specialist will route these printouts and any supporting documentation (ie. household member documents) to the secretary for data entry. The printouts will be discarded after the team leader has reviewed the case update. Information about the demographic changes will be recorded in the case narrative.

8. Survey of Housing Conditions. The specialist will readminister the Housing Survey (MM#1410.8) whenever the specialist learns that the client has moved from the house described in the earlier survey to a different house. The new housing questionnaire will be routed to the secretary for data entry. Minor changes to the location description such as phone numbers will be written on a printout of the location description and routed to the secretary for data entry.

1410.5 Transfer to Home Search.

General. When all actions required to make a case ready for the initial housing interview have been completed, the specialist will prepare the case for review by the Team Leader and transfer to Home Search. The basic actions which must be completed are: 1) acquisition of a homesite lease; 2) verification of household members who will participate in the benefit, and 3) verification of income and employment for clients moving off-reservation. In addition, the case may present special action requirements depending upon the client's circumstances.

1. Completion of Page 1 of Checklist. When all actions required to schedule an initial housing interview have been completed, the specialist will select the Relocation Services Checklist which applies to the client's case and fill out page 1. Page 1 replaces the former Tracking Forms used to transfer the case to housing.

2. Review by Team Leader. The casefile and page 1 of the Checklist will be reviewed by the Team Leader. If all required counseling actions have been successfully completed, the Team Leader will sign page 1 and enter 'HS' (Home Search) as the client's agency status. This entry automatically enters the date the case was transferred to HS in the client master file.

3. Preparation for Initial Housing Interview. After the Team Leader has approved the case for Home Search, a copy of page 1 of the checklist is given to the specialist and the original is filed in the casefile. The specialist will schedule the client for the initial housing interview. **See the Housing Acquisition Procedures, MM#1640.**

1410.6 Contact File and Casefile Records.

1. Documents Sent to the Casefile. The original or a copy of each document pertaining to the client's case will be filed in the client casefile, including copies of letters sent to the client and intra-office memos about the status of the case (**see MM#6310**). The specialist is responsible for personally filing the document or routing the document to the File Room **immediately** after he/she has received and copied the document.

Working files/Mini-files. Specialists may keep working desk files with copies of documents relating to case processing provided the originals have already been inserted into the casefiles.

2. Contact File. All efforts to contact the client by mail, phone, or field visit, whether successful or not, will be recorded in the automated contact file. Brief information regarding the status of the client's case, including intra-office actions, will be recorded in the automated contact file.

3. Changes in Household Membership and Demographic Information.

After the household membership, housing survey, and demographic information on the client has been recorded on manual forms and in the automated records, the specialist will ask the client to inform him/her of any changes which occur. Changes will be recorded on printouts of the inquiry screens for data entry by the secretary. Depending upon the nature of the change, the specialist must submit supporting documents to the secretary to verify the accuracy of the change.

Copies of the supporting documents will be filed in the casefile. The handwritten changes on the printouts may be filed in the casefile, if they contain narrative information which explains or expands upon the demographic changes.

1410.7 Recommendations to the Deputy Director.

The Office of Relocation has developed procedures to address special situations in which clients may find themselves. Most of these situations and procedures are set forth in Management Manual Vol. 4, Section 1700. Other situations unique to a particular client may arise. A client's case may require special consideration not covered by the procedures; or a client may request a waiver of the procedures.

Special cases and requests for waivers will adhere to the following process:

1). Client Request. The request must be justified by the client and supported with any appropriate documentation.

2). Specialist Evaluation. The request must be evaluated by the specialist. The specialist will analyze the information presented by the client, including documentation submitted in support of the request. The specialist will review casefile records of previous interviews and contacts with the client, and the client's previous history (employment, income, family members, etc; depending upon the nature of the request) to determine if the information supports the reasons given by the client for the request. The specialist will determine if:

- (1) the documentation supports the client's arguments;
- (2) the request is in the best interests of the client, the relocation program, and the U.S. Government.
- (3) the request complies with ONHIR policy and procedures;
- (4) the circumstances support a waiver.

3). Specialist Recommendation. The specialist will prepare a written recommendation on the request and will submit it to the Team Leader and the ROB Manager for review.

a. Recommendation of the Request. If the specialist determines that the client's request is justified by casefile information and conforms to agency policy, or merits a waiver, the request will be forwarded to the Deputy Director for final decision following concurrence by the Team Leader and the ROB Manager.

b. Recommendation Against the Request. If the specialist determines that the client's request is not supported by documentation submitted and records of previous contact with the client; or is not in the best interests of the client in terms of accomplishing a successful relocation; or if the request is contrary to agency policy and procedures and does not merit a waiver; the specialist will prepare a written recommendation against the request and submit it to the Team Leader and the ROB Manager for review.

Following concurrence by the Team Leader and ROB Manager, the

specialist will meet with the client to discuss the reasons why he/she does not support the request.

4). The client's request and specialist's recommendation will be submitted to the Deputy Director for final approval after it has been endorsed by the Team Leader and ROB Manager.

5). A client who is dissatisfied with action taken at any level may appeal to the Executive Director.

Situations in which the client may ask for special consideration or a waiver of procedures typically include:

- * household membership issues
- * off-reservation relocation site
- * off-reservation income waiver
- * request for legal assistance paid by ONHIR
- * emergency moves

The specialist may not submit the client's request for a waiver through the chain of command without first evaluating and writing up specifically why he/she recommends or does not recommend the request.

01/01/99

1410.8 QUALITY ASSURANCE

GENERAL. The counseling phase Team Leader will exercise quality control of the counseling process by reviewing written interview reports (case narrative forms and other formats) and related documents, and by conducting follow behind field visits to clients' homes. The purposes of follow behind field visits are to: 1) assure that clients are receiving timely and accurate information about relocation program requirements and processes; 2) provide special assistance to clients whose cases exhibit special problems; and 3) evaluate work load factors such as amount of time required for field travel and interviews.

1. Schedule. The Team Leader will spend a minimum of four days per month making follow-up contacts with clients. At least three of the four days will be spent in the field visiting clients at home or workplace, as practicable. A schedule of the field visits will be distributed to the secretaries, housing team leader, and ROB Manager. The fourth day may be spent conducting follow-up through phone calls to clients living off-reservation at a distance which makes field visits impractical (i.e. Tucson, Provo).

The clients to be visited will be selected as follows: (1) clients who are priority for contact (HPL residents and clients who have relinquished the AA); (2) clients whose cases exhibit special problems; and (3) clients selected at random from the specialists' SC caseload, with an approximately equal number of reviews performed for each specialist;

The Team Leader will review the specialist's calendars for the preceding two week period and will select several clients to visit who live in the same general area of the reservation. The Team Leader will plan to visit 3 - 5 clients during the field trip. The number actually visited will depend upon time required for travel and the amount of time spent at each home. The Team Leader will select more than 5 clients to visit, as it is anticipated that some clients will not be at home when the Team Leader arrives.

Clients whose cases exhibit special problems. Based upon familiarity with cases from casefile review and discussion with specialists, the Team Leader will select clients who have special problems and have made little or no progress in developing a relocation plan. The Team Leader will work in phone and field contact with these clients along with the scheduled field trips.

2. Reviewing the Case. Prior to the field visit, the Team Leader will review the casefile and the contact and narrative reports submitted by the specialist following the counselor's recent interview with the client. The Team Leader will familiarize himself with the basic information about the case and subjects which the specialist and client discussed during the recent interview.

3. Conducting the Interview. The Team Leader will discuss the client's

01/01/99

case with the client, and will ask questions about the client's satisfaction with the pre-move counseling process. The Team Leader will make notes about the discussion during the interview or immediately after it has concluded. The Team Leader may ask:

- is the client satisfied with the amount of time the specialist spends with him/her, in terms of frequency of contacts and amount of time spent during the contact?

- is the client satisfied with the information which the specialist has provided about the relocation process?

- is the client satisfied with the information which the specialist has provided about what the client would face during and after relocation?

- is the client satisfied with the help that the specialist has provided him/her in preparing for relocation?

4. Report on Interview. Upon returning to the office, the Team Leader will prepare a brief report of the interview with each client. The Team Leader will meet with the client's specialist to discuss the interview results and any statements by the client about information or assistance needed.

5. Report to ROB Manager and Deputy Director. The Team Leader will submit a brief report on the field interview and follow-up discussion to the ROB Manager and the Deputy Director. If the Team Leader observed discrepancies between the specialist's narrative reports and the client's statements of services received, the Team Leader will note them. The Team Leader will include any comments and observations which should be brought to the ROB Manager's attention.

6. Action of the ROB Manager. The ROB Manager will review the report and discuss it with the Deputy Director as necessary. The ROB Manager will provide the team leader with any needed follow-up direction.

Policy Memo No. 4 dated October 30, 1991, can be found in Volume No. 1

SECTION 1400 COUNSELING PROCEDURES

SUBJECT 1440 HPL Residence Record

POLICY. The Office will maintain a record of the certified clients living on the Hopi Partitioned Lands. This record will distinguish certified applicants whose current actual residence is located on the HPL from certified applicants who have moved from the HPL pursuant to the terms of P.L. 93-531, as amended, and are awaiting benefits. The HPL residence record is not intended to reflect the client's claim to legal HPL residence, which was validated at the time the client was certified.

Definition. "Current actual residence" is the dwelling where the client has his/her possessions, and to which he/she returns on a regular basis at the end of the day. A client whose immediate family (spouse and children) occupies the dwelling on a daily basis even though the client is away for employment or other reasons, may also be considered a current actual resident of the dwelling.

The HPL residence record is subject to change, to reflect the client's move from or back to their original HPL homesite.

Information about the location of the client's actual residence will be recorded and maintained by the relocation specialists. The specialist will be responsible for updating this information up to the point in time that the relocation contract is signed. The HPL residence record will not be updated after contract signing.

PROCEDURES.

1441. Creating and Maintaining the HPL Residence Record.

1. Pre-Move Location Description. The HPL record will be based upon information about the location of the client's house. This information is recorded on p. 1 of the Survey of Housing Conditions, which is administered at the time of the initial interview or during an update contact. The Survey will be readministered at the time of an update contact whenever the specialist learns that the client has moved from the house described in the initial survey to a new house.

2. Checking the Client Master HPL Code Against the Pre-Move Location Description and Code. Page 1 of the Housing Survey has a question which asks whether or not the location of the client's pre-move residence is on the HPL. After checking the appropriate entry, the specialist will check the automated client master file to determine if the client is currently listed as an HPL resident (HPL code '1'). If the client needs to be added to or deleted from the HPL file, the specialist will fill out an HPL Residence Record.

3. HPL Residence Record. The HPL Residence Record, form MM#1440.1, will be filled out by the specialists to correct the HPL code in the client master file if the pre-move location of the house and the master HPL code do not agree. That is:

- the client has an HPL code of '1' but the client is living off the HPL and the location description and the current location code show an off-reservation location.

OR

- the client is living on the HPL on a daily basis but has no HPL code. This could occur under three circumstances:

- (1). The client has always lived on the HPL, but the information was not entered in the file due to administrative error.
- (2). The client has been recently certified and file information about the client is incomplete.
- (3). The client has returned to his/her HPL homesite after living off the HPL for a period of time.

4. Correcting Administrative Error. If information in the client casefile shows that the client has always lived on the HPL but was not listed in the HPL file due to administrative error, the specialist will fill out page 1 of the HPL Residence Record. The specialist will consult with the Eligibility/Appeals Specialist and will obtain his concurrence with the determination that the client is a long term resident of the HPL. The E/A Specialist will sign the form after the Team Leader has reviewed it.

5. Newly Certified Clients. HPL clients who have been recently certified through the appeals process, the divorced spouse eligibility review, or other agency procedures, will not have a current location description, and may not have an HPL code. The relocation specialist will fill out the HPL Residence Record Form and route the form to the Team Leader. The E/A Specialist will sign the form after the Team Leader has reviewed it.

6. Client Who Has Returned to the HPL. Part 2 of the Residence Record Form will be filled out by the specialists for clients who are being added to the HPL record because they have moved back to the HPL. In order to be added to the record, the client must meet the following criteria:

- (1). They must have returned to the quarter quad location which they claimed as their original homesite when they were determined eligible for benefits. If the original dwelling no longer exists, the client must have returned to another existing dwelling within the same camp.

EXCEPTION: A client who has not yet received benefits will not be added to the HPL list if they have returned to an improvement which has been quit claimed to ONHIR by the owner of record, and turned over to the Hopi Tribe.

(2). They may not have another place of residence located off the HPL (with the exception of full-time students, clients who are enlisted in the military, or incarcerated clients).

(3). They must submit an Affidavit of HPL Residence, Form MM#1440.5.

In order to fill out Part 2, the specialist will conduct a field visit to the client's HPL residence and interview the client about their return to the HPL. If the information provided by the client does not demonstrate clearly that the client has returned permanently to the HPL and relinquished the off-HPL residence, the specialist may interview the client's former landlord or residents of the dwelling which the client occupied prior to returning to the HPL. The specialist shall verify that the client and the client's family have vacated the residence off the HPL.

7. Waivers to the Residence Requirement. In order to maintain integrity of records, a code of "1" will be used only to designate current actual residents of the HPL. However, the Office recognizes that clients who are living off the HPL because they are full-time students, are enlisted in the military, or are incarcerated, have not left the HPL with the intention of establishing residence elsewhere. These cases should be handled as follows.

a. When an HPL resident leaves the HPL for school, military, or incarceration, the specialist will fill out p. 1 of the Residence Record Form. The client's residence status will be changed from a "1" to a "W". If the client's school, military enrollment or incarceration has ended and the client did not return immediately to the HPL, the client is not entitled to a waiver.

b. Documentation to Support Waiver. In order for a waiver to be approved, the casefile must document the client's status as a student, in the military, or incarcerated. A client who has enlisted in the military will be requested to submit copies of the induction or discharge papers. A student shall be requested to submit copies of transcripts for the current school year.

8. Review by Team Leader and Relocation Operations Manager. The HPL Residence Record will be forwarded to the Team Leader, who may require additional field investigations and documentation before recommending the add/delete action. The Counseling Team Leader will route the form to the Relocation Operations Manager and the Deputy Director after completing the review.

9. Approval by Deputy Director. The Deputy Director will approve or disapprove the change to the HPL residence record.

10. Data Entry. Following the Deputy Director's approval, the form will be routed to the Information Systems Team Leader who will perform data entry and initial the form. The original will be routed to the data room for the casefile and a copy will be retained by IS.

SECTION 1400 COUNSELING SERVICES

SUBJECT 1460 Post Move Counseling Services

AUTHORITY: 25 CFR 700.135.

POLICY.

After the client has moved into the relocation house, the Office of Navajo and Hopi Indian Relocation will provide post move services for two years. Post move services fall into two categories: housing services and counseling services.

Housing Services.

1. Warranty. The ONHIR enforces State of Arizona requirements for a two year warranty on all new construction homes built in Arizona, and also on homes built on the Navajo Reservation regardless of the state in which they are located. Houses built off-reservation out-of-state are warranted according to state or local law. Resale houses may be covered by warranty, depending upon their age and location. The Office's responsibility for assuring that any defects in original construction will be corrected by the contractor is described in the **Warranty Program Procedures, MM#1560.**

2. Home Maintenance Training. The Office will conduct home maintenance training with all clients within 60 days of their relocation. The Home Maintenance Training Program Procedures are described in **MM#1575.**

Counseling Services.

The two year period following relocation is a transition period during which staff of the ONHIR will maintain direct contact with relocatees to the extent described in this section. As of the date of this revision of MM#1460, the ONHIR will not contract for post-move counseling services as it has in previous years. A client's participation in the post move services program will terminate after two years. Under limited circumstances as authorized by ONHIR management officials, services may be extended beyond two years on a case by case basis.

PROCEDURES.

1. Contact Schedule.

Generally, the relocation specialist who works with a client during pre-move will continue to work with the client after he/she has relocated. Clients will be contacted once after relocating, within the first four months. Additional contacts may be scheduled as requested by the client or as directed by the Team Leader, until the post move period expires.

2. Making A Contact Appointment.

For purposes of these procedures, "contact" means a person-to-person discussion between the specialist and the client, either by phone or visit to the client's house, as dictated by program needs.

1. Client Contact Report. Clients who have relocated who require a post move visit are listed on the automated client contact report, which is generated and delivered to the specialists monthly. The report shows the date when a contact is due.

2. Scheduling the Appointment. The specialist will phone or write the client and make an appointment for a home visit. If a client cannot be contacted by phone and is not responsive to a letter, the specialist may include the contact in a schedule of pre- and post-move visits to the geographic area where the client has moved.

3. Rescheduling Appointments. If the client is not home at the scheduled appointment time, the specialist will reschedule the home visit. If the counselor is unable to make personal contact with the client after two attempts, the specialist will write to the client and tell him/her that the specialist will leave it to the client to initiate further contact.

4. Clients Relocated to Distant Locations. Clients who have moved out of state further than New Mexico or Utah, or beyond the Four Corners area will generally be contacted by phone or letter. Home visits may be made upon written documentation of need with the approval of the Deputy Director.

3. Purpose of Contact

General. The specialist will contact the client in order to gather information about the client's situation since relocating, and to provide the client with information about local service agencies which may be able to assist the client, if referral assistance is required. In exceptional circumstances the specialist may provide limited informal counseling during assessment of the client's need for referral to appropriate service agencies.

The post move contact will have three principal concerns.

1. The Relocation House. The specialist will discuss the client's adjustment to the new house, and any concerns the client may have about the house. The specialist will remind the client that if there are problems which may be covered by warranty, the client should contact the Inspections and Compliance Branch (ICB) before the warranty expiration date and request an inspection. The client may phone or write ICB about the problem; or the specialist may help the client fill out the top portion of the Warranty Complaint Form (form MM#1560.1). The specialist will turn in the form to the ICB secretary upon return to the office.

2. Referral Needs. The specialist will discuss the client's need for referral services. The specialist will ask the client if he/she is utilizing services available from local service providers, and the results of the client's contacts with the service agencies. The specialist may intercede with service providers on the client's behalf. The specialist will record the client's referral service needs on the Record of Post Move Counseling Visit, form MM#1460.1.

3. General Update on the Family's Situation. The specialist will inquire into the other subjects listed on the Record of Post Move Visit, including: employment, income, school enrollment of children. The specialist will check on the client's continued receipt of non-wage income/resources, such as Social Security, AFDC, Food Stamps, etc. The specialist will complete the Record of Post Move Visit within one week of the contact visit. Additional information may be recorded on the Case Narrative form.

SECTION 1500 INSPECTIONS AND COMPLIANCE

**SUBJECT 1520 RESERVATION LAND LEASES, ASSIGNMENTS, AND
OTHER TYPES OF ACQUISITIONS.**

POLICY.

A client who wants to relocate to reservation lands must first obtain a lease or assignment issued by the tribe exercising jurisdiction. The Office of Navajo and Hopi Indian Relocation will administer an in-house homesite lease program to assist the client with lease and assignment processing. The homesite lease program will be administered by the Inspections and Compliance Branch (ICB). The process followed by ICB in assisting a client with a lease acquisition will vary according to the type of acquisition and location of the site.

The majority of leases requested by clients are located on the Navajo reservation, and the Office will contract for homesite lease processing by the Office of Navajo Land Administration (ONLA). Guidelines established by ONLA for homesite lease applications are set forth in MM#1520 Attachment A (NOTE: Those sections of Attachment A regarding homesite certificates are not applicable to relocation clients). In addition to leases located on tribal lands on the existing Navajo reservation, ICB will assist clients with residential leases on private land allotments; land assignments on the Hopi reservation; New Lands rural community and range cluster housing leases; leases awarded by other tribes; subdivision leases; and a few other types of land acquisitions.

PROCEDURES.

1521 HOMESITE LEASES ON THE EXISTING RESERVATION: INITIAL APPLICATION PHASE.

General. Homesite lease processing generally takes place

concurrently with the social counseling phase of case processing. A client must be certified for benefits in order to receive lease processing assistance from ICB. Clients will be referred to ICB for homesite lease assistance by other agency branches, as soon as the case worker learns that the client wants to pursue a homesite lease on the reservation.

A certified client may contact the Office of Navajo Land Administration (ONLA) independent of the relocation process in order to obtain a lease application packet and start the lease acquisition process. However, as soon as ONLA learns that the client is a certified relocatee, the client's lease application will be integrated into the ONHIR contract.

When a client contacts ICB about a homesite lease, staff will check the automated records to verify that the client has been certified eligible for benefits. The staff will interview the client about the proposed location of the lease to determine which type of application is appropriate, and will advise the client about the actions which the client must take during the application process.

ICB staff will be available to travel to the client's home to explain the lease application process and assist the client to fill out the application documents. In special circumstances as approved by the Supervisor, ICB staff may provide the client with transportation incidental to obtaining local approval.

1521.1 Application for Homesite Lease.

1. Clients who want to build their relocation house on a homesite lease generally come to the ICB office to get an application packet. Packets may also be sent to the client by mail.

2. The clerk/steno will give the client a copy of MM#1520 Attachment B, homesite lease application packet, containing forms and instructions for leases on the existing reservation. The client will be instructed to return the forms in the packet to ICB, completed as follows:

a. Completed homesite lease application form, with 8 signed copies of the signature page.

b. Consent to Use Navajo Tribal Lands, signed by the permittee and the Grazing Committee Member.

c. Sketch of the map location of the homesite.

In addition, the client must submit:

a. Chapter resolution approving the homesite lease assignment, signed by the chapter officials.

b. Money order for \$10 payable to the Navajo Tribe, which will be reimbursed to the client as part of the homesite lease search reimbursement.

c. Search expense claim, if the trip to pick up the application packet was independent of a counseling interview.

3. The client will be instructed to obtain and provide ICB with a copy of the Certificate of Indian Blood (tribal enrollment form) which provides the client's name and census number as recorded on official tribal rolls. The client's name and census number on the homesite lease application must correspond with the information on the Certificate of Indian Blood.

If the client is legally married, both the client and spouse must apply for the lease.

4. The clerk/steno will perform data entry of the date the client picked up the application documents (date appl doc recvd by client).

1521.2 Receipt of Completed Documents.

The documents which comprise the initial application packet may be returned together or separately by the client. As the documents are received, the clerk/steno will perform the following functions.

1. Document Review. The clerk/ steno will review the _____ application documents for the following:

a. All forms must be filled out completely, and signed by the required signatories.

b. The client and spouse names, signatures, and census numbers recorded on the forms must be identical in all respects to the names and census numbers recorded on the Certificate of Indian Blood or family card. (NOTE: The Navajo Tribe stopped issuing family cards in 1988. However, the family card may be used in lieu of a copy of the Certificate of Indian Blood by clients who began the homesite lease application process before the change in tribal policy was instituted).

2. Client Lease File. The clerk/steno will prepare a file _____

folder (the client lease file) for the client. Copies of all documents associated with the lease acquisition process will be inserted into the file, which will be the principal working file during homesite lease activity. Documents will be filed according to activity, which generally occurs in chronological sequence. (homesite lease, archeological clearance, feasibility study, water and sanitation facilities, utilities - electricity, solar).

The file label will state the client's name and casefile number. It will be color coded to indicate the activity phase. The initial label will have a blue line, which indicates that the application forms are complete and an initial feasibility study is the next step.

The file folder will be maintained by ICB until all homesite lease activity has been completed; at that time the clerk/steno will integrate the lease documents into the main client casefile.

3. Data Entry. The clerk/steno will perform data entry of the following information:

- date lease documents returned to ONHIR
- consent form returned (Y or X: not applicable)
- chapter resolution (Y or X: not applicable)
- money order (Y or X: not applicable)

4. Follow-up With Client. If the client has returned some but not all of the documents, and a month has passed since the most recent document was received, the clerk/steno will send the client a letter reminding them to submit the document(s) needed to complete the packet. If the client fails to respond to the reminder letter within a month, the clerk/steno will send another letter, and will notify the counselor that assistance is needed to encourage the client to complete the application.

ICB will not contact a client who picks up a packet but fails to submit any documents. Prior to the six month update, the counselor will check the lease inquiry file to determine the status of the client's lease application. If the file reveals that the client has received a packet but has taken no action, the counselor will discuss this issue during the update contact.

1521.3 Initial Feasibility Study.

1. When all of the initial lease documents have been received, the client lease file will be routed to the ICB Supervisor. The Supervisor will review the file and will assign the case to an engineering technician to perform the initial feasibility study. Studies will be assigned according to geographic location, as

each of the engineering technicians is assigned to a different area. The Supervisor will maintain a manual suspense file of the date the feasibility study was assigned.

2. Upon receiving the case assignment, the engineering technician will send the client a letter requesting that they call to schedule a field appointment at their lease site.

3. During the field appointment the engineering technician will observe and take notes on the factors outlined in Form MM#1521.1. The feasibility study will be completed within 15 days of the field visit. Report preparation will follow the steps on MM#1521.2. The report will include the following:

- cover memo
- map showing reservation location of the lease
- topographic map with plotted location of the lease
- homesite sketch
- surface soils analysis

4. The clerk/steno will review the typed study for completeness, and will perform data entry of the date the feasibility study was performed, the result of the study (code table 57), and NPL status (I=inside; O=outside).

5. The feasibility study will be routed to the Supervisor for review. The Supervisor will note the date the study was performed in the suspense file and discuss the report with the technician as necessary. Studies which are outstanding more than three months after assignment will be staffed by the Supervisor and the technician to identify and resolve problems.

6. The completed lease application and initial feasibility study will be transmitted to the Office of Navajo Land Administration by certified mail; or in person during the monthly coordination meetings held by ICB with ONLA staff.

1521.4 Coordination with the Office of Navajo Land Administration (ONLA).

1. The ICB staff will hold monthly meetings with ONLA staff. The following activities will take place at the meetings.

a. ICB will provide ONLA with a comprehensive updated list of all leases which have been transmitted to ONLA for processing and have not yet been completed and returned to ONHIR. Completed application packets received during the preceding month may be transmitted to ONLA staff.

b. Problem cases and methods for their resolution will be discussed.

2. In addition to the monthly meetings, ONLA will submit monthly reports of

activity under the contract. The monthly report will be reviewed by the ICB Supervisor, who will serve as COTR for the contract; and copies will be routed to the Contracting Officer and to the vendor file.

3. The clerk/steno will enter the date the lease was transmitted to ONLA in the automated records (date lease forwarded to Tribe). The application will be processed by ONLA as illustrated on the diagram included in MM#1520 Attachment A. Upon receipt of the monthly report, the clerk/steno will data enter the lease completion stage for each lease being processed (code table 59).

4. After the cadastral survey has been performed and the survey plat has been prepared, ONLA will send a copy of the plat to ICB in advance of the approved lease application. ICB staff will initiate a request for archeological assessment when the survey plat is received (see MM#1522).

5. After all approvals of the lease application have been granted by Tribal and Bureau of Indian Affairs Officials, ONLA will send the completed lease documents to ICB. The clerk/steno will record the date lease returned from ONLA, and will change the label on the client homesite lease file from blue to red, indicating an approved lease, pending archeological clearance.

1522 ARCHEOLOGICAL ASSESSMENT.

General.

_____ Pursuant to 36 CFR 800, the Office of Navajo and Hopi Indian Relocation shall determine if construction will affect cultural or historic properties. In order to make this determination, the Office will conduct an archeological assessment for each homesite lease and adjacent land which will be used for relocation housing and associated utility lines.

As a general rule, the Office will contract with the Navajo Nation Archeology Department (NNAD) to conduct archeological assessments of individual homesites located on the Navajo reservation outside of the New Lands. These procedures describe the process which will be followed in requesting and evaluating individual lease assessments conducted by NNAD. Equivalent procedures with modifications appropriate to the circumstances will be followed in conducting archeological assessments on the Hopi reservation and other Indian reservations which grant homesite assignments.

ICB will perform the administrative functions associated with archeological assessments. The Cultural Resources Manager (CRM) will review the survey reports and will serve as a consultant to ICB regarding the mitigation actions to be taken when cultural resources will be impacted by construction activities.

The archeological assessment process is illustrated on Form MM#1522.4.

1522.1 Requesting an Archeological Survey.

1. When the survey plat of the homesite lease is received by ICB from ONLA, the clerk/steno will prepare a request for archeological assessment by NNAD utilizing Form MM#1522.1. The clerk/steno will separate the requests according to whether or not the IHS service line should be included in the survey. The clerk/steno will type in the client's name, casefile number, chapter, and the name and phone number of the IHS contact (if a water line survey is needed).

2. The clerk/steno will attach the survey plat and the initial feasibility study, consisting of the cover memo, reservation location, topographic map, and homesite sketch; and will route the form to the ICB Supervisor for review and signature.

3. The ICB Supervisor will check the amount remaining in the contract for archeological surveys, and determine if the current request would over-obligate funds remaining in the account. If so, the Supervisor will inform the Contracting Officer who will modify the contract to provide the funds necessary for the requested surveys. The Supervisor will review and sign the memo and return it to the clerk/steno.

4. The original memo with attachments will be sent to the director of NNAD in Window Rock. Copies of the memo without attachments will be routed to the Contracting Officer, the vendor file, and the CRM. Copies will also be placed in the ICB client homesite lease files.

5. The clerk/steno will also send a copy of the memo with the topographic map location and the homesite sketch to the appropriate IHS (Office of Environmental Services) contact. Use of cover letter MM#1522.2 is optional. The names, phone numbers, and addresses of the IHS contacts can be obtained from the IHS District Engineer whose offices are located in the ONHIR complex.

6. The clerk/steno will perform data entry of the 'date survey requested' from the date on the memo.

1522.2 Tracking Outstanding Survey Requests.

On the first of each month the clerk/steno will run a retrieval report showing archeological assessments which have been requested but not received from NNAD. The Supervisor will review the report, and will contact NNAD about any reports which are two months or more overdue.

1522.3 Reviewing the Assessment Reports and Determining Action.

1. The assessment reports prepared by NNAD will be date stamped by the mail clerk and routed to the ICB clerk/steno, who will perform data entry of the date the report was received.

2. Within three days of receiving the report the clerk/steno will prepare Form MM#1522.3 (clearance form) for each report. Form MM#1522.3 is a simplified version of Form MM#1820.1 which is used for all archeological clearances. The clerk/steno will fill out the form as completely as possible, depending upon the complexity of the report. In preparing the forms, the clerk/steno may consult with the ICB Supervisor, the CRM, or Management Analyst as necessary. The clerk/steno will make the following preliminary determinations based upon information contained in the report:

a. Does the report accurately show the client(s) name and casefile number? The casefile number is entered in the upper right corner on Form MM#1522.3 as the ONHIR project number, followed by the NNAD project number and any other relevant project numbers.

b. Did the task order request an IHS service line assessment? If so, the project title on the report should state: "Archeological Survey of the Proposed Homesite Lease and IHS Service Line for". The acreage surveyed and the findings must demonstrate that the service line area was assessed.

If it appears that the service line was not assessed, the clerk/steno will bring this to the attention of the ICB Supervisor, who will contact the NNAD

director and request an amended report.

c. The clerk/steno will copy the following information from the report onto Form MM#1522.3: name(s) of NNAD archeologist(s) performing the assessment; date of assessment; date of report; total acreage inspected (either acres or hectares, or both if listed on the report); method of investigation; and project location. If the range/township location is missing, the clerk/steno will use the UTM center location. If any of the above items are missing from the report, the clerk/steno will call the NNAD director and obtain the missing information by phone. The information may be entered in pen on the report.

d. The clerk/steno will leave the final three entries on the form blank, or will type in wording as provided by the CRM for routine reports. The final three entries describe the number of cultural resources found, their eligibility for protection, and the actions to be taken to mitigate impacts on the resources.

3. If the report recommends that clearance be denied, the clerk/steno will not fill out Form MM#1522.3; but will bring the report to the attention of the Supervisor, who will consult with the CRM to determine alternate action to be taken.

4. The clerk/steno will attach the report to the clearance form and route it to the CRM through the ICB Supervisor. Routing through the Supervisor will alert him to any cases where clearance may be conditional upon mitigation actions which may include moving the homesite, which will require ONLA to prepare a new survey plat.

5. The CRM will review the report and determine if there are resources to be protected. The CRM will consult with the ICB Supervisor on mitigation actions. Following final decision, the CRM will complete and sign Form MM#1522.3, and route the form and report back to the ICB clerk/steno.

6. The clerk/steno will make a copy of the clearance form signed by the CRM for the client lease file. The clerk/steno will send the report and original clearance form to the appropriate state SHPO office by certified mail/return receipt requested; and will send copies of both documents to the Navajo Nation Historic Preservation Office (NNHPO).

7. The clerk/steno will perform data entry of the CRM's determination on notification to proceed (granted, granted with stipulations, or denied), and date the clearance form was sent to the SHPO for concurrence.

1522.4 Follow-Up Actions.

1. The client lease file copy of Form MM#1522.3 will be routed through the ICB Supervisor prior to filing in the client lease file. The Supervisor will take action in accordance with the CRM's determination.

a. If the CRM has granted an unconditional clearance the Supervisor will assign the case to an engineering technician for final feasibility study.

b. If the CRM has granted a conditional clearance, the Supervisor will determine the appropriate action. If the CRM has recommended routine mitigation actions (ie. moving the lease 50 ft. or less; assigning a monitor during construction; erecting a temporary fence during construction) or conditional clearance, the Supervisor will schedule the final feasibility study, and will take necessary action to meet any mitigation requirements (ie. requesting an amended survey plat from ONLA).

c. If the CRM has denied clearance, two alternative courses of action are possible.

(1). The client will have to select a new lease location and begin the application process over again. The application for the initial site will be voided. ONHIR will absorb the costs for administrative processing of the lease, without charge to the client's benefits.

(2). If no other site is available to the client, the CRM will request a proposal and cost estimate for testing the site from NNAD or other archeological contractor. The approval of the Deputy Director must be obtained before a testing plan is undertaken.

2. When the clearance forms are returned by the SHPO, they will be date stamped by the mail clerk and routed to ICB. The clerk/steno will perform data entry of the date of SHPO concurrence, and route the forms through the Supervisor before filing them in the client's homesite lease file.

3. The Supervisor will review the form to ascertain that the SHPO has concurred with the CRM's determination, and that no previously unidentified problems or courses of action have been raised by the SHPO.

Disagreement by SHPO. If the SHPO has disagreed with the

determination, or has submitted unanticipated comments, the Supervisor will contact the CRM who will be responsible for consulting with the SHPO and reaching agreement on the necessary course of action. The CRM will inform the Supervisor of the final decision. The final feasibility study will be postponed until decision is reached.

**1523 FINAL FEASIBILITY STUDY, REQUEST FOR UTILITY ESTIMATES,
AND COMPLETION OF LEASE PROCESSING.**

1523.1 Final Feasibility Study.

1. After the CRM has issued an archeological clearance determination, the Supervisor will assign the case to an engineering technician for final feasibility study. The Supervisor will maintain a manual suspense file of the date the feasibility study was assigned, and the clerk/steno will perform data entry of the date in the automated lease file.

2. Upon receiving the case assignment, the engineering technician will send the client a letter requesting that the call to schedule a field appointment at their lease site.

3. The process and content of the study will follow the process and content of the initial feasibility study, with these additions:

a. The engineering technician will check the survey pins and bearings against the locator points on the survey plat. If pins are missing, the ICB Supervisor will notify ONLA, which will replace the pins according to the terms of the contract.

b. The final study will refer to the archeological clearance, and will update any information which may have changed since the initial study.

4. The final study will be prepared as outlined on forms MM#1521.1 and 1521.2, and will be routed to the ICB Supervisor for review. The Supervisor will note the date that the study was performed in the suspense file and will discuss the results of the study with the technician as necessary.

5. The clerk/steno will perform data entry of the date the final study was performed, and the result of the study. The client lease file label will be highlighted in yellow to indicate that the case has reached the stage of utility cost estimates.

6. The Supervisor will run a retrieval report monthly of outstanding final feasibility studies. Studies which are outstanding more than three months after assignment will be staffed by the Supervisor and the technician to identify and resolve problems. The counselor may be requested to assist ICB in contacting the client and arranging the field appointment.

1523.2 Utility Cost Estimates.

1. After the Supervisor's review of the final feasibility study, the client lease file will be routed to the engineering technician stationed in The Flagstaff office. The technician will request utility cost estimates for individual site hookups.

a. Electricity. Estimates for connecting the house to

electrical power will be requested from the utility authority serving the area:

NTUA: Serves the majority of sites on the reservation.
Estimates will be requested from the NTUA district office.

APS: Serves Tuba City and vicinity.

Continental Divide Electric Cooperative (CDEC): Serves the area of Sanders, Houck, Wide Ruins, and vicinity.

City of Farmington: Serves reservation lands in the Farmington area.

Jemez Utility Co: Serves the checkerboard area.

b. Water/sewer. Estimates for connecting the house to

community water service and installing a septic tank or connecting to community sewer lines will be requested from the Indian Health Service (IHS).

2. The engineering technician will issue a letter requesting that utility estimates be submitted within 60 days. In addition, IHS will be requested to prepare a plot plan showing the location of the water and sewer stubouts.

3. When the cost estimate is received, the engineering technician will review and accept it. If the cost appears excessive in relation to similar projects, the ICB Supervisor may contact the utility company and question the amount.

4. Cost estimates are valid for six months. If more than six months pass between the time the estimates are received and house construction begins, the estimates must be updated. IHS estimates may be updated by the technician without a letter to the agency; a 3% increase will be calculated into the original estimate. However, the estimate for electric service must be updated by the provider. The technician will develop a letter to the utility company requesting a revised estimate. ONHIR will pay NTUA a \$50 revision fee.

5. The engineering technician will insert the utility estimates into the client lease file and route it to the clerk/steno. The clerk/steno will route the file to the ICB Supervisor after performing data entry of the following information:

a. Electricity:

- company providing electrical service (code table 70)
- date the cost estimate was requested
- date cost estimate received
- estimated cost
- electrical service feasibility (code table 60)

b. Water/sewer:

- agency providing water service (code table 71)
- date the IHS estimate was requested
- date cost estimate received
- estimated cost
- water service feasibility (code table 60)
- type of sanitation facilities (code table 72)

Infrastructure Projects. The engineering technician will not

handle utility costs for clients participating in infrastructure projects; costs associated with group projects will be calculated by the Supervisor based upon prorata share of the full project cost.

1523.3 Completion Stage.

1. The Supervisor will review the completed lease file and will fill out p. 3 of Form MM#1010.1 (Tracking Form) and will perform data entry of the date that the client becomes 'HR' (housing ready). The Supervisor will verify the actual relocation site. The lease status will be updated to show 'C' processing stage.

2. The Supervisor will clip the Tracking Form to the cover of the client lease file and route it to the clerk/steno for action.

a. If the Tracking Form is not in the file when the homesite lease processing has been completed, and the automated records show that the client is 'SC', the Supervisor will return the file folder to office files, to await completion of social counseling activity. If the automated records show that the client is 'CC' but there is no Tracking Form in the folder, the Supervisor will instruct the clerk/steno to contact the assigned counselor and obtain a completed Tracking Form for the client.

3. The clerk/steno will route the Tracking Form to the Housing Acquisition

Branch. The documents relating to homesite lease processing will be removed from the client homesite lease folder and integrated into the main client casefile. The lease file will be relabeled as the "Plan Check" file, and documents relating to the construction of the relocation house will be inserted into the file folder as the client goes through the construction phase of relocation processing.

1523.4 Action Upon Receipt of Relocation Contract.

1. The Housing Acquisition Branch will route a copy of the executed relocation contract to ICB. The copy will be filed in the client's plan check file.
2. A form letter will be issued to the utility providers, informing them of the anticipated construction completion date.
3. The estimated costs for water and electricity which were entered in the automated lease file at the time of utility data entry will be updated with actual costs incorporated into the relocation contract.

1524 RESIDENTIAL LEASES.

A client may obtain a residential lease within an area of reservation or non-reservation land which has been allotted to individual tribal members, by obtaining the consent of all descendants of the original allottee who share the allotment. Within the boundaries of the Navajo Reservation, the majority of allotted land is located within three governmental regions: the Eastern Navajo Agency, the Western Navajo Agency, and the Fort Defiance Agency. While the residential lease application process required by the BIA is uniform for all agencies, the way in which the process is administered varies among the agencies. This affects the procedures followed by ICB in processing a client's request for a residential lease for the construction of a relocation house.

1524.1 Application for Residential Lease.

1. The client shall obtain a Residential Lease application form (BIA Form 5-1495-MOD) from the BIA/Real Property Management Office (Eastern Agency, Crownpoint; or Western Agency, Tuba City) or from ICB for allotments within the Fort Defiance Agency (see MM#1524 Attachment A and Attachment B for examples).

2. The client shall fill out the form, and will obtain the signatures of all known lessors of the allotment. Three original copies of the signature page(s) must be obtained and submitted to the BIA/Real Property Office. The names of the current lessors are available from the Real Property Office.

a. Clients applying for residential leases in the Fort Defiance Agency may obtain assistance from ICB in completing the form and obtaining signatures of lessors. ICB will type the names of the lessors onto the signature pages, from the allotment and estate card provided by the Fort Defiance Agency. ICB may also provide transportation if the client needs it in order to contact all the lessors and obtain their signatures.

3. Initial Feasibility Study. When the client informs ICB that _____ he/she is seeking a residential lease, a lease file will be set up by ICB. The engineering technician will schedule an initial feasibility study according to the procedures for initial feasibility studies for homesite leases (see MM#1521.3). The study report will be inserted into the lease file.

4. Land Survey. After the initial feasibility study has been _____ performed and the lease area has been approved as suitable for construction, the client shall request ICB to conduct a land survey. The ICB Senior Engineering Technician will submit a written procurement request to the Contracting Officer for a land survey by a licensed land surveyor or engineer. The land surveyor shall supply four copies of the plat, which must include the legal description and

the surveyor's professional registration stamp.

The ICB Supervisor or designee shall assure that the survey plat is complete and conforms to the requirements of the BIA/Real Property Office. If the plat is associated with a lease in the Fort Defiance Agency, the ICB clerk/steno will type the legal description onto the lease application. The plat (and lease application, for the Fort Defiance area) will be forwarded by ICB to the appropriate Real Property Office. A copy will be retained for the client's lease file.

5. Archeological Survey. Upon receipt of an executed _____ residential lease from the BIA, the ICB clerk/steno will request an archeological survey from NNAD according to the procedures in MM#1522.

6. Completion of Residential Lease Processing. The remainder of _____ activities associated with residential lease processing shall follow the procedures for homesite lease processing outlined in MM#1523.

1525 HOPI LAND ASSIGNMENTS AND LEASES ON OTHER INDIAN RESERVATIONS.

1525.1 Hopi Land Use Assignments.

General. Land assignments requested by Hopi clients for relocation housing purposes will follow a lease process equivalent to Navajo homesite lease processing.

1. Application. A client shall apply to the Hopi Tribe for a land use assignment. Hopi land use assignments are generally 3 acres in size.

2. Initial Feasibility Study. When the client informs ICB that he/she is seeking a land use assignment from the Hopi Tribe, a lease file will be set up by ICB. The engineering technician will schedule an initial feasibility study according to the procedures for initial feasibility studies for homesite leases (see MM#1521.3). The study report will be inserted into the lease file.

3. Land Survey. After the initial feasibility study has been performed and the lease area has been approved as suitable for construction, ICB will obtain a land survey. The ICB Senior Engineering Technician will submit a written procurement request to the ONHIR Contracting Officer for a land survey by a licensed land surveyor or engineer. The land surveyor shall supply four copies of the plat, which must include the legal description and the surveyor's professional registration stamp.

The ICB Supervisor will assure that the survey plat is complete. The original plat will be sent to the Hopi Tribe (OHL) and a copy will be inserted into the client's lease file.

4. Archeological Survey. Upon receipt of an executed land use assignment from the Hopi Tribe, the ICB clerk/steno will submit a memo to the Contracting Officer, requesting an archeological survey. The Contracting Officer will submit a task order to the Office of Hopi Lands, pursuant to the contract between ONHIR and OHL.

5. Completion of Land Use Assignment Processing. The remainder of activities associated with Hopi land use assignment processing shall follow the procedures for homesite lease processing outlined in

MANAGEMENT	SECTION	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SUBJECT	1520	Land Leases	APPROVED
				10/26/90

MM#1523.

1525.2 Other Indian Reservations.

Occasionally a relocation client will apply for a homesite lease on another Indian reservation on which to build the relocation house. While the application, survey, and archeological clearance processing follows the same general outline as for Navajo homesite lease and Hopi land use assignments, there are minor differences in procedures followed by different tribes. The ICB Supervisor will contact the appropriate tribal office and ascertain the process to be followed with respect to the particular application. The Office will reimburse costs incurred by the tribe in processing the client's lease application.

1526 SUBDIVISION LEASES.

The Office will construct a relocation house on a lease located in a subdivision developed on reservation land which has been withdrawn for such purpose. As of the date of issue of these procedures, subdivisions have been withdrawn for development in Fort Defiance (Blackrock Acres) and Shiprock (Shiprock Northwest). Subdivisions are proposed for Tuba City, Red Lake and LeChee. The New Lands rural community and range cluster residential developments are considered a type of subdivision development; New Lands homesite lease processing is described in MM#1800 (to be developed).

Lease processing is similar for all subdivisions, but there will be differences depending upon the nature of the development.

1526.1 Subdivision Homesite Lease Processing: Blackrock Acres and Shiprock Northwest.

1. The ICB Supervisor will obtain a copy of the master lease agreement, survey plat, and archeological clearance for the approved subdivision withdrawal. Copies of these documents will be inserted into the lease file for each client who obtains a lease assignment within the subdivision.

2. A client who wants to acquire a lot within a subdivision shall apply to the developer for a lot assignment.

3. The developer shall assign the client a lot within the subdivision and prepare an assignment agreement. The client and the president of the housing corporation shall sign the agreement and have their signatures notarized.

4. The developer will send the signed agreement to the Tribal offices for approval by the Tribal President; and to the BIA offices for approval by the agency superintendent.

5. After the lot assignment agreement has been approved by the Tribe and by the BIA the developer will send a copy of the executed agreement to ICB. Upon receipt of the agreement, the Supervisor will attach a copy of the subdivision plat showing the location of the client's assigned lot within the subdivision. At this point the lease is complete and the client will be coded HR (housing ready). The feasibility study and utility estimate phases of homesite lease processing are not required for a subdivision lease.

1527 PRIVATE LAND.

1. A client may seek to purchase a parcel of private land surrounded by reservation land, for the construction of the relocation house. The ICB engineering technician will conduct an initial feasibility study. If the study finds that the parcel is suitable for construction, the technician will conduct a title search of county records, to verify that the seller holds clear title to the property, and there are no liens on it.

2. After the title has been verified, the client will negotiate with the land owner for the desired parcel. After they have reached agreement on the location and size of the lot, ICB will arrange for a land survey. The ICB Senior Engineering Technician will submit a written procurement request to the ONHIR Contracting Officer for a land survey by a licensed land surveyor or engineer. The land surveyor shall supply four copies of the plat, which must include the legal description and the surveyor's professional registration stamp.

3. Upon receipt of the survey plat, the ICB clerk/steno will submit a memo to NNAD requesting an archeological survey pursuant to the contract between ONHIR and NNAD.

4. Final Feasibility Study and Utility Estimates. If the lot is part of a subdivision (ie. Apache subdivision at St. Michael's), ICB will not conduct a final feasibility study or request for utility estimates. If the lot is not located within a subdivision (ie. New Mexico checkerboard area), a final feasibility study and request for utility estimates will be conducted according to procedures in MM#1523.

5. Data Entry. Private land acquisition is recorded as 'acquisition type "P"' in the automated records, even though the lot may be located within a subdivision.

MANAGEMENT	SECTION	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SUBJECT	1520	LAND LEASES	APPROVED
	SUBHEADING	1528	Relinquishment/Retention	04/01/92

1528 RETENTION, RELINQUISHMENT, AND ASSIGNMENT OF A HOMESITE LEASE.

POLICY:

The Office of Relocation has determined that it may expend Federal funds to assist relocatees to obtain a homesite lease on the reservation on which to build their relocation house. Accordingly, the ONHIR has contracted with the Office of Navajo Land Administration (ONLA) for administrative processing and land survey, and with the Navajo Nation Archaeology Department (NNAD) for archaeological assessments required for site clearance. Costs for these services will be paid from housing funds.

Only one site may be acquired by the ONHIR for the replacement house. A client who acquires a homesite lease with ONHIR assistance but changes their mind about their relocation site and selects a new location must make a decision about the disposition of the original lease application. The client may retain the lease, or may assign it to another individual, or may relinquish it. Acquisition fees paid by the ONHIR for the original site will be charged to the client's relocation benefits, unless the charge is waived by the Deputy Director pursuant to section 1528.4.

Tribal Policy. At the time of the development of these procedures, the Navajo Nation will allow a tribal member to have more than one lease, but the leases must be in different chapters. A client who chooses to retain a homesite lease and pay the associated fees for lease processing in order to apply for a lease in another area, should be advised that tribal policy is subject to change. If in the future the Nation cancels leases which relocation clients do not use for relocation housing, the Office will not reimburse a relocatee for any fees forfeited as the result of tribal action.

PROCEDURES:

1528.1 Client Advisement.

At the time the client receives a lease application packet, the ICB staff will inform the client of the ONHIR's contracts for expedited lease processing with ONLA and NNAD. The client will be informed that ONHIR will pay the costs for processing the homesite lease application provided the client intends to have their house built on the lease. The client will be informed that if they change their mind about moving to the homesite lease after the application has been sent to ONLA for processing, lease acquisition costs may be charged against their benefits. The client will be asked to sign Form MM#1528.6 acknowledging this policy. The client will be informed of the retention, relinquishment and assignment alternatives if they change their mind about the relocation site.

MANAGEMENT	SECTION	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SUBJECT	1520	LAND LEASES	APPROVED
	SUBHEADING	1528	Relinquishment/Retention	04/01/92

While the client is in SC and CC status, the counselor will repeat the information provided by ICB.

If the homesite lease is located in an area to be served by an infrastructure project, the ICB staff member and counselor will inform the client of the amount of the infrastructure entitlement which has been committed to the project. The client will be advised that if they withdraw from the project, their infrastructure funds will remain committed and this amount may be deducted from the infrastructure amount which they will receive at their new site (see MM#1530).

1528.2 Client Decision Not to Move to the Homesite Lease.

If the client changes their mind about the relocation site, the following options are available depending upon the stage which lease processing has reached. The client will be referred to ICB to complete the appropriate paperwork.

1. Cancellation. If the lease application is still in the initial stages of local approval and initial feasibility study and has not yet been sent to ONLA for processing, the lease application may be cancelled with no charge to the client's benefits. The documents submitted by the client will be stamped "void" by the ICB secretary and routed to the data room to be filed in the client file.

2. Retention. A client who wants to retain the lease even though they have decided to move elsewhere must fill out form MM#1528.3, Retention of Homesite Lease. The client's benefits will be charged for any ONLA and NNAD services which have been performed. The ICB Supervisor will notify ONLA that the client's relocation house will not be constructed on the homesite, and the lease will be removed from the list of leases being processed under the ONLA contract. A client who retains a homesite lease may not apply for another lease in the same chapter.

3. Assignment. The client may assign, or transfer, the lease to another individual.

a. If the individual receiving the assignment is not a certified relocatee, the action is treated as a relinquishment; see #4 below.

b. If the lease is assigned to a certified relocatee who has not yet relocated, the client will fill out form MM#1528.2, Assignment of Homesite Lease, and the ICB Supervisor will notify ONLA of the transfer. In this case fees will not usually be charged against the client's benefits. The client to whom the lease is assigned must submit a lease application and obtain the consent of the traditional land users and a chapter resolution. After local consent has been obtained, lease processing by ONHIR and ONLA will resume.

MANAGEMENT	SECTION	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SUBJECT	1520	LAND LEASES	APPROVED
	SUBHEADING	1528	Relinquishment/Retention	04/01/92

(1). If the client to whom the lease is assigned is unable to get local approval, the lease will be treated as a relinquishment, with fees chargeable to the original client's benefits.

4. Relinquishment. The client may relinquish the lease to the Navajo Tribe. In this case, the client will fill out form MM#1528.1, Relinquishment of Homesite Lease. The ICB Supervisor will notify ONLA that the application is being withdrawn and all processing action should cease. Processing fees will be charged against the client's benefits according to the stage that lease processing has reached, unless a waiver is granted by the Deputy Director.

5. Relinquishing a New Lands Homesite Lease. Procedures for applying for, and relinquishing New Lands homesite leases are set forth in MM#1820. A client who has received a lease commitment from the New Lands Branch must submit a relinquishment form, Form MM#1528.1a, before they may select another New Lands lot or apply for an off-reservation site or ONLA lease.

1528.3 Charging Processing Fees to Client Benefits.

A client who retains or relinquishes their lease or assigns it to someone who is not a pre-move client will have processing fees which have been paid by ONHIR charged against their housing benefits, unless the charge is waived by the Deputy Director. The amount charged by ONLA and NNAD for services varies according to the circumstances of each lease application. At the time of issuance of these procedures, the fees for ONLA processing are approximately \$1500 up to the survey stage; and approximately \$2500 including the land survey. The minimum charge for an archaeological assessment is about \$250, but the cost can be substantially higher if the site contains historic items and mitigation and resurvey are required.

Recording the Charge to Client Benefits. The ICB Supervisor will record fees to be charged for homesite lease processing and for infrastructure obligation on form MM#1528.5. The form will be filed on top of the homesite lease documentation in the client casefile, for use by the housing specialists in processing obligation documents.

1528.4 Waiver of Processing Fee Charge.

If a client who is subject to the processing fee charge requests a waiver, the request will be determined by the Deputy Director. Requests for waiver of charge to benefits will be considered on a case-by-case basis. If the lease is located in an area to be served by an infrastructure project and the client is also requesting a waiver of the deduction from their infrastructure allowance, this request will be considered at the same time.

1. Recommendation by ICB Supervisor. The client will inform the ICB

MANAGEMENT	SECTION	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SUBJECT	1520	LAND LEASES	APPROVED
	SUBHEADING	1528	Relinquishment/Retention	04/01/92

Supervisor of their reasons for changing the relocation site when they submit the relinquishment or assignment form. The Supervisor will consider their reasons and develop a recommendation to the Deputy Director.

2. Determination by Deputy Director. The Deputy Director will review the client's request for waiver of charges, and the ICB Supervisor's recommendation. The Deputy Director's decision will be communicated to the client in writing by the ICB Supervisor. Valid reasons for the Deputy Director to grant a waiver of fee charges may include, but are not limited to:

- Reasons considered beyond the client's control, such as land dispute or denial of archaeological clearance.
- Client applied for the lease before the New Lands were ready for occupancy, and has now decided to move to the New Lands.
- Client has changed their site to the New Lands as part of an HPL extended family move.
- Client has decided to move to another location because their personal circumstances have changed since they selected the homesite. Legitimate personal reasons may include employment at the new site.
- Changes in the client's household membership or marital situation (ie. marriage or divorce since the application was submitted) make the homesite lease a poor relocation site choice.

A client who disagrees with the decision may request a review by the Executive Director.

MANAGEMENT	SECTION	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SUBJECT	1520	LAND LEASES	APPROVED
	SUBHEADING	1528	Relinquishment/Retention	04/01/92

1528.5 Special Situations.

New Lands Homesite Leases. Cross reference MM#1820.

Procedures relating to applications for New Lands homesite leases are set forth in MM#1820. A client who already has a "Big" reservation homesite lease application in process must dispose of the application before the ONHIR will process an application for a New Lands homesite lease.

Tuba City Subdivision and Equivalent Situations.

Cross reference MM#1734.

The ONHIR has entered into agreements with chapters for the cooperative development of subdivisions, to be occupied by relocatees and non-relocatee chapter members. The demand for lots within the subdivision may exceed the number of lots available, most notably in Tuba City. In this case, the ONHIR will develop a prioritized list of clients to receive lots, based upon factors set forth in MM#1734.

A client who is on the priority list for a lot in the Tuba City subdivision will be removed from the list if/when they apply for a homesite lease somewhere else, or submit a request for an off-reservation move. If they subsequently change their mind again and ask to be put back on the priority list, their name will be added to the bottom of the list, to receive a lot on a first come, first served basis. The client must be advised that when they apply for another relocation site their name will be removed from the priority list, and they may not subsequently change their mind and reclaim their place on the original priority list.

This policy will apply to other development areas where there are fewer lots available than the number of clients who want to move there.

MANAGEMENT	SECTION	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SUBJECT	1530	Infrastructure Projects	APPROVED
				08/19/92

SECTION 1500 INSPECTIONS AND COMPLIANCE

SUBJECT 1530 Infrastructure Projects

CROSS REFERENCE: Management Manual Vol. 4, Sec. 1700,
Subj. 1770: Infrastructure Costs Associated with Replacement
Housing.

POLICY.

In order to provide a client with decent, safe and sanitary housing, pursuant to P. L. 93-531, the Office of Relocation may engage in cooperative agreements with agencies such as the Indian Health Service and Navajo Tribal Utility Authority to extend water and power to relocation homes. The ONHIR may contribute 100% of the per household cost for each relocatee household that is in the process of acquiring a homesite lease in the area to be served by the project. In addition, the ONHIR may contribute an amount up to 30% of the per household cost for relocatees who moved to the community prior to the infrastructure project, and may contribute up to 30% for remaining project costs.

The per household share will be paid from the client's infrastructure allocation, which is an amount not to exceed 30% of the total housing benefit plus infrastructure cost.

Infrastructure project costs will be paid from Discretionary Funds, pursuant to 25 CFR 700.451.

On a per household basis, the cost to the Government for the construction of new infrastructure is substantially higher than the cost to connect a relocation house to existing infrastructure systems. Once an infrastructure construction project is underway, the withdrawal of a client may jeopardize the entire project by increasing the per house cost to a level which may result in cancellation of the project. This may adversely affect the opportunity of other clients to obtain grid electric and/or water to their homes. For this reason, once an interagency agreement has been executed, funds committed to an infrastructure project from client infrastructure allocation will remain committed to the project even though the client changes their mind about the relocation site and withdraws from the project. Clients will be informed of this policy by the Inspections and Compliance Branch at the time they submit an application for a homesite lease located in the area of the infrastructure project.

PROCEDURES.

General. Proposals to extend water and/or power into areas of the Navajo reservation where relocation housing is being built may be initiated by any one of the involved agencies. The process of identifying the need for an infrastructure project and working out the details has evolved since the ONHIR was first established. During the earlier years of the relocation program, when large numbers of relocatees were moving to areas of the reservation where there were no water/power lines, the Relocation Commission initiated negotiations with IHS and NTUA for the extension of infrastructure, and funded a major proportion of project costs.

As of the date of these procedures, infrastructure projects on the existing Navajo reservation are typically initiated by the IHS or NTUA. The ONHIR participates in such projects in proportion to the number of relocatees living in or moving to the area to be served.

The Inspections and Compliance Branch will have operating responsibility for determining if participation in an infrastructure project on the existing reservation may be feasible.

1530.1 Interagency Agreements with the Indian Health Service.

General. In 1988 the ONHIR and the IHS executed an interagency agreement for the construction of sanitation facilities for relocation homesites. If a particular infrastructure project exceeds \$150,000 or requires the contribution of IHS funds, a Memorandum of Agreement (MOA) will be executed which sets forth the specifications of the project and mutual obligations of the two agencies.

1. Preliminary Feasibility Study. In cases where water line extension is proposed, a preliminary feasibility study may be initiated by the IHS and presented to ONHIR; or may be requested of IHS by ONHIR. The study will take into consideration the number of relocatees who are in the process of acquiring homesite leases in the area, and the number who have already moved there. The District Engineer, Tuba City District, will assign an engineer to assess the feasibility and prepare cost estimates. The District Engineer will submit a report on the preliminary study to ONHIR. The study will outline the work to be done, cost calculations, and nature/amount of committment required from ONHIR, IHS, and the chapter.

2. Development of MOA. The preliminary study will be reviewed by the ICB Supervisor, the Contracts Officer, and the Deputy Director. If the study concludes that water can be extended to relocation houses at a cost which is within allowable infrastructure amounts, considering the clients' infrastructure allocation and other types of infrastructure needs, the Contracts Officer will notify the District Engineer, in writing, of the ONHIR's preliminary approval and request that the IHS submit a formal Memorandum of Agreement for the project.

3. Review and Execution of MOA. When the MOA is received it will be reviewed by the ICB Supervisor, the Contracts Officer, the Finance Officer, and the Deputy Director. Meetings will be held with the District Engineer and other IHS representatives as necessary to reach mutual understanding on project details.

When the MOA has been finalized, the District Engineer will obtain the necessary signatures from IHS offices. The Deputy Director will sign the MOA on behalf of ONHIR. Copies of the signed agreement will be routed to the Executive Director, Contracts, Finance, ICB, and Housing.

1530.2 Interagency Agreements with the Navajo Tribal Utility Authority.

General. In 1989 the ONHIR and the Navajo Tribal Utility Authority executed a master agreement for the construction of electrical power lines and related services on the existing reservation (excluding New Lands infrastructure construction). Individual project proposals shall be approved by means of task orders or an equivalent project description document. ONHIR will assure that the homes which are constructed in the project area will be wired and ready for hookup.

1. Project Proposal. The NTUA will provide the ONHIR with a proposal for the power line project. The proposal will set forth:

a. Description of the work to be done, including the number of miles of power line to be constructed, location of the line and the names of the chapter members, including relocatees, who will be connected to the line.

b. Detailed budget for the project, including the funds which will be contributed to the project by the chapter in which the project is located. NTUA will contribute \$1500 per customer provided the house is wired and ready for hookup.

c. A schedule for the construction of the power line and anticipated date of completion.

d. Any special conditions applying to the project.

2. Review by ICB. The ICB Supervisor review the project proposal and will negotiate details of the project agreement with representatives of the NTUA and the chapter as necessary. The ICB Supervisor will verify the identity of relocation clients who have moved to the area and will be moving in the future. The Supervisor will calculate the authorized amount of ONHIR contribution to the project, based upon the formula stated on p. 1 of this section.

3. Review and Approval by the Deputy Director. The ICB Supervisor will submit the project proposal and cost analysis to the Deputy Director. Additional meetings with project representatives and ONHIR management

officials will be held as necessary to reach mutual understanding on project details.

When the project description has been finalized, the Deputy Director will sign the project description document on behalf of the ONHIR. The ICB Supervisor will distribute copies of the signed project document to the NTUA project representative, and to the ONHIR Finance Branch.

1530.3 Client Participation in Infrastructure Projects.

General. The ONHIR will commit a per-household share for infrastructure construction from the infrastructure allowance of all pre-move clients who have applied for homesite leases in the area to be served by the project. A client who submits a homesite lease application for an area to be served by an infrastructure project will be told the amount which will be applied from his/her infrastructure allowance. If a client subsequently changes their mind about the lease application and relinquishes it, the infrastructure funds will remain committed to the project. This amount will be deducted from the amount required for infrastructure at their new relocation site, unless the deduction is waived by the Deputy Director.

1. Information to Cooperating Agencies. When the interagency project agreement is developed, the ICB Supervisor will verify the names of clients who have moved to the area, and will identify by name, census number and casefile number any clients who are in the process of acquiring homesite leases in the area.

2. Information to the Counseling Branch. The ICB Supervisor will notify the Counseling Supervisor of new infrastructure projects to which the ONHIR has made a financial commitment. The Counseling Supervisor will keep the counselors informed of the projects, so that they know which of their clients are moving to a project area, and be able to advise the clients of potential impact upon benefits if they decide to change their relocation site without a good reason.

3. Client Advisement. The ICB Supervisor will inform all pre-move clients who have applied for homesite leases in the project area of their inclusion in the project. The clients will be advised that if they change their mind about the relocation site and relinquish the lease, the amount committed from their infrastructure allowance will remain obligated to the project, and will be deducted from the amount required for infrastructure at the new site. The client will be requested to sign Form MM#1528.6, acknowledging the commitment of infrastructure allowance funds to the project.

4. Waiver of Charge to Infrastructure Allowance.

Cross Reference MM#1528.4. The Deputy Director may waive the deduction of the amount committed for infrastructure if the lease can be transferred to

another pre-move client; or if the client is granted a waiver of homesite lease processing fees. The request for waiver of infrastructure deduction will be considered at the same time as the request for waiver of homesite lease processing fees. The request will follow the procedures set forth in MM#1528.4, as follows:

a. Recommendation by ICB Supervisor. The client will inform the ICB Supervisor of their reasons for changing the relocation site when they request a waiver of the infrastructure deduction. The Supervisor will consider their reasons and develop a recommendation to the Deputy Director.

b. Determination by Deputy Director. The Deputy Director will review the client's request for waiver, and the ICB Supervisor's recommendation. The Deputy Director's decision will be communicated to the client in writing by the ICB Supervisor. Valid reasons for the Deputy Director to grant a waiver of fee charges may include, but are not limited to:

- Client relinquished the homesite lease for reasons beyond his/her control, such as land dispute or archaeological features on the site.
- Client changed relocation site for legitimate personal reasons, such as changes in marital status or employment at the new site.

1531 ON-RESERVATION INFRASTRUCTURE COSTS.

Cross Reference MM#1770.

General. The Inspections and Compliance Branch shall prepare the On-Reservation Infrastructure Computation Sheet (form MM#1530.1/1770.1) listing estimated infrastructure costs for clients moving on-reservation (excluding New Lands). The form will be completed as part of the plan review process (see MM#1540, p. 6).

1. Cost Estimates. Cost estimates for the items listed in Part A of the computation sheet will be entered by the Engineering Technician based upon initial estimates submitted by IHS for water/sewer; historic experience regarding the costs of propane systems; and the cost estimates submitted by a contractor for a solar photovoltaic system selected by the client, when grid electric is not available.

2. Updated Estimates. If an updated estimate for electrical service is needed, the Engineering Technician will issue a letter to the servicing power company and place the computation sheet in a suspense file. When the response is received, the form will be completed.

3. Subdivision Lot Costs. In order to enter infrastructure costs for subdivision leases located on reservation, the ICB Supervisor will contact the developer in order to obtain information about lot development costs, excluding any land costs associated with lot acquisition (ie. St Michael's private subdivision).

4. NHA Houses. If the client is buying an existing NHA house, the ONHIR will pay infrastructure costs which would otherwise be charged to the client as part of the housing cost, if NHA can provide a statement of the amount of housing cost which represents infrastructure development. Infrastructure costs for NHA houses will not be obtained by ICB, but by the Housing Acquisition Branch while the client is in home search. These costs will not be recorded on form MM#1530.1/1770.1, but will be reviewed and approved by the Housing Supervisor in the same manner as off-reservation infrastructure computations. NHA infrastructure costs exceeding \$10,000 will require approval of the Deputy Director.

5. Totals. After entering the estimated infrastructure costs, the Technician will complete the calculations in Part B of the computation sheet which set forth the percentage required for infrastructure and the amount over \$15,000.

6. Review/Approval of ICB Supervisor. The ICB Supervisor will review and sign the Infrastructure Computation Sheet prepared by the Engineering Technician for on-reservation moves.

7. Approval of Deputy Director. If the estimate exceeds \$15,000 the Supervisor will justify the expenditure, based upon information obtained when

MANAGEMENT	SECTION	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SUBJECT	1530	Infrastructure Projects	APPROVED
				08/19/92

the feasibility studies were conducted. The Supervisor will attach the IHS and NTUA cost estimates and the final feasibility study, and route the computation sheet to the Deputy Director for review/approval. The Director will take action on the case within three days of receipt of the comp sheet and return the completed form to the Supervisor.

8. Plan Check File. The Supervisor will review the Deputy Director's action and place the computation sheet in the Plan Check File, for delivery to Housing Acquisition when plan check is completed.

1532 ALTERNATE SYSTEMS. (cross reference MM#1774 and Policy Memorandum #8)

1532.1 Solar Photovoltaic.

General. Because of the evolutionary nature of solar photovoltaic technology, the ICB Supervisor will be responsible for keeping abreast of the principal changes in the industry and the commercial products available. The Supervisor will determine if a house built on a reservation homesite lease will be served with grid electric or photovoltaic. The following guidelines will be observed, but cases will be reviewed according to the particular circumstances.

1. Remote Sites: Wiring at the Time of House Construction. Houses which are built in remote locations which are not served with grid electric and for which no electric project is planned, will be provided with twenty-four volt SPV systems. Houses will be wired during construction so that grid electric can be connected in the future if electricity is run into the area.

2. Grid Electric Planned But Not Immediately Available. A client may be moving to an area where a grid system is planned but is not immediately available. The ICB Supervisor will advise the client to delay their relocation until grid electric is available. If the client is unwilling to wait, the ONHIR may approve the move and the installation of twenty-four volt SPV paid from the client's infrastructure allowance if the client justifies the request and agrees to the provisions of form MM#1530.2.

Form MM#1530.2 states that the client is aware of the planned electric grid system but wants to move immediately and have SPV rather than wait for grid electric as recommended by the ONHIR. The client must acknowledge that when the project is built, the ONHIR will not come back and connect the house to the grid system. The client must sign the form.

The ICB Supervisor will review the client's request and prepare a recommendation for action by the Deputy Director. The ICB Supervisor will communicate the Deputy Director's decision to the client.

3. SPV As A Housing Option. A client who is having their house built in an area served by grid electric will not ordinarily be provided with solar photovoltaic from the infrastructure allowance. A client who wishes to install a photovoltaic system as an option in addition to grid electric may purchase it from their housing benefit. If the client does not want to be connected to grid electric, but wants SPV and is capable of maintaining the system, and an SPV system is less expensive than grid electric, the ONHIR may approve SPV installation.

The ICB Supervisor will review the client's request and prepare a recommendation for action by the Deputy Director. The ICB Supervisor will communicate the Deputy Director's decision to the client.

1532.2 Cistern Water.

1. Installation of Cisterns and Septic Tanks. Cistern water tanks and pumping systems will be provided from infrastructure funds for houses built in remote locations not served by grid water. The construction contract will provide for the contractor to obtain and install the cistern, pumping system, and septic tank for the house.

2. Installation of Grid Water. The IHS will install septic tanks and water systems for houses built in areas served by grid water.

a. Notification at the Time of Contract Signing. After the relocation contract is signed, the housing specialist will order a check to the IHS for clients who are being connected to grid water but are not included under a prepaid project agreement. The ICB Supervisor will pick up the check when it arrives and forward it to the IHS District Engineer along with the anticipated date of house completion.

b. Notification at the Time of Interim Inspection. At the time the house passes interim inspection, a form letter will be automatically generated to the IHS District Engineer. The letter will inform the IHS that house completion is anticipated in 30 days, so that IHS can schedule the septic tank installation and connection to grid water. The specialist will sign and route the letter to the Engineer.

3. Grid Water Planned But Not Immediately Available. If a client obtains a homesite lease in an area where plans for a grid water system are being developed, contract signing and house construction will be deferred until the project is underway and the house can be connected to grid water when house construction is completed.

MANAGEMENT	SUBJECT	1500	INSPECTIONS AND COMPLIANCE	_____
MANUAL	SECTION	1540	Construction Inspection	APPROVED
				10/18/91

SECTION: 1500 INSPECTIONS AND COMPLIANCE

SUBJECT: 1540 CONSTRUCTION INSPECTION

AUTHORITY: 25 USC 640d-14; 25 CFR 700.53; 25 CFR 700.55

POLICY:

The Office of Navajo and Hopi Indian Relocation (ONHIR) will inspect all replacement housing prior to acquisition in order to ensure that each unit meets applicable federal, state and local housing codes, as adopted by the ONHIR. The Inspections and Compliance Branch (ICB) will have the operating responsibility for conducting inspections.

The construction inspection function will operate in close coordination with the housing acquisition function. The Branch of Housing Acquisition will inform ICB of the acquisition, and the number and nature of the inspections performed will depend upon the type of acquisition and the location of the replacement house.

NOTE: The procedures in this section describe the manual system of record keeping used by ICB at the time of approval of the procedures. It is planned to replace the manual system with an automated system of record keeping and reporting as soon as feasible. At that time these procedures will be revised to describe the data entry and report use associated with the change.

construction. The file will be established to facilitate routing blueprints and other specification sheets, and filing inspection reports and related documents which are received during construction. Plan Check files are not usually established for acquisitions of resale houses or houses already owned by the client which do not require construction. The Plans/Proposal Transmittal Memorandum will be used to route information about these types of acquisitions.

The file folder used during homesite lease processing will be reused for the Plan Check file.

Documents which the housing specialist will extract and provide to the contractor will be filed on the right side of the file. Documents which the housing specialist will use during the acquisition process will be placed on the left side of the file. Underneath these documents on the left side of the file will be documents to be retained in the file until construction is completed. The Administrative Assistant will clip these documents together with a pink "do not remove" note while the file is circulating between Housing Acquisition and ICB.

All Plan Check files will contain the following completed ICB forms: On-Site Clearance Form, Plan Review Form, and Inspection Chart. Other documents to be inserted will vary depending upon where the house is being built. These documents will include:

a. On reservation: Documents placed on the right side of the folder to be given the contractor will include:

- approved homesite lease
- lease location map and final feasibility study (providing directions to the site).
- archaeological clearance document
- IHS plot plan
- cost estimates from IHS/NTUA.

Documents placed on the left side of the folder for the housing specialist to use include:

- Pre-construction worksheet
- IHS plot plan and utility information
- approved homesite lease

Documents placed on the left side of the folder to be retained until construction is completed include:

- Plans/Proposal Transmittal Memorandum
- final feasibility study
- IHS plot plan {4 copies}
- all copies of blueprints submitted by the contractor.
- copies of documents related to house features: Exhibit B, color sheet, change orders, etc.

b. Off-reservation: For new construction houses, all copies of the blueprints plus the description of materials will be placed in the file. The blueprint must show the exact orientation of the house on the lot.

c. Remodel/addition: If the client is requesting remodel/addition to an NHA or existing mortgage house, a Plan Check file will be established and the blueprints and description of materials placed in it.

4. Review by Engineering Technician. The Administrative Assistant will prepare an On-Site Clearance Form and insert it into the Plan Check File, or attach it to the Plans/Proposal Transmittal Memorandum, if no Plan Check file is established for the case. The form will be routed to the Engineering Technician. Within two days the Technician will perform the following review and will complete and sign the form.

a. Utility cost estimates. For on-reservation construction, excluding New Lands and certain subdivisions, the Technician will verify that cost estimates have been received from IHS and NTUA or APS, as applicable to the location. If the cost estimates have been received but are out-of-date and need to be updated, the Technician will issue letters to IHS/NTUA requesting updates. The Technician will also verify that a preliminary IHS plot plan has been received.

b. Floodplain check. For off-reservation acquisitions, the Technician will determine if the house is located in a floodplain. The Technician will determine this by checking FIRM maps in the ONHIR files, or by calling or writing the engineering department of the political jurisdiction in which the house site is located. The Technician will enter the floodplain zone on the On-Site Clearance form .

(1). If the site is not in a floodplain, the Technician will route the Plan Check file to the Supervisory Construction Inspector.

(2). If the site is located in a floodplain (zone A), the Technician will record the information on the On-Site Clearance form and route the file to the Inspections and Compliance Supervisor. The Supervisor will disapprove the site and route the file to the housing specialist, who will inform the client that a new site must be selected.

5. Assigning the Plan Review. When the Engineering Technician has finished the file review, the Plan Check file will be routed to the Supervisory Construction Inspector. Within three days the Supervisory Inspector will review the file and assign the case to one of the construction inspectors for plan review. The Supervisory Inspector will maintain a log of assigned cases.

6. Plan Review. The construction inspector will conduct plan review within 10 working days. The plans will be reviewed for technical adequacy, following the outline of items on the Plan Review Checklist. As the review is conducted, the inspector will make notes on the subjects which should be covered during the pre-construction conference. After completing the review,

the inspector will fill out the Plan Review Form, MM#1540.3, and insert it into the folder.

a. Unsatisfactory/incomplete plans. If the inspector cannot complete the review because required information is missing, or because changes are needed in order for the plans to comply with ONHIR requirements, the inspector will check item #1 on the Plan Review Form, insert it into the green file, and route the file to the housing specialist through the Supervisory Construction Inspector. The inspector will provide as complete a list as possible of all items which need correction or clarification, so that the plans will not have to be returned a second time.

b. Resubmitted Plans. When the housing specialist has obtained information from the contractor on all of the items identified by the inspector, the specialist will insert the information and any revised plans into the green folder and return it to ICB. The Administrative Assistant will log the resubmittal on the Plan Review Data Form and will give the folder to the Supervisory Inspector for assignment to a construction inspector. Assignment and review will follow the process described in #6.

7. Pre-Con Notes. The inspector's notes of items which need to be covered during the pre-construction conference will be routed to the ICB Secretary for typing onto Form MM#1540.4, Pre-Con Notes. The Secretary will complete the typing assignment within two days and return it to the inspector. The inspector will sign the typed Pre-Con Notes and insert the the form into the green folder. The inspector will deliver the folder to the Supervisory Construction Inspector for final review.

8. Review by Supervisory Construction Inspector. Within three days of receipt, the Supervisory Inspector will review the contents of the file and will discuss the plans with the reviewing construction inspector as necessary. The Supervisory Inspector will sign the Plan Review Form and will return the file to the Administrative Assistant.

9. Infrastructure Computation Sheet. If the case involves new construction on-reservation (excluding New Lands and subdivisions), the Administrative Assistant will route the green file to the Engineering Technician for completion of parts A and B of the Infrastructure Computation Sheet, form MM#1770.1. If ICB has received updated estimates the Technician will complete the form within two days. If updated estimates have not yet been received, the Technician will place the Computation Sheet in a suspense file. The Technician will phone the utility company and follow up with a letter if updated estimates have not been received thirty days after the request for updates was issued.

10. Final Review by ICB Supervisor. After the technical reviews have been completed, the Administrative Assistant will deliver the file to the ICB Supervisor. Within three days the Supervisor will review the file and take the following actions.

a. On-Site Clearance Form. The Supervisor will review the

1542 PRE-CONSTRUCTION CONFERENCE

General: Pre-construction conferences will be held for all acquisitions involving new construction. The conference will be held at the time of contract signing. An ICB representative will be present to review the house plans with the contractor, the client, and the housing specialist. All items listed on the Pre-Con Notes will be discussed and resolved, and any/all changes to the plans resulting from the conference will be recorded on the blueprints.

1. Scheduling the Conference. When the Plan Check file is returned to the housing specialist with completed ICB review, the specialist will schedule the pre-construction conference. The conference will include the client, the contractor, the specialist, and the ICB representative. The client will be notified by letter or phone of the date/time scheduled, and requested to phone the specialist to confirm the appointment.

2. Reviewing the Pre-Con Notes. During the conference the ICB representative will review all items listed on the Pre-Con Notes with the client and the contractor. As the items are clarified and resolved, the ICB representative will check them off the list, and will write comments beside the item or will mark the house plans accordingly. After all items are covered, the contractor and client(s) will sign the Pre-Con Notes form, indicating their understanding and agreement to the decisions made on each item.

3. Changes to the House Plans. Both the ICB representative and the contractor will have a set of the blueprints in front of them during the conference. As changes are agreed upon, they will each mark the changes onto the blueprints in red ink. After the conference the ICB representative will double check the changes made by the contractor on his/her set of blueprints and will stamp both copies "Approved" and will initial and date the plans. As time permits during the conference or after it has concluded, the ICB representative will mark the changes on the back up set of plans provided by the contractor, and will approve and date this set.

a. If there are in extensive changes to the house plans, the contractor may be required to submit revised blueprints which incorporate all red line changes. The revised blueprints must be submitted before the contractor schedules a footing inspection. An ICB representative will compare the revised plans with the red lined plans to assure that all approved changes have been incorporated.

b. Changes made to the house plans after the initial plans have been approved must follow the ONHIR's procedures for change orders. See Management Manual section MM#1640.

c. The contractor will be instructed to place his set of the approved plans and all related documents in a secure location at the house site, for reference by the construction inspector during inspections.

1543 INSPECTIONS

General. Five inspections will be conducted as house construction proceeds. These inspections, in the order in which they are conducted, are: (1) footing (2) foundation (3) interim {framing, electrical, plumbing, mechanical} and insulation (4) lath and sheetrock (5) final. Each preceding stage must pass inspection before the next stage is inspected.

1543.1 Preliminary Activities.

1. Plan Check File. After the contract is signed and the Plan Check File is returned to ICB by the housing specialist, within two days the Administrative Assistant will assure that the Plan Check File contains two complete sets of the following documents and is inserted into the ICB file cabinets for reference:

- approved blueprints
- Pre-Con Notes
- Exhibit B
- color sheet

Change Orders: If change orders are executed during the course of construction, the Administrative Assistant will make copies of the approved orders and insert them and any accompanying blueprints into the plan check file.

2. Inspector's Working Files. While preparing the plan check file the Administrative Assistant will provide the inspectors with a copy of the Plans/Proposal Transmittal Memorandum for the case and a copy of the final feasibility study providing directions to the site. If the On-Site Clearance Form contains instructions which the contractor is required to follow during construction (ie. fencing or avoidance), the Administrative Assistant will give a copy to the inspectors. The inspectors will prepare working files for each house under construction. Files are generally set up alphabetically by contractor.

3. Final IHS Plot Plan. After the contract has been signed but before construction begins, the contractor will arrange a meeting with the client and IHS field office representative at the homesite, for clients moving to an existing reservation homesite which will be connected to IHS water. The purpose of the meeting is to reach understanding as to the exact siting of the house in relation to the water line or cistern and the septic tank and leach field. Final decisions about house siting may result in changes to the initial plot plan.

a. If there are no changes to the initial plot plan, the contractor, client and IHS representative will sign and submit a copy of the original plan to verify that a meeting was held.

b. If there are changes to the initial plot plan the contractor

will draw the changes onto a copy of the plan. The contractor, client, and IHS representative will sign the updated plan. A copy of the plan will be submitted to ICB.

The contractor must provide ICB with a signed copy of the plot plan from the field meeting prior to, or at the time of the footing inspection. If the contractor intends to give the plan to the inspector at the time of the inspection, the contractor must inform the Administrative Assistant of this arrangement when the inspection is scheduled. The Assistant will note this on the appointment form.

1543.2 Scheduling an Inspection.

General. The majority of inspections which are conducted are for new construction. Other types of inspections include: warranty complaints submitted by the client, warranty repairs, evaluations of resale houses, and evaluations of houses already owned by a client.

1. Authority to Request Inspection. The office or person who may request an inspection will depend upon the type of acquisition or type of inspection.

a. New construction inspections may only be scheduled or cancelled by the general contractor or designated representative. The contractor will inform the housing specialist in writing of the name of the authorized representative(s).

b. Resale inspections will be scheduled by the Administrative Assistant upon receipt of a Plans/Proposal Transmittal Form from the housing specialist, and verification of floodplain clearance. The inspection appointment may be arranged by either the Administrative Assistant or the realtor/seller.

c. Evaluations of houses already owned by the client will be scheduled by the Administrative Assistant upon receipt of a Plans/Proposal Transmittal Memorandum from the counselor or housing specialist. The Assistant will contact the client to set up an appointment.

d. Warranty inspections will be scheduled by the Assistant according to the procedures set forth in Management Manual section #1560.

2. Geographic Areas. For scheduling purposes, the reservation has been divided into geographic areas numbered 1 through 9. Inspectors are assigned to the areas on a rotating schedule. An inspector will perform all inspections which are scheduled for the assigned area on the day(s) he is scheduled to work in that area. Contractors will be given copies of the map of the geographic areas, and the schedule showing which days each week there will be an ONHIR inspector available for the area. Off-reservation inspections may be conducted en route to or from a reservation area; or may be assigned as a separate inspection.

An inspector who is scheduled to be in the field for longer than one day will call the ICB office each morning to report the results of the previous day's inspections and confirm the schedule for that day.

If there are no requests for inspections for an area on the day scheduled, the assigned inspector will not travel to that area.

Monitoring Visits. An inspector traveling in an area may stop at a construction site even though no formal inspection is scheduled, for the purpose of monitoring construction activity.

3. Scheduling and Cancellations. The contractor will notify ICB to set up an inspection. The contractor must provide a minimum of two days advance notice, calling by 4:00 PM two days prior to the day he wants the inspection. If the schedule for the requested date is already full, the contractor will have to wait until the next date an inspector will be in the area.

The contractor will be informed that the inspection will be scheduled for the morning or for the afternoon. If the contractor needs to know more specifically what time during the morning or afternoon the inspector expects to arrive, the contractor can call ICB or the inspector on the day of the inspection. Due to unforeseen circumstances encountered during travel to distant locations, the ONHIR will not assure a specific arrival time.

If a contractor requests an inspection on short notice, ICB will attempt to accommodate the request (1) if an inspector is scheduled to be in the area, and (2) if an additional inspection can be worked into the schedule.

The contractor may cancel a scheduled inspection by close of business the day before without incurring a penalty. Inspections which are cancelled the day they are scheduled are subject to a reinspection fee of \$150 at the discretion of the ICB Supervisor. The fee may be waived if the inspector has not left for the appointment at the time the contractor's call is received; or if there is other field work which can be substituted for the cancelled inspection.

4. Checking Results of Prior inspections. Generally inspections are scheduled or cancelled by phone. When a contractor calls in for an inspection, the Administrative Assistant will pull the Plan Check file and check that the prior stage passed inspection, and the inspection report is on file. The written report may not be in the file if the inspector is still in the field and hasn't had the opportunity to submit it. In this case, the Assistant may schedule an inspection based upon the inspector's telephone reports of inspection results.

5. Verifying Receipt of Required Certificates. The Assistant will also verify that any required certificates have been submitted. If the contractor intends to give the certificates to the inspector when the inspection is conducted, the contractor must so inform the Assistant, who will note this on the Inspection Appointment Form. The following certificates are required:

a. Certificates Required At Interim. Prior to or at the time of an interim inspection, the contractor must submit (1) truss certificates, (2) concrete delivery tickets, and (3) termite soil treatment certificate. The Assistant will log the receipt of these certificates on the Inspection Chart and route them to the Supervisory Inspector for review. Following review the certificates will be retained in the Plan Check file until construction is completed.

b. Certificate Required at Final. Prior to final inspection, the contractor must submit documentation provided by the appropriate propane or natural gas supplier that gas appliances in the house have been connected to the gas source.

6. Logging the Appointment. When an inspection is requested, the Assistant will make an appointment for the inspector assigned to the area on the next available date and will record the date and morning/afternoon inspection time on the Construction Inspection Appointments Log and on Part A of the three-part Appointment/Inspection Form. The Appointment/Inspection Form will be placed in the assigned inspector's incoming box, set up by days of the week. If the inspector will not be coming into the office before the scheduled inspection appointment, the Assistant will inform him of the appointment by phone, from the information recorded on the Construction Inspections Appointment Log.

The Assistant will fill out the Appointment/Inspection Form completely. In addition to other information, the Assistant will the record name of the contractor or representative who called to request the appointment; the date and morning or afternoon appointment time requested; and the date and AM/PM schedule set for the inspection. If the Assistant is not able to make the appointment for the date or time the contractor requests, the reason will be recorded on the form.

If the contractor cancels the inspection before the inspector leaves for the field, the Assistant will retrieve the appointment form and delete the inspection from the log.

7. Time Requirements. In scheduling appointments, the Assistant will take into consideration (1) approximate time required to conduct each type of inspection, and (2) approximate travel time to and between sites. The inspector will establish the travel route so as to avoid backtracking to the extent possible. Approximate time requirements for the different inspections are:

footing:	20 mins.
foundation:	20 mins.
interim (framing, rough wiring, plumbing, mechanical) and insulation:	1 1/2 hrs.
sheetrock and lath:	15 mins.

final, resale, or already owned
house:

1 1/2 to 2 hours.

warranty complaint or
repair inspection:

variable according
number of items

1543.3 Conducting an Inspection.

General. The standards set forth in the following publications have been adopted by the ONHIR for relocation housing. The inspectors will be equipped with copies of these standards and will apply them in reviewing house plans and conducting an inspection:

Uniform Building Code
Uniform Plumbing Code
Uniform Mechanical Code
National Electrical Code

Additional publications used by the inspectors include:

Building Code Standards
CABO manual of codes for one and two family dwellings
Field Inspection Manual, published by ICBO

1. Materials/Equipment to be Taken into the Field. When the inspector travels into the field, he will take copies of the standards, and the appointment forms and specification sheets for the houses which he will be inspecting. He will also take a supply of inspection checklists as required for the types of inspections which he will be conducting.

Equipment to be taken into the field will include:

- microcassette recorder
- camera
- compass to check house orientation.
- extension ladder and step ladder to reach attic crawl space, examine roof, vents, chimney, truss supports, etc.
- generator to check power to house and electrical outlets, check GFI.
- Wiggins electrical tester to check voltage.
- three prong receptacle tester to check continuity and loose wires in electrical lines.

Three-part checklist forms have been developed for each type of inspection conducted. They are:

- Footing Inspection Checklist
- Foundation Inspection Checklist
- Framing Inspection Checklist

- Plumbing Inspection Checklist
- Rough Electrical Inspection Checklist
- Mechanical Inspection Checklist
- Masonry Inspection Checklist (for block construction)
- Insulation Inspection Checklist
- Drywall/Lath (sheetrock) Inspection Checklist
- Final Inspection Checklist

2. Item Examination. The inspector will locate and examine each item listed on the inspection checklist. Items which pass inspection will be checked off the list. Items which do not pass inspection will be circled. On the bottom of the form under "Instructions" the inspector will reference each circled item by number and will describe the deficiencies in complete, coherent sentences. The inspector will not instruct the contractor how to correct the deficiencies. If additional space is needed, the inspector will use a continuation sheet.

3. Pass/Fail Determination. After completing the examination of each item on the checklist, the inspector will determine whether the construction passed or failed. This determination is recorded on the inspection checklist and also on Part B, Inspection Results, of the Appointment/Inspection Form.

The inspection may pass even though one or more items have been circled. In this case, the inspector will write instructions about the items to be rechecked at a future inspection.

The inspector will direct any questions or instructions to the contractor or designated representative. If the inspector notes problems in work performed by a subcontractor, the problems may be discussed with the contractor or representative, if they are present; or with the subcontractor.

The inspector will give the pink (last page) copies of the appointment form and the checklist to the contractor or designated representative before he leaves the job site. If there is not a representative present at the time of the inspection, the pink copies will be attached to the house plans which are in a secure location at the job site.

a. Reinspections. If the work fails inspection, the contractor must correct the deficiencies before proceeding to the next stage of construction. When the corrections have been made, the contractor will request a reinspection. Ordinarily only those items which failed the previous inspection will be examined.

b. Pass with stipulations. The inspection may pass but the inspector may have comments which need to be brought to the attention of the inspector making the next inspection. The comments will be recorded on both the appointment form and the checklist.

c. Additional Records. If there are significant problems with the job which cannot be easily summarized on the checklist, the inspector will use the microcassette recorder and will dictate the findings to be typed when

he returns to the office.

The inspector may take photographs of items for the record. As a courtesy to the housing specialist, at the time of final inspection the inspector will take photographs of the house for insurance purposes: front and back views of the house, and woodstove installation.

4. Reinspection Fee. If the inspection fails, the inspector will determine if a reinspection fee should be charged. This determination will be entered on the Appointment/Inspection Form. The amount of the reinspection fee is \$150. In making this determination, the inspector will take into consideration the following factors:

- number and extent of deficiencies.
- location of the house and need for a special trip to conduct a reinspection.
- prior performance of the contractor, such as repeated problems with a particular item; or repeated problems on the job being inspected.
- serious safety violations.

The reinspection fee will be deducted from the contractor's next draw when the draw is prepared by the housing specialist.

5. Review of Report. Upon returning to the office, the appointment form and checklist (white and yellow copies) will be routed to the Supervisory Inspector. The Supervisory Inspector will review the reports within one day of receipt, and initial them beside the inspector's signature. In the absence of the Supervisory Inspector, the ICB Supervisor will review the report.

The Supervisory Inspector will discuss the results of the inspection with the construction inspector as necessary. If the Supervisory Inspector changes the pass/fail determination the contractor will be notified by phone and will be sent a copy of the changed form. If the Supervisory Inspector identifies issues/problems which need to be discussed with the contractor, the Supervisory Inspector and ICB Supervisor will inform the contractor of the problems and action to be taken.

6. Forms Distribution. After review by the Supervisory Inspector, the Administrative Assistant will record information from the forms and distribute them within two days.

a. Inspection Chart. The Inspection Chart is a summary record of inspections for each client. It is filled out with basic identifying information and filed on top of other ICB documentation on the left side of the Plan Check File when the file is created. When the checklist and appointment form from an inspection have completed review, the Administrative Assistant will enter on the Inspection Chart the type of inspection, date of the inspection, inspector's initials, pass/fail determination, and reinspection fee determination. The Assistant or designee making the entries will initial them.

b. Inspection Report Log. The Inspection Report Log is a running record of all inspections conducted. It is maintained in a binder, and its principal purpose is to track routing of the inspection reports to Housing Acquisition. The Administrative Assistant will record the client's name, type of inspection, pass/fail determination, date sent to housing, and inspector's initials on the Log.

c. The yellow copies of the inspection checklist and the appointment form will be filed in the Plan Check File.

d. The white (original) copies of the inspection checklist and appointment form will be routed to the Housing Acquisition Secretary, who will distribute them to the specialists. The specialists will make note of the pass/fail determination and reinspection fee determination, and then route the forms to the data room for the client file. Payments to the contractor pursuant to the construction payment contract will be contingent upon receipt of passed inspection reports.

7. Contractor Disagreement with Determination. If the contractor disagrees with the inspector's determination, he may request a review by the Supervisory Inspector or the ICB Supervisor. Disagreements which cannot be resolved at the Branch level may be submitted to the Executive Director through the Deputy Director. Pursuant to the terms of the construction contract, the dispute may also be submitted to the American Arbitration Association by either party. The contractor is not entitled to a time extension while the disagreement is being resolved, unless the contractor prevails and the terms of settlement provide for an extension.

8. Stop Work Order. The ONHIR uses two types of stop work orders.

(1) A failed inspection determination constitutes notice to the contractor that he may not proceed with the next phase of construction until the current phase passes inspection.

(2) If there are major problems with a contract, either the ICB Supervisor or the Housing Acquisition Supervisor may issue a letter to the contractor instructing that all work on the house stop. If the problems relate to construction issues - ie. repeated structural problems - the letter will be issued by the ICB Supervisor. If the problems relate to other issues covered by the Construction Contract - ie. homesite lease dispute; potential contractor bankruptcy - the letter will be issued by the Housing Supervisor. The letter will specify the reasons for the stop work order, and the remedial actions to be taken by the ONHIR and/or the contractor. The supervisors will consult between themselves and with the Deputy Director on a stop work order.

9. Notice to Occupy. The house is ready for occupancy after it passes final inspection. Generally the contractor or realtor informs the client when the house has passed the final, and gives them the keys and a final tour of the house with explanations of the operations of the various features.

10. Completion of Case. When the house has passed final inspection,

1543.4 Out-of-State Inspections.

New Construction Houses.

At the time of plan review, the Supervisory Inspector will contact the jurisdiction within which the house is being constructed to get information about local requirements relating to residential inspection. The Supervisory Inspector will determine if the local requirements are sufficient to ensure that the house will meet ONHIR standards. Ordinarily, if the house is being constructed in a planned subdivision, the ONHIR will accept the standards established for the subdivision. If the Supervisory Inspector determines that the local standards are inadequate, he will inform the Housing Acquisition Supervisor. The ONHIR will work with the client, the contractor, and officials of the local jurisdiction to identify and accomplish the actions required so that the client may get a new house which meets ONHIR standards at the relocation site he/she has chosen.

At the time of the pre-con the ONHIR will specify the inspection reports which will be accepted from the local jurisdiction, and the inspections which will be performed by ICB inspectors. In most cases, ICB will accept local reports of the footing, foundation, and sheetrock inspections; and ICB inspectors will travel to the site to conduct the interim and final inspections in addition to equivalent inspections performed locally.

The Supervisory Inspector will request that the local jurisdiction submit copies of their inspection reports and the certificate of occupancy issued upon completion of construction. The Supervisory Inspector will review the reports, and will route copies to the housing specialist for payment processing.

Resale Houses.

An ONHIR inspector will ordinarily conduct one inspection of a resale house located out of state. In order to assure that any deficient items have been rectified prior to final acquisition, the Supervisory Inspector shall specify the documentation which must be submitted by the realtor/developer.

1543.5 Evaluations of Resale Houses.

Inspections of resale houses will be scheduled as described in 1543.2 Sec. 1 b. The inspector will use the Resale House Inspection Checklist in performing the inspection.

1543.6 Evaluations of Homes Owned by the Client.

Cross Reference: Management Manual Vol. 4 Subject 1730; Specialized Procedures: Existing Houses.

Background. If a client already owns or is in the process of building or buying a home off the partitioned lands at the time the client's relocation plan is developed by the Counseling Branch, two determinations must be made:

1. Is the house decent, safe and sanitary?

Pursuant to 25 CFR 700.187, if the house is not decent, safe and sanitary the ONHIR has the discretion to either 1) repair and remodel the house to bring it up to ONHIR standards, or 2) acquire a new house for the client. If it is determined that the house is decent, safe and sanitary, the second determination comes into play:

2. Does the client want to acquire the existing house as the relocation house?

If the client wants to acquire the existing house as the relocation house, the ONHIR will expend the client's benefits up to the maximum entitlement to bring the house up to code standards. Actions may include razing the house and constructing a new house on the site, if the client is unable to obtain an alternate site in the vicinity.

If the client does not want to acquire the existing house as the relocation house, the Counseling Branch will prepare the case for decision by the Deputy Director.

Procedures.

1. Scheduling an Inspection of a Client-Owned House. An inspection will be scheduled as described in 1543.2 sec. 1 c, upon receipt of a Plans/Proposal Transmittal Memorandum. Requests for inspection of an existing home may be scheduled at two points during case processing:

a. While the client is in counseling, a preliminary inspection must be performed in order to determine if the home is decent, safe and sanitary.

b. If the client wants to acquire the existing house, a thorough, detailed inspection must be performed after the client is referred to home search.

2. Requests Submitted by the Counseling Branch. When an inspection is requested by the Counseling Branch while the client is in Social Counseling, the counselor must attach to the Memorandum a copy of the Survey of Housing Conditions, any photographs of the dwelling, and any additional information which will help in evaluating the dwelling.

3. Conducting the Inspection. The inspector will use the final inspection checklist and continuation form to record information about work needed on the house. If documentation submitted (housing survey and photographs) by the Counseling Branch is clear and comprehensive, it may not be necessary for the inspector to conduct a field inspection of the house.

4. Results of Inspection. The inspector will submit the report on the work required to bring the house up to code to the Supervisory Inspector. The Supervisory Inspector will make a rough estimate of the cost of repairs, and

CONSTRUCTION INSPECTION PROCEDURES

APPENDIX 1. Standards of Conduct for Construction Inspectors.

1. Direct your questions and comments to the contractor, the contractor's representative, or job foreman. It is not appropriate to discuss the work, particularly deficiencies, with the workmen or with clients.

2. Evaluation should be restricted to the adequacy of workmanship, materials, and adherence to approved specifications. It is not appropriate to criticize the design or aesthetic features of the house, such as paint or wallpaper color, cabinet style, etc.

3. Maintain a professional approach. Stick to the duties required for the inspection, and avoid personal comments or political issues related to the ONHIR and its employees, the contractor and his employees, or the clients.

4. Consider alternatives if there are alternatives available to the contractor in meeting the code requirements.

5. Don't accept favors. Review the section of the Personnel Policies Manual relating to Employee Responsibility and Conduct (sec. 735). It is contrary to ONHIR policy for employees to accept gifts or favors, including meals or refreshments, from any persons doing business or seeking to do business with the ONHIR.

6. Treat all contractors equally and conduct all inspections impartially. Each inspection should be performed on a 'clean slate' approach. Even though prior experience has shown that a particular job should be examined carefully, no job should be pre-judged.

7. Don't argue with the contractor in the field; or with any of the contractor's workers or representatives.

8. Don't criticize the contractor to the clients or workmen who are at the job site. Don't give instructions about what should be done to subordinate workers - only the contractor or his authorized representative.

12/30/96

1544 QUALITY ASSURANCE

GENERAL. The Inspections and Compliance Branch will exercise quality control of the inspections process for new construction and warranty by conducting review of the written inspection reports and follow behind field inspections. The purposes of follow behind field inspections are to 1) identify problem areas in construction and inspections, 2) to assure consistency in the application of construction code standards, and 3) identify issues or items such as "acceptable workmanship" which have alternative interpretations and require definition of a uniform standard. Field monitoring will be performed on a regular schedule by the ICB Team Leader.

1. Schedule. The ICB Team Leader will monitor 5%-10% of new construction inspections conducted by ICB inspectors. The inspections to be monitored will be selected at random by the Team Leader, with an approximately equal number of reviews performed for each of the ICB inspectors. An average of one review per week will be conducted by the Team Leader. Two or more reviews may be scheduled for the same day in order to save travel time.

The Team Leader will meet with the inspectors daily in order to find out the routes of travel to the scheduled inspection sites. The Team Leader will not announce in advance the day or days he will schedule follow-up inspections nor the travel route he will follow. The Team Leader will arrive at the inspection site as soon as possible after the completion of the inspection.

2. Conducting the Inspection. The Team Leader will determine if the ICB inspector gave any instructions for corrections, which may proceed independent of the Team Leader's inspection. The Team Leader will not review the site copy of the inspection report done by the inspector. The Team Leader will conduct an independent inspection, using the appropriate construction inspection checklist. If the contractor or construction supervisor is on site, the Team Leader will discuss the ICB inspector's inspection and get any comments which the contractor may have.

The team Leader will bring all copies of his inspection report back to the office; the field copy will not be left at the site.

3. Office Review of Reports. Upon returning to the office, the Team Leader will compare the results of his inspection with the report prepared by the ICB inspector. If there are discrepancies, the Team Leader will take them to the ICB Team for discussion. If there are alternative interpretations regarding the application of standards and the way corrections can be made, the Team will develop a recommendation on the best way to handle the issue.

4. Report to Deputy Director. The ICB Team Leader will submit his report and the inspector's report to the Deputy Director through the Housing/Inspections Supervisor with a cover memo listing any discrepancies and recommendations for handling them. The Team Leader will include any comments and observations which should be brought to the Deputy Director's attention.

MANAGEMENT SECTION 1500 INSPECTIONS AND COMPLIANCE _____
MANUAL SUBJECT 1555 CONSTRUCTION INSPECTION: APPROVED
Contractor Performance Evaluation 9/7/90

SECTION 1500 INSPECTIONS AND COMPLIANCE

SUBJECT 1540 CONSTRUCTION INSPECTION

SUBHEADING 1555 Contractor Performance Evaluation

POLICY.

In 1980 the Navajo and Hopi Indian Relocation Commission, now the Office of Navajo and Hopi Indian Relocation (ONHIR), adopted a program for the inspection of all houses acquired for relocatees. The program as initially instituted and subsequently modified and expanded requires inspections of houses being constructed, at six specified construction completion points, and random monitoring of construction sites by the construction inspectors. The checklists and supplemental notes prepared during the inspections provide routine monitoring of contractor performance, and a method for communicating the ONHIR's evaluations to the contractor.

If review of reports prepared pursuant to routine inspection procedures reveals excessive deficiencies on the part of a contractor, the contractor will be notified. Failure to correct deficiencies following notification will result in remedial action with regard to construction contracting, and may result in the contractor's probation, suspension, or disbarment from further contracting activity.

PROCEDURES.

General. The Inspections and Compliance Branch, in coordination with the Branch of Housing Acquisition, will monitor the performance of contractors who build replacement homes. The Branch may at any time review the record of a contractor whose performance under the terms of the relocation and/or construction contracts is in question.

1555.1 Initial Determination of Deficiency and Warning.

1. The Senior Construction Inspector will have operating responsibility for conducting the initial evaluation of a contractor whose performance is in question, and preparing a report with recommendations to the ICB Supervisor. The Senior Inspector will base the evaluation upon review of reports submitted by the construction inspectors. The Senior Inspector may, at his discretion, inspect job sites.

2. The written report prepared by the Senior Construction Inspector may include the following items and any additional items which are appropriate to the case:

- a. The number, frequency and type of failed inspections.

- b. The number, frequency and type of failed inspections on successive contracts and over a period of time.
- c. Quality of workmanship.
- d. Quality of materials used.
- e. The nature and number of warranty complaints received.
- f. The contractor's responsiveness to warranty complaints.
- g. Contractor's compliance with the terms of the construction contract, such as deadlines, cleanliness of the worksite, etc.
- h. Unacceptable activities of contractors and their employees, and subcontractors and their employees, such as drinking on the job site.
- i. Evidence of fraud.
- j. Any other matters relevant to the contractor's performance, such as complaints from subcontractors and suppliers regarding non-payment.

3. If the evaluation determines that the contractor's performance is deficient, the Senior Construction Inspector will recommend that the ICB Supervisor issue a warning to the contractor informing him of the areas of deficiency, corrective action expected, and time frame.

4. The ICB Supervisor will discuss the Senior Inspector's evaluation with the Housing Supervisor. The supervisors may request a meeting with the contractor if they determine that discussion will be an effective means of correcting deficient performance. Following the meeting, or in lieu of the meeting if none is held, the ICB Supervisor will issue a written warning to the contractor. The warning will specify the areas of deficiency, corrective action expected, time frame, and follow up monitoring by the Office. The letter will reiterate agreements reached at the meeting, if one was held. The warning will inform the contractor that if performance deficiencies are not corrected, the ONHIR will take further action.

5. In exceptional circumstances where the performance deficiencies are determined to be very serious, the Senior Construction Inspector may recommend to the ICB Supervisor that the Office omit the warning to the contractor and proceed immediately to probation, suspension or disbarment. In this case the ICB Supervisor will proceed to 1555.2 #3.

1555.2 Contractor Failure to Correct Performance Deficiencies.

1. The Senior Construction Inspector will monitor the performance of a contractor who has been issued a warning about performance deficiencies. If the contractor fails to correct the deficiencies within the time period

specified in the letter of warning, the Senior Inspector will submit a written report and recommendations for remedial action to the ICB Supervisor.

2. The ICB Supervisor will inform the Housing Acquisition Supervisor of the Senior Inspector's report and recommendations, and the supervisors will assess the impact of proposed disciplinary action upon current contract activity.

3. The ICB and Housing supervisors will meet with the Deputy Director to inform him of the situation and discuss a proposed course of action. Following review of all factors, the Deputy Director will issue the contractor a Notice of Remedial Action (sample form MM#1555.1, attached).

4. The Notice of Remedial Action will be issued certified mail. The Notice will inform the contractor of the performance deficiencies and the intended remedial action. The ICB and Housing supervisors will schedule a meeting with the contractor within a week to discuss the conditions of the remedial action, and the Notice of Remedial Action will inform the contractor of the date, place and time of the meeting. After the meeting the Final Notice of Conditions of Remedial Action will be issued.

5. Remedial action will ordinarily be effective the date that the Notice of Proposed Remedial Action is issued, even though the details about the conditions may change following the meeting with the contractor. Remedial action may include:

a. Probation.

b. Suspension.

c. Permanent disbarment from further construction contracts with the Office. Disbarment shall generally be imposed only as a last resort following probation or suspension; or in instances of fraud or criminal activity on the part of the contractor.

6. If the contractor is unable to attend the meeting on the date scheduled, he may request that it be rescheduled. The request for extension may not exceed two weeks. If the contractor fails to appear for the meeting without notifying the Office; or cancels a meeting after rescheduling it, the ONHIR will issue the Final Notice of Conditions of Remedial Action without the contractor's input.

1555.3 Final Notice of Conditions of Remedial Action.

The Final Notice of Conditions of Remedial Action will be issued certified mail. It will inform the contractor that he is being placed on probation. Probation will carry a time frame and conditions regarding work currently in progress. While the terms of the action will vary according to the nature of the case, the Notice will at a minimum specify that the

MANAGEMENT SECTION 1500 INSPECTIONS AND COMPLIANCE _____
MANUAL SUBJECT 1555 CONSTRUCTION INSPECTION: APPROVED
_____ Contractor Performance Evaluation _____ 9/7/90

contractor must satisfactorily complete houses currently under construction. The contractor will be instructed to inform clients with whom he is working, in writing, of the remedial action.

A contractor who fails to comply with the terms of the Notice will be permanently barred from future construction contracts with the Office.

SECTION 1560 WARRANTY PROCEDURES

AUTHORITY AND POLICY

AUTHORITY 42 USC §4622; 25 CFR §700.55, A.R.S. Title 32,
Chapter 10

POLICY

The Office of Navajo and Hopi Indian Relocation shall require contractors and vendors constructing or selling relocation houses on the Navajo or Hopi reservations or off-reservation in the State of Arizona, to meet the construction standards defined in the Arizona Manual of Minimum Workmanship Standards and to warranty their work for two years following completion of construction.

The Office shall perform warranty inspections and dispute resolution for houses acquired on-reservation during the period of time that the warranty coverage is in effect. The Office shall be the final authority for resolution of complaints on houses located on-reservation. Clients who acquire houses off-reservation in Arizona will be referred to the Registrar of Contractors.

The warranty programs for houses constructed or purchased in states other than Arizona shall adhere to the laws of the particular state. In these cases, the Office may conduct post-move warranty inspections and intercede with the contractor on the client's behalf in addition to any remedy which the homeowner may seek under state law. Warranty inspection services will be extended to houses acquired in states outside of Arizona on a case by case basis as determined by the Deputy Director if found to be cost effective and in the best interests of the Government and the Relocatee.

At its discretion, the Office may require a two year warranty on houses built by the tribal housing authority which are acquired by the Office for a relocatee, if the contract requires significant new construction to (remodeling) the unit.

Warranty of BIA Houses Over a period of three years (1986-1989) the Bureau of Indian Affairs constructed 86 houses in the Range Clusters for relocatees moving to the Range Units of the New Lands. Houses constructed under the BIA contract were covered by a one (1) year contractor's warranty. During this one year period, clients submitted warranty problems to ICB for resolution. The ICB Warranty Officer conducted final inspections of the houses at the end of one year.

Warranty under the Housing Repair Program If the Office determines that the client shall receive a replacement house under the Housing Repair Program, the construction shall be warranted according to the policies stated above. If the client's house is repaired and not replaced, the repairs shall be warranted for one year, according to the Federal Acquisition Regulations (FAR).

Termination of the Warranty Coverage Warranty coverage shall be in effect for the specified term as long as the house is owned by the relocatee. Coverage will cease if the owner sells or conveys the house to another person.

Warranty Agreement

The Warranty Agreement shall be incorporated into the Relocation Contract by attaching the Agreement to the contract as an Exhibit thereto. At the time of contract signing, the contractor, relocatee, and the Office shall execute the Warranty Agreement.

To assure that warranty defects will be corrected, the Office will withhold a warranty deposit of \$1,000.00 from the negotiated sales price for all new construction **on-reservation**. The Office may reduce or waive the warranty deposit for additions to existing Navajo Housing Authority (NHA) houses; provided, however, the contract shall incorporate the Warranty Agreement.

If a contractor fails to correct warranty defects within a reasonable period of time as determined by the Inspections and Compliance Branch, the Office will utilize the warranty deposit to contract for the necessary repairs. If the cost of the repairs exceeds \$1,000.00, the Office may bill the contractor for the excess, or may utilize other funds due the contractor through other new construction contracts to make the necessary corrections.

The ICB Team Leader will inform the Contracting Officer of the repairs needed, and the Officer will contract for the work according to Government procurement procedures.

A contractor who fails to reimburse the Office for the costs of repairs which exceed the sum of \$1,000.00 may be excluded from future business with the Office until all monies due and owing the ONHIR by the contractor have been paid in full. The Office may pursue such legal action against the contractor as is available.

In the event there are no outstanding repairs to be made to the relocation house, any unused portion of the warranty deposit remaining will be refunded to the contractor at the end of the warranty period.

Corrective Action Against a Contractor

A contractor whose work results in an excessive number of warranty complaints regarding materials, workmanship, response time or other problems, may be excluded from future construction contracts to which the Office is a party. The ICB Team Leader may recommend barring contractors from future contracts based upon documented repeated instances of unsatisfactory performance. Any such recommendations will be considered by the Relocation Operations Branch Manager and Senior Management Officials on a case by case basis.

PROCEDURES

1561 Reporting Complaints During the Warranty Period

General The type of warranty and duration of the warranty coverage will be entered in the automated records by the ROB Team Leader at the time of the Final Inspection. The type and duration of warranty coverages are found in Code Table 98. They are:

N	=	New Construction, 2 year warranty
T	=	Remodel, 2 year warranty on additions to the house
S	=	Replacement house
H	=	Housing Repair warranty, 1 year
B	=	BIA Warranty, 1 year
X	=	No warranty

The client will be informed of the warranty program during pre-move advisement. The client will be instructed that problems with the house must be reported to the Inspections and Compliance Branch as soon as they are observed, so that the problems can be inspected and corrective actions can be tracked.

Corrective actions will require a response by the contractor in accordance with the time frames established in these procedures. These time frames may be extended at the discretion of the Inspections and Compliance Branch Team Leader on a case by case basis. If the contractor fails to take corrective action within the specified time period, the Office will initiate action to repair the warranty defects.

Emergency Situations The time periods established in the procedures below apply to actions required on the majority of warranty complaints. A problem which requires an immediate remedy will be considered an emergency situation. "Emergency Situations" are defined as those situations which present an immediate threat to the health or safety of the occupant(s) of the house; or if allowed to continue would

result in serious, extensive damage to the house. Examples of such emergency situations include: plumbing leaks, broken water lines, interior gas line leaks, and electrical shorts. All emergency situations will be repaired in accordance with instructions issued

by the ICB Team Leader or the Warranty Officer who will establish a fixed time period within which the contractor must complete the necessary repairs to the relocation home.

The Relocation Specialists will inform clients during pre-move that all emergency situations must be reported to the Inspections and Compliance Branch **immediately** at the time they are first observed. The client should also be instructed to take immediate action to correct the problem to prevent any further damage to the house. Any temporary repairs which are performed by the client to prevent additional damage to the house shall in no way relieve or ameliorate the responsibility of the contractor to make the necessary repairs.

If the client believes that the problem presents an eminent threat to the safety of the family (ie., fire or explosion) the client should move all the occupants from the house immediately and notify the local fire or police departments if appropriate.

1561.1 Receiving a Warranty Complaint.

1. The client may submit warranty complaints by telephone or by letter, or may discuss them with Relocation Staff during post-move field contacts. Complaints which are telephoned in by the client or discussed with an ONHIR representative in the field, will be recorded on the Warranty Complaint Form (Form MM#1560.1) by the ONHIR staff person who receives the complaint.

2. All Warranty Complaint forms, letter from the clients, and or documentation of telephone calls from clients concerning warranty problems must be routed to the Inspections and Compliance Branch Secretary by the ONHIR employee who receives the complaint.

3. The staff member who receives the complaint will ask the client to furnish as much detail as possible so that the problem(s) can receive a thorough preliminary evaluation by the Warranty Officer. The complaint should include the following information:

- Does the problems constitute a health or safety hazard?
- Exactly where in the house is the problem located?
- What is the nature of the problems?
- Has the problem gotten worse over time?
- Is the problem affecting other areas in the home (for example, is a leaking pipe damaging flooring?)

1561.2 Actions of the Inspections and Compliance Branch Secretary

1. All complaints will be processed by the ICB Secretary within one (1) day of receipt.
2. The Secretary will check the client's warranty record to make sure that the warranty is still in effect.
3. The Secretary will date stamp (or write the date received) on the warranty complaint and will perform the necessary data entry in the automated file.
4. The Secretary will prepare a manual file for the warranty complaint, place the the complaint in the file, and transfer the file to the Warranty Officer.

1561.3 Review by the Warranty Officer

The Warranty Officer will review the Complaint and will determine whether or not an inspection is appropriate.

Inspection not required The Officer may be able to determine that the problem complained of is not covered by warranty and that no inspection is necessary. In such cases, the Officer will issue a letter to the client explaining the decision and informing the client that the problem is homeowner maintenance responsibility. The ICB Secretary will then be directed to enter an "H"code in the "Type of Complaint" entry screen in the automated files.

Inspection is required. In the majority of instances, the ONHIR will conduct an inspection to determine if the complaints are covered by warranty. If the Officer concludes that an inspection is necessary, the Officer will direct the ICB Secretary to schedule an appointment.

1561.4 Scheduling and Initial Inspection

Notification to Client The ICB Secretary will issue a letter to the client, scheduling the inspection appointment approximately two weeks in advance. The client will be asked to call and re-schedule if the date or time is inconvenient. A copy of the letter will be sent to the Contractor and a copy will be placed in the client file.

Warranty File The ICB Secretary will enter the date of the scheduled inspection in the appointment notebook and will record it on the Construction Inspection Appointment Form to the Warranty Officer. The officer will note the inspection date and time and insert the form into the client warranty file.

Automated Records The ICB Secretary will enter an "I" Code in "Type of Complaint" and date of inspection in the scheduled inspection date.

1561.5 Initial Inspection

The Warranty Officer will inspect each item listed on the Complaint Form. If the client has additional complaints on the date of inspection those complaints will also be addressed by the Warranty Officer. The officer will make a note of the fact that additional items have been inspected as well as those listed on the original complaint.

The officer will make notes of his observations and will record the summary results of the inspection (pass, fail, or no-show by client) on the appointment form.

1561.6 Initial Inspection Report

Content and Time frame Within one week of the inspection the Warranty Officer will prepare a report listing the items which and are covered by the warranty, as well as those items which are homeowner responsibility.

Distribution A copy of the report will be mailed to the client and to the Contractor by certified mail, return receipt requested. A copy will also be placed in the client Warranty file.

Data Entry The ICB Secretary will enter the results of the inspection in the automated file. If the result is "F" (failed) the type of warranty complaint will be changed to "W". If the inspection was conducted on a different date than originally scheduled, the date of the inspection will be updated. The Secretary will also enter the date of the Report (the date the Contractor was notified.)

1561.7 Corrective Action by Contractor

Items Needing Immediate Repair The Warranty Officer will determine if there are items which need immediate repair. Repair to items which are considered minor repairs will be deferred until the end of the warranty period in anticipation that additional minor items will be reported prior to the end of the two year period.

As to repairs which require immediate attention, the Contractor shall have ten days (10) from the date of the report to Notify the Inspections and Compliance Branch of the date by which he intends to make the repairs needing immediate attention. The repair date scheduled by the Contractor shall not exceed sixty (60) days from the date of his response, unless an extension of time is approved by the Inspections and Compliance Branch Team Leader.

The Contractor will be instructed to notify ICB when the repairs have been completed so that a Final Inspection can be conducted.

The Contractor's Response The Contractor's response may be by telephone or in writing. If the Contractor calls in, the response will be recorded by the Warranty Officer or the ICB Secretary. The original response will be routed to the Warranty Officer for review who in turn will place documentation of the response in the warranty file. A copy will be forwarded to the Contractor as confirmation of the scheduled repair date and a copy will also be delivered to the client.

Data Entry The ICB Secretary will enter the date of the intended repair in the automated files and an 'S' (scheduled) in the type of contractor response.

No Response by Contractor If the Contractor fails to notify ICB within ten (10) days of the date by which he will make the repairs needing immediate attention, the Warranty Officer will notify the Contractor that the Office will initiate action to hire another contractor to make the necessary repairs utilizing the \$1,000.00 warranty holdback. The ICB Secretary will enter an 'N' Code (no response) in the type of contractor response.

Repairs Completed When the Contractor notifies ICB that the repairs have been completed, the ICB Secretary will record the information on the case log located in the warranty file. The secretary will enter the date of the Contractor's notification in the automated records. This date will supersede the earlier date of intended repairs. The secretary will change the type of response from Code 'S' to Code 'C' (completed by contractor.) The secretary will also alert the Warranty Officer that an inspection should be scheduled.

Follow-up by Warranty Officer The Warranty Officer will follow the same procedures in scheduling and conducting a final inspection as in scheduling and conducting an initial inspection. (See §§ 1561.4 and 1561.5 above.)

If all items have passed inspection the secretary will enter the result, Code 'P' and confirm the date of inspection in the automated file. If the warranty period has expired, the amount remaining from the warranty holdback will be refunded to the Contractor. (See §1563 below.)

In the event one or more items have failed the inspection, the ICB Secretary will enter the result, Code 'F' in the automated file. The Inspection Report will direct the Contractor to notify ICB within ten (10) days of the date by which he intends to correct the items. The Contractor will then have 30 days within which to correct the items which fail the final inspection.

If the second inspection fails, the Warranty Officer will consult with the ICB Team Leader about

the action to be taken. The Team Leader may initiate action to use the contractor's warranty holdback to make repairs; or may allow the contractor additional time to repair the items, if circumstances justify extension. The Warranty Officer will inform the Contractor by Letter of the action which ONHIR will take.

1562 Notification to Client of Expiration of Warranty Period

Not less than 90 days before the expiration of the warranty period, the ICB Secretary will issue a letter reminding the client of the date that the warranty expires and ask the client to notify the Inspections and Compliance Branch of any problems which should be inspected prior to the expiration of the warranty coverage. This letter should must be sent certified mail, return receipt requested.

If the client submits a complaint in response to this notification, the standard procedures for scheduling and reporting an inspection will be followed.

1563 Releasing Warranty Holdback

The Inspections and Compliance Supervisor will prepare the voucher for the release of the \$1,000.00 holdback (or the remaining amount thereof) after all the warranty repairs have been completed and have passed final inspection.

SECTION 1500 RELOCATION OPERATIONS

SUBJECT 1575 HOME MAINTENANCE TRAINING PROGRAM

POLICY.

The Office of Navajo and Hopi Indian Relocation will provide home maintenance training to clients after they have occupied their relocation house. The Home Maintenance Training Program will be administered by the Relocation Operations Branch (ROB). This training is intended to complement the Warranty Program by informing relocatees of homeowner responsibilities and providing them with basic instructions on monitoring and maintaining features of the new house.

PROCEDURES.

1575.1 Pre-Contract Advisement.

The Relocation Specialist will discuss with the client the ONHIR warranty coverage, homeowner's insurance, and homeowner maintenance responsibilities. The Specialist will advise the client that the ONHIR Home Maintenance Training Specialist will conduct training with them after they have moved into the relocation house.

1575.2 Activities at Pre-Construction Conference.

On the day of the client's Pre-Construction Conference the client will be shown a home maintenance training videotape which the ONHIR developed in both English and Navajo. The ICB Inspector will then be available to answer any questions the client may have about the tape or general questions the client may have concerning routine home maintenance. The ICB Inspector will furnish the client with a copy of the Home Maintenance Training Manual and remind the client that after they have moved into their relocation home that the ONHIR Home Maintenance Training Specialist will visit with them at the relocation home to conduct In-Home training and answer any specific questions they may have about their new home.

At the conclusion of the Pre-Construction Conference the Relocation Specialist will ask the client to sign a Home Maintenance Training Information Sheet (Attachment MM#1575B) which states that they have viewed the video, received a copy of the Training Manual, and understand and agree that when they have occupied their relocation home they are expected to participate in the In-Home training to be conducted by the Training Specialist.

After the client has signed the Information Sheet, the Relocation Specialist will file the original in the client file and route a copy of the form to the ICB Secretary for data entry in compliance with §1575.36 of these procedures.

1575.3 In-Home Maintenance Training.

1575.31 Scheduling Home Maintenance Training.

The Home Maintenance Training Specialist will run a copy of the report Home Maintenance Training Needed/Scheduled quarterly. This report groups clients with open cases according to relocation site, who have relocated but have not had home maintenance training. If the training has been scheduled but not yet held, the scheduled date is shown on the report. The report shows the date the client relocated and also provides the client's mailing address, age, education level, English fluency, original quarter quad location, relocation specialist, HPL code, and warranty complaint information.

The Specialist will use this report to schedule field visits to conduct the In-Home training. Clients will be scheduled for training within three months of their move into their relocation home. Older clients with traditional lifestyles and limited English fluency will be prioritized over clients who have lived and worked off-reservation and are familiar with living in modern housing.

The training will be scheduled two to three weeks in advance, with approximately 12 to 20 sessions scheduled each month. The Training Specialist will spend three to four days per week in the field and will schedule all clients living in a particular area before moving on to the next area. If several family members have moved to an area, the Specialist may arrange a group training session.

The training sessions will be scheduled at 9:00 o'clock a.m and 1:00 o'clock p.m. with each session lasting two to three hours. This daily schedule may vary and should take into consideration the number of clients in an area, the likelihood of the client being home, and the anticipated length of time needed to conduct the training. The duration of the training session will vary according to the client's age, English fluency, prior knowledge of the subjects to be covered, and other factors.

The Specialist will prepare a list of the clients to be scheduled and the date and time of the training. The Specialist will give this list to the ICB Secretary who will generate a letter to the client informing them of the training schedule (Attachment MM#1575A) and asking the client to call and reschedule the training if the date or time is inconvenient for them.

1575.32 Conducting the Training.

The training will take place in the relocation home. The training will be conducted in

either the Navajo or English language as appropriate to the individual client. The Training Specialist will cover the maintenance subjects contained in the Home Maintenance Training Manual, using the features of the home to illustrate the instructions. The Specialist will bring to the training additional copies of the Home Maintenance Training Manual to be furnished to the client if needed.

1575.33 Rescheduling the Training

The ONHIR is committed to a policy of assuring that all clients receive the In-Home maintenance training in order that they may possess the necessary skills and knowledge of routine home maintenance to maintain their relocation home in good condition. Therefore, the In-Home maintenance training is considered mandatory. In furtherance of this goal the Training Specialist will make every continued effort possible to meet with the client and conduct the training.

If the client is not at home on the scheduled date and time of the training, and has not called to reschedule the training, the Training Specialist will make a note on his copy of the list of clients to reschedule the training at a later date (when he is again conducting field training in the same general location) and instruct the ICB Secretary to notify the client of the new training date. The Training Specialist will make continued attempts during the Two Year Home Warranty period to meet with the client and conduct the training in the relocation home.

In the event the two year warranty period expires and the training has yet to be conducted, the client's name will be placed on a separate list of "Clients awaiting Home Maintenance Training-Unresponsive." This list will be maintained by the Training Specialist and kept with the Specialist at all times when the Specialist is in the field conducting routine training. As the Specialist's travel schedule permits, and at times when he is in the geographic area of the relocation home of any of those clients on the "Unresponsive" list, the Specialist will make unscheduled "drop-in" visits at the client's relocation home in an attempt to conduct the training. The Specialist will continue to make attempts to contact all clients on the list at six month intervals. (The Specialist will utilize the programmed report, "Closed Cases with no HMT Code", referred to in §1575.37 of these procedures in maintaining a current list of clients in the "Unresponsive" category.)

1575.4 Repeat Training.

At the request of the client or at the recommendation of the Relocation Specialist, repeat training will be conducted for clients who are less familiar with the features of a modern home. At the conclusion of the first training session, the Training Specialist will make a note to reschedule such clients for a return training session. This follow-up training will be worked into the regular training schedule.

1575.35 Geographic Area Covered.

Home maintenance training will be provided for all clients who move to the greater Navajo Reservation including the “New Lands,” and adjacent border communities (the area most commonly referred to as the “Four Corners”) as well as the Arizona and New Mexico cities and towns, including Phoenix, Tucson, the White Mountain area, and Albuquerque.

Training is not generally provided for clients who have moved to other out-of-state communities. However, if the client requests the training or at the recommendation of the Relocation Specialist, the Deputy Executive Director may authorize out-of-state travel for the Training Specialist to conduct training. The client must assure the ONHIR that he/she will be at home when the Training Specialist arrives to conduct the training.

1575.36 Data Entry and File Documentation.

The following codes will be utilized to update the client records in the automated file:

- M = The client has viewed the video, received a copy of the Training Manual, and been advised that the In-Home Maintenance Training will be conducted after relocation.
- S = The In-Home Maintenance training has been scheduled.
- Y = The In-Home Maintenance Training has been completed.

As set forth in MM#1575.2 of these procedures, at the conclusion of the Pre-Construction Conference, the Relocation Specialist will route to the ICB Secretary a copy of the Home Maintenance Training Information Sheet which was signed by the client at the conference. The ICB Secretary will update the client record in the automated files by entering an “M” in the automated file.

When training is scheduled and the client is sent a letter about the date/time, the ICB Secretary will enter the “S” code and the date the training will be held. This date may be changed if the training is rescheduled.

Upon returning from the field, the Training Specialist will give the Secretary information on the results of the field activity: training held, training rescheduled, and clients not home. The Secretary will enter the “Y” (training held) code for training which was successfully completed, and will change the date in the record if applicable. The Secretary will prepare a memo to the client’s file that the training was completed, and will route it to the File Room to be filed in the main casefile.

1575.37 Program Reports.

MANAGEMENT	SECTION	1500	RELOCATION OPERATIONS	_____
MANUAL	SUBJECT	1575	Home Maintenance Training	APPROVED
				11/13/00

The Training Specialist will prepare a monthly and quarterly status report on the training program. The programmed reports which are available from the electronic files are:

Home Maintenance Training Needed/Scheduled

Closed Cases with no HMT code.

Completed Home Maintenance Training

SECTION 1500 INSPECTIONS AND COMPLIANCE

SUBJECT 1580 HOUSING REPAIR PROGRAM

AUTHORITY: 42 USC 4622; 25 CFR 700.55; 25 CFR 700.321.

POLICY.

The Office of Navajo and Hopi Indian Relocation is mandated by statute to provide individuals eligible for relocation assistance with a replacement house which is "decent, safe and sanitary and adequate to accommodate the household". The term decent, safe and sanitary is defined in 25 CFR 700.55. The housing standards referenced in 700.55 were adopted by the Office on September 5, 1980, and an inspections and compliance program instituted in order to assure that new construction and resale houses conformed to the standards.

Individuals asserting that the replacement home is not decent, safe, and sanitary have submitted complaints to ONHIR. Legal review has concluded that housing complaints are not included in the determinations which may be submitted for full evidentiary hearings described in 700.301-700.319 (Legal Opinion 85-3). Complaints when received are referred to the appropriate offices for review and response, pursuant to this section of the Management Manual, which supercedes HLD procedures 406.9.1 issued 12/21/84, and other verbal and written directives which have governed the housing repair program prior to the approval of these procedures.

The Office has determined that it has the authority and the responsibility to expend housing funds to repair, or replace dwellings acquired for relocatees prior to the adoption of housing standards; provided that the items requiring repair are integral to the definitions of safe, decent and sanitary as specified in 700.55.

Pursuant to this authority, the Office has established the Housing Repair Program, administered according to this section of the Management Manual.

Upon receipt of a complaint which is covered by this program the Office may perform an inspection of the dwelling. The inspection shall identify all items which were deficient at the time of original acquisition, or were directly and demonstrably latent defects or caused by original or latent defects. Based upon the inspection findings, the Office shall submit a detailed written Determination of Repairs to the client regarding its intention to repair the dwelling, or to replace it. Upon the client's granting of permission to proceed, the Office will contract for housing repairs.

The Office shall inspect housing repairs performed by the contractor(s), and verify that all specified repairs have been made according to housing

MANAGEMENT
MANUAL

SECTION 1500 INSPECTIONS AND COMPLIANCE
SUBJECT 1580 Housing Repair Program

APPROVED
08/31/89

standards. The Office's certification of the repair work concludes the administrative grievance process.

The housing repair program will be administered by the Inspections and Compliance Branch (ICB).

PROCEDURES.

1581 ELIGIBILITY FOR PROGRAM SERVICES.

1581.1 Determination by Inspections and Compliance Supervisor.

A client who has been relocated and still owns the relocation house is eligible for consideration for inclusion in the Housing Repair Program provided the house was purchased and occupied prior to 9/5/80, and the Office has not previously made housing repairs and/or issued a cash settlement for repairs to be arranged by the client.

In order to be considered for inclusion in the Housing Repair Program, the client must submit a current, complete list of complaints to the Inspections and Compliance Supervisor. The Supervisor shall review the case for acceptability, and determine if the client is eligible for inclusion in the program. The Supervisor shall notify the client of the determination.

1581.2 Waiver of Eligibility Requirements by Director of Management.

If the house was purchased or occupied after 9/5/80 and is no longer under warranty, the Director of Management may waive eligibility requirements as provided herein.

The client must submit substantial showing that the problem(s) resulted from original or latent defects in construction.

The complaint must be specific and should include the following information:

- what item(s) are a problem
- exactly where in the house is the problem located
- the nature of the problem
- when the problem occurred, or was first observed
- has it gotten worse; if so, in what way

The client's request for housing repairs will be reviewed by the Inspections and Compliance Supervisor. In order to develop a recommendation to the Director regarding the client's request, the Supervisor shall determine if additional action is needed. Such action may include records review, additional verbal, written, or photographic information from the client; and/or a courtesy inspection of the house.

Following review of the appeal, the Supervisor shall recommend to the

Director to approve or deny the client's request for waiver of the eligibility requirement.

The Director shall approve or deny the client's request, and will notify the client in writing of the decision.

1581.3 Appeal to Executive Director.

A client who has been determined ineligible for housing repair by the Director of Management may appeal in writing to the Executive Director. The appeal must state specifically why the client believes they should be included in the program.

The Executive Director shall request a staff briefing on the case and a recommendation from the Inspection and Compliance Supervisor.

After giving due consideration to all factors, the Executive Director may include the client in the program for good and sufficient reason, on a case-by-case basis. The Executive Director will notify the client in writing of the decision.

1582 HOUSING INSPECTION

1582.1 Scheduling the Inspection and Notifying the Client.

After it has been determined that the client is eligible for the Housing Repair Program, the Inspections and Compliance Supervisor will forward the complaint to the Senior Construction Inspector, who will schedule the inspection.

To the extent possible, the schedule developed by the Senior Construction Inspector will consider the geographic proximity of the houses to be inspected, in order to minimize travel time between units.

Clerical staff of the Inspections and Compliance Branch (ICB) will issue letters of the date and time of inspection to the client and the client's legal representative no less than 10 days prior to the scheduled date. The letter will inform the client that they must be present during the inspection. The client will be advised of the right to have a legal representative present.

The letter will further inform the client that if the date and time selected for inspection is inconvenient, they may call on the agency's toll-free line to reschedule the appointment. Upon request the Inspector will reschedule the inspection for a time certain. However, the Inspector will not grant indefinite schedule extensions.

The letter will request the client to submit a final comprehensive written list of deficient items. Such a list will supplement any prior records of complaints in the client file. Failure of the client to submit a written list will not delay the inspection nor invalidate the client's eligibility for repair inspection. The client may include any supplemental information, such as reports submitted by tribal or county inspectors.

1582.2 Clients Who Can't Be Contacted.

All letters issued to the client in connection with the activity to be performed under the terms of the housing repair program will be issued certified mail, return receipt requested. Copies will be sent the clients' legal representative, if ICB has been notified of a legal representative.

If return mail receipts indicate that the client or the client's agent has received the notice of inspection even though there is no written or verbal response, the client will be included in the inspection schedule.

If the notification is returned to ICB as undeliverable mail and the client has a designated legal representative, the Supervisor will contact the legal representative and request assistance in contacting the client. If no response is received from the client or legal representative within 60 days the client's housing complaint will be administratively closed.

1582.3 Rescheduling Appointments.

No inspections will be conducted in the client's absence. If the client is not home at the scheduled date/time, the Inspector will reschedule the appointment. The client will be notified in writing of the new date and time for the inspection, and may call or write to have the appointment rescheduled if the time is inconvenient.

The Inspector will reschedule a missed appointment ONCE. A client who fails to keep an appointment will be rescheduled after all scheduled inspections have been completed. If a client fails to be present at the second appointment, the complaint will be dismissed and the case will be closed.

The letter which reschedules the inspection appointment will inform the client that the case will be closed if the client fails to keep the appointment without notifying ICB of the need for a schedule change.

1582.4 Conducting the Inspection.

The Senior Construction Inspector will inspect all items listed in the client's complaint. In addition, the Inspector will inspect all items listed on the Housing Repair Inspection Checklist (form MM#1580.5). The Inspector shall take photographs and maintain field notes from which the final Determination of Repairs shall be developed. No determination will be issued to the client at the time of the field inspection.

The Inspector shall inspect the house for original or latent defects, and secondary defects resulting from original or latent defects, applying the standards of the Uniform Building Code, the National Electrical Code, Uniform Plumbing Code, the Uniform Mechanical Code, HUD Minimum Property Standards, and/or Manufactured Home Construction and Safety Standards (25 CFR Part 3280). Determinations of the repairs to be made by the Office will adhere to the State of Arizona, Registrar of Contracts' Manual of Minimum Workmanship Standards.

1582.5 Determination of Repairs.

The Determination of Repairs will be prepared by the Inspector within 10 days of the inspection. The Determination will distinguish between those items which will be repaired by the agency, and those which are the homeowner's responsibility.

The Commissioner will review and approve all Determinations of Repairs. This responsibility may be delegated to the Executive Director.

1583 FINAL ACTION TO CONCLUDE REPAIRS PROCESS

1583.1 Response of Client to Determination.

A copy of the Determination of Repairs will be sent the client, with a cover letter, for the client's authorization to proceed with repairs. The document will be sent certified mail, return receipt. The clerk/steno will maintain a record of notices sent. By cover letter ICB shall request the client to sign and return the Determination within 30 days. Determinations received late will be scheduled for repair after all other repairs have been completed.

If the Determination has not been returned within 30 days even though return mail receipts show the client received the document, a second copy of the Determination will be issued certified mail, return receipt. The cover letter accompanying the reissued Determination will inform the client that it must be signed and returned to ICB within 30 days of receipt in order for the house to be included in the repair program.

Copies of the determination and cover letters will be sent to the client's legal representative.

A Determination which has not been returned by the client within 30 days of second issue will be voided and the client's housing complaint will be closed.

The Determination of Repairs is not subject to further administrative appeal. The Commissioner's review and execution of the Determination constitutes final agency administrative action on the complaint.

In the event the client does not agree with the Determination or otherwise fails to authorize repairs, the Office shall conclude activity on the case and close the case file. A client who seeks further remedy shall be advised to seek legal assistance, if he/she has not already done so.

1583.2 Housing Repair Contract and Inspection.

The Procurement Branch will contract for housing repairs following receipt of the client's authorization. The contract shall specify completion date and conditions under which the completion date may be extended, or the contract cancelled.

The Senior Construction Inspector will inspect the work of the contractor to assure that all repairs as set forth in the work order have been completed to the Office's standards. Payment shall be disbursed to the contractor following agency acceptance of the work, and the case will be closed.

1584 REIMBURSEMENT FOR REPAIRS MADE BY THE CLIENT

The Office may, at its discretion, reimburse a client for repairs made by the client to the replacement home. Repairs may be reimbursed in full or in part. In order for the agency to consider a request for reimbursement the following conditions must be met:

1. The Senior Construction Inspector must determine that:
 - a. the items repaired were original or latent defects, and
 - b. the repairs were necessary, and
 - c. the repairs were made in a workmanlike manner and no further correction of the item(s) is necessary, and
 - d. the costs were reasonable.
2. Generally reimbursement will not be issued if the repairs were made while the house was under warranty or during a time period when ONHIR was conducting housing repairs. The Director of Management may waive this provision upon substantial showing by the client that the repairs were of an urgent or emergency nature.
3. The client must present receipts for materials and/or labor performed by licensed contractors or persons licensed to perform or regularly engaged in the business of doing such repair work. Receipts are subject to verification as to authenticity.
4. Only work representing repair may be reimbursed. Work performed to remodel or alter the house will not be reimbursed. The Senior Construction Inspector will determine that portion of repair work, if any, which represents remodeling of an original feature.
5. If the Senior Construction Inspector finds that the item(s) for which reimbursement is sought are still deficient and should be included in the agency's Determination of Repairs, no reimbursement will be paid. The item(s) will be repaired pursuant to the terms of the repair contract.
6. The request for reimbursement must be submitted in connection with the client's request for housing repairs. Requests received after housing repairs have been completed and the case has been closed will not be considered.

Processing Requests for Reimbursement.

The Supervisor will review and approve requests for reimbursement based on the criteria listed above. If the reimbursement requested falls within the scope of provision #2 above, the Supervisor will obtain review by the Director

of Management prior to determining the reimbursable items. After determining whether or not the request may be approved in full or in part, the Supervisor will notify the client in writing of the determination. The Supervisor's determination may not be grieved under the administrative review process.

The Supervisor will prepare a voucher for payment, attaching the receipts and inspection reports, and forward it to the Fiscal Office for processing.

1585 REPLACEMENT HOUSING

POLICY.

If the Office determines that the relocation house cannot be satisfactorily repaired and must be replaced, the guidelines in this section shall apply to the acquisition. Recommendations for exceptions to these guidelines shall be submitted to the Deputy Director for consideration. Reports on the specific arrangements made in each case will be submitted to the Deputy Director, who shall review and approve the expenditure of funds as detailed in the report.

1. The client does not have an entitlement to a specific benefit amount. The Office will replace like with like: a house with approximately the same square footage and living space. The cost of the replacement house shall not exceed the benefit entitlement in effect at the time of replacement, for the benefit level which the client originally received (ie. minimum or maximum level). If the replacement house acquisition requires infrastructure construction, the client may receive the infrastructure entitlement for the determined benefit level.

2. The house will comply with current construction standards. If the relocation house was a manufactured unit, the Office will specify the standards for a replacement manufactured unit.

3. The replacement house will be constructed on the same site as the current house, which will be demolished by the Office. If the site itself is defective and the defects cannot be corrected, a new replacement house will be acquired on another site.

4. The following guidelines will govern the construction of a new house on the existing site.

a. If the new house can be built at a different location on the same lot or homesite, the client will continue to live in the existing house until the new house is completed.

b. If the existing house has to be demolished in order to construct the new house, the client will receive temporary accommodations as provided in MM#1756, Temporary Accommodations for Housing Repair Program.

c. The existing house will be demolished by the Office and building materials will be removed and disposed of. Materials may not be salvaged by the client. However, if existing appliances are salvageable, the Office will ensure that they are installed in the replacement house. The client is not entitled to new appliances unless the inspection report lists them as items which are the agency's responsibility to repair/replace.

5. The following guidelines will govern the acquisition of a house on a

different site.

a. The replacement house will usually be located in the same community. If the client wants to move to another community, the Housing Acquisition Supervisor or the ICB Supervisor, depending upon the location where the client wants to move, will obtain information about infrastructure and housing acquisition costs, for management evaluation in making a final decision about the location of the replacement house.

b. The client will be required to sell the current house and apply the proceeds to the cost of the new house. The house must be sold before a new home is acquired for the client.

c. The Housing Acquisition Supervisor will obtain an appraisal of the house and will develop an agreement to be signed by the client and the realty company. The agreement shall state that the house may be sold for 90% or more of the current appraised value without Office consent. An offer of less than 90% of appraised value must receive the agency's consent. Because the real estate fee will reduce the amount available for the replacement house, the Supervisor must approve the listing agreement. Generally, the agency will not approve a fee higher than the average prevailing in the community.

d. The client will agree to assign the proceeds of the sale to the Office. If the current house is sold for more than the cost of the replacement house, the client will be entitled to the profit.

e. If temporary accommodations are required to house the client before the replacement house is acquired, accommodations will be arranged according to provisions of MM#1756, Temporary Accommodations for Housing Repair Program.

6. The replacement house will be covered by warranty according to ONHIR warranty procedures. If the replacement house is located off-reservation, the client will be provided with an updated title insurance policy.

7. The replacement house will not be covered by a deed restriction and will not be covered by the agency with homeowner's insurance.

8. The terms of the replacement housing offer by the Office may not be appealed under 25 CFR 700.301. If the client disagrees with the terms of the offer, the issue may be submitted to the Executive Director for resolution within 30 days of receipt of the offer. If the client fails to accept the Office final offer within 30 days, the offer shall be withdrawn and the case administratively closed.

PROCEDURES.

Inspections and Compliance Branch.

1. The Inspections and Compliance Branch will inspect the current house and prepare a report recommending repair/replacement for approval of the Commissioner. If the report recommends replacement, the reasons why the house cannot be satisfactorily repaired at reasonable cost must be explained in detail.

2. In order to prepare the report, it may be necessary to determine if the site is defective. If the Supervisory Construction Inspector determines that site testing is advisable, he/she will request the Contracting Specialist to contract for an engineering test. The test results must include a determination as to whether physical deficiencies in the site can be remedied and by what methods. A cost estimate for the remedial work will be obtained.

3. The Inspections and Compliance Supervisor will forward the Commissioner's approval to the Housing Acquisition Supervisor, who will develop a final written plan for review by the Deputy Director prior to executing a housing contract with the client.

Housing Acquisition Branch

1. In developing the plan, the Housing Acquisition Supervisor will meet with the Inspection and Compliance Supervisor and the Counseling Supervisor to obtain information about the issues which must be addressed in order to develop a plan which considers the client's particular circumstances.

2. The Housing Supervisor will find out if there is a mortgage on the house; and if so, the amount, account number, and name/address of lender.

3. If temporary accommodations will be required, the Supervisor will notify the Contracting Specialist who will contact the client and develop form MM#1756.1, Breakdown of Anticipated Costs for Temporary Accommodations. The Breakdown must be attached to the plan for replacement housing when the Housing Supervisor submits it to the Deputy Director for approval.

4. After the Deputy Director has approved the plan for providing the client with replacement housing, the Supervisor will develop a letter to the client stating the terms of the ONHIR'S offer for replacement housing. The letter will request the client to call for an appointment for a housing interview.

5. The Supervisor will assure that the terms of the acquisition are incorporated into the construction or purchase contract. The Supervisor will obtain legal and supervisory review as necessary.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

SECTION 1600 HOUSING ACQUISITION

SUBJECT 1610 IMPROVEMENTS LOCATED ON THE PARTITIONED LANDS

AUTHORITY: P.L. 93-531, as amended; 25 CFR 700 Subpart B.

POLICY: In the process of implementing the requirements of P.L. 93-531, the Office of Navajo and Hopi Indian Relocation has defined the following policies regarding appraisal and acquisition of improvements owned by individuals required to relocate pursuant to the Act.

1. APPRAISAL OF IMPROVEMENTS.

Public Law 93-531 directed the ONHIR to enumerate the habitation(s) and improvements owned by households required to relocate pursuant to the Act, to determine the fair market value of such habitations and improvements, and to pay the head of household this amount plus any additional sum required to purchase decent, safe and sanitary replacement dwellings, subject to the maximum amount specified in the Law.

Pursuant to this mandate, the ONHIR initiated a comprehensive enumeration and appraisal of all Navajo-owned properties located on the HPL and Hopi-owned properties located on the NPL. The majority of properties were identified and appraised in 1977 and 1978. Some properties which were identified could not be appraised due to owner refusal to allow examination by appraisers.

As additional properties are identified, or as reappraisal is required, the ONHIR shall conduct appraisal as set forth in these procedures.

2. PAYMENT TO HEADS OF HOUSEHOLD.

Prior to 10/18/86 the ONHIR added the fair market value of any improvements owned by the head of household to the housing benefit authorized by Law and regulation. Effective 10/18/86, the date of passage of the FY-87 Appropriations Act (P.L. 99-500), the ONHIR was instructed to calculate housing benefits according to the method described in the Opinion issued by the Solicitor, Department of Interior, dated August 25, 1986. This calculation provides that the value of improvements owned by the relocatee will be applied first toward the cost of a replacement dwelling. To this will be added an amount necessary to acquire a safe, decent and sanitary dwelling; the total will not exceed the maximum amount established pursuant to 25 U.S.C. 640d-14(b)(2). If a relocatee has an appraisal that exceeds the current amount of replacement home benefits to which he is entitled, the appraisal amount will become the benefit entitlement.

A client who had received by 10/18/86 a Notice of Determination of Value of Improvements and a Notice of Benefit Determination authorizing appraisal payment in addition to housing benefit will not be affected by this change in

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

policy, even if the Relocation Contract is signed after the effective date of the policy. Such clients may elect to receive either housing benefit plus appraisal, or housing benefit plus infrastructure (see MM#1770), whichever amount is greater. Clients in this circumstance shall not be entitled to both appraisal and infrastructure.

3. CASH PAYMENTS.

Cash payment for improvements may be issued in the following specific circumstances.

1. Payment to Estates. Cash payment for improvements may be issued to the estate of a deceased certified head of household with no household remaining to be relocated, upon receipt of a Court Order of Distribution issued by a court of competent jurisdiction. See Management Manual Vol. 4, Payments to Estates, MM#1790.

2. Payment to Denied Applicants. Cash payment for improvements may be issued to denied applicants, pursuant to 25 CFR 700.127. See Management Manual Vol. 3, MM#1625, immediately following this section.

3. Payment to Certified Applicants Who Own a Decent, Safe and Sanitary House. A client certified for relocation who owns a decent, safe and sanitary house at the time of eligibility determination and thus is not eligible to receive a replacement house, pursuant to 25 CFR 700.187, shall receive a cash payment for any improvements owned on the land partitioned to the Tribe of which they are not a member.

4. PURCHASE OF IMPROVEMENTS BY THE OFFICE OF RELOCATION.

No later than the date of contract signing a relocatee who owns improvements on the partitioned lands according to ONHIR appraisal records must decide whether to apply their value to the housing benefit or retain and remove them. The client shall transfer all improvements not retained to the ONHIR by means of a Quit Claim Deed when the Relocation Contract is signed. "ONHIR appraisal records" means the appraisal files developed by the ONHIR in 1977 and 1978, as subsequently updated by ONHIR staff field work and by property transfers between clients prior to 5/12/87. The ONHIR will not process nor accept quit claim deeds to individuals executed by the owner and/or received by ONHIR after 5/12/87.

The ONHIR will review cases of property transferred between 8/25/86 and 5/12/87 where the total amount of appraisal exceeds the client's benefit entitlement. The ONHIR shall determine if the property transfer was accomplished in accordance with the spirit and intent of P.L. 93-531. The ONHIR shall disallow cash payment for appraisals exceeding benefit entitlement if it is determined that property transfer was contrary to the intent of P.L. 93-531.

5. PROPERTIES CONSTRUCTED WITH GOVERNMENT MONIES.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

Improvements appraised by the ONHIR which were constructed on a client's traditional use land with tribal, State, or Federal funds will not be purchased by the ONHIR. Such improvements are typically range improvements such as wells, dams, dikes, ditches, spring improvements, and fence lines. The ONHIR also will not purchase improvements built as community facilities, such as the Coal Mine chapter house and community livestock dipping, corral and hauling impoundment areas.

6. ILLEGAL CONSTRUCTION.

Pursuant to Legal Opinion 79-26, the ONHIR will acquire improvements built on the HPL since 1972 which a client claims as part of his/her appraisal. Compensation for the improvements will be incorporated into the housing benefit in the same manner as other properties claimed by the client.

7. DISTRICT 6 PROPERTIES.

Pursuant to P.L. 93-531, as amended by P.L. 96-305, the ONHIR shall not purchase improvements located in District 6.

8. TRANSFER OF PROPERTY TO THE TRIBE EXERCISING JURISDICTION.

The ONHIR will offer acquired properties to the tribe exercising jurisdiction over the area from which the relocatee is moving (25 CFR 700.125). Properties owned by Navajos who are relocated from the HPL will be offered to the Hopi Tribe when the client relocates to the replacement dwelling. Properties owned by Hopis who are relocated from the NPL will be transferred to the Navajo Tribe upon relocation of the last Hopi to own property.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

PROCEDURES :

BACKGROUND. The Bureau of Indian Affairs was involved in the initial appraisal program. BIA appraiser Wendall Thomas developed the Appraisal Handbook which was adopted for use by the ONHIR, then the Relocation Commission. The Appraisal Handbook is referenced in these procedures and is available in the Housing Acquisition Branch. In addition to developing the appraisal system, BIA appraisers conducted preliminary enumeration and appraisal of some of the improvements on the partitioned lands. These individual ownership records were incorporated into the appraisal files subsequently developed by ONHIR.

Systematic appraisal of improvements located on the partitioned lands was undertaken in 1977 by field staff of the ONHIR. Staff were sent to all camps of Navajos living on the HPL, and to residences of Hopis living on the NPL. Geographic locations of the camps were identified by the system of quarter-quad locations developed by the BIA during the JUA enumeration in 1975-76.

Because the dwellings and other improvements were constructed, occupied and used according to tribal custom and no documentation regarding ownership existed, record of ownership was based on self-identification. The head of household and spouse living at the residence were asked to identify the improvements which they owned, and they were listed as the property owners on the appraisal records. Procedures relating to the posting of improvements (see subsection MM#1616.2) provided for settlement of counter claims, in the event of dispute over ownership.

This section of the Management Manual includes background information on the appraisal program in order to explain the program's operations. While the basic program activities have remained the same since the inception of the program, procedural details have changed. This section is a revision of procedures adopted by the Branch of Housing and Land Development in 1983-1984. Copies of these earlier procedures are available for reference in the Management Analyst's office.

The Branch of Housing Acquisition has operating responsibility for the administration of these procedures.

For instruction purposes, these procedures are worded in terms of the acquisition of Navajo improvements located on the HPL. Acquisition of Hopi improvements on the NPL, which have been largely completed as of the date of approval of these procedures, are equivalent unless otherwise noted.

1611. IDENTIFYING, DESCRIBING AND EVALUATING IMPROVEMENTS LOCATED ON THE PARTITIONED LANDS.

GENERAL. Historic appraisal activity was conducted by the ONHIR in 1977-78 in accordance with the procedures described below. New appraisal/reappraisal activity follows these procedures with minor variations as described subsequently in this section.

1. Identification of Improvements. Improvements which needed to be appraised were identified primarily by (1) requests from potential relocatees, (2) field interviews and questionnaires filled out on potential relocatees, and (3) information compiled by the BIA in the form of the JUA roster.

2. Request for Appraisal. When an improvement was identified, an Appraisal Request form, signed by an agency management official, was filled out and submitted to the Appraisal Office. The Request stated the owner's name, census number, social security number and mailing address; and the quarter-quad location (QQL) and chapter. This form is no longer used; see subsection MM#1614.

3. Field Record. The ONHIR Appraiser sent teams of two staff members into the field to record and describe the improvements. Each separately identifiable improvement was numbered and described. Two types of field sheets were used:

a. Residential Field Sheet. Dwellings were recorded on Residential Field Sheets (an example of this form can be found in the Appraisal Handbook). Two types of dwellings were identified: hogans and conventional dwellings.

b. Miscellaneous Improvements. After all dwellings had been numbered in sequence and described, the field staff recorded other types of improvements (ie. ramadas, corrals, sweathouses, clotheslines, trees, fields) on the Miscellaneous Improvements Sheet (an example of this form can be found in the Appraisal Handbook). Miscellaneous improvements were numbered in sequence and listed three to a sheet, with a brief description of each.

c. Photographs. A polaroid photograph was taken of each improvement. The photograph was labeled with the number assigned to the improvement, and the date taken.

d. Sketch. The team drew a sketch of the principal camp improvements, showing rough dimensions of the principal improvements and relative distances between them.

4. Government-Built Improvements. Field records were prepared for improvements which appeared to have been built by Federal, State, or tribal agencies.

5. Refused Appraisals. No field records were prepared on improvements

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on the Partitioned Lands	APPROVED 08/01/94

in cases where the homesite occupant refused to allow the field team to conduct an appraisal.

1611.1 Evaluation Criteria.

1. Appraisal Values. Appraisal values are assigned to improvements according to the appraisal system contained in the Appraisal Handbook. All improvements, whether appraised during the initial appraisal program or later, will be assigned a dollar value calculated at the fair market value in effect in 1977. This includes improvements which have been built since 1977. Only improvements, as described in the Appraisal Handbook, will be appraised. No land value will be considered in the appraisal.

2. Original/Historic Value. The system for valuing improvements took into consideration the age and condition of the improvement as of 1977, depreciated in accordance with the formula set forth in the Appraisal Handbook. The resulting value is referred to as the "historic value" or "original value" in agency records.

3. Improvements Which Deteriorate Prior to Client Relocation. The client's appraisal record will be reviewed prior to execution of the relocation contract. Improvements which were identified and appraised during the initial appraisal but which no longer exist (due to vandalism, deterioration, etc.) will continue to be listed in the inventory of improvements, with their historic value.

4. Boeckh Cost Modifier. At the time the relocation contract is prepared, the historic appraisal value will be automatically updated by the current percentage of the Boeckh cost modifier, to provide the client with the fair market value at the time the property is acquired by the ONHIR.

a. Denied Clients. In cases of request for payment of improvements to denied clients, the Boeckh cost modifier in effect on the date of initial denial will be applied to the historic appraisal value to determine the fair market value of the improvements to be paid a denied client pursuant to Management Manual Subject 1625.

b. Deceased Clients. In cases of payment to estates, the Boeckh cost modifier in effect on the date of the client's death will be applied to the historic appraisal value to determine the fair market value of the improvements to be paid an estate pursuant to Management Manual Subject 1790.

c. Closed/Not Relocated. In cases of clients requiring special handling, the Boeckh cost modifier in effect on the date of the Commissioner's decision to close the case will be applied to the historic appraisal value to determine the fair market value of the improvements owned by a certified client who is not able to receive a replacement home pursuant to Management Manual Subject 1746. Payment for appraisal in these cases shall be issued as determined by the Commissioner.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on the Partitioned Lands	APPROVED 08/01/94

1612. CREATION OF APPRAISAL RECORDS.

GENERAL. Manual file records were created when the improvements were enumerated and appraised. Information from the manual files was incorporated into the agency's automated records system in 1987. The manual appraisal files are maintained as separate files within the Branch of Housing Acquisition until the improvements are transferred to the tribe exercising jurisdiction. At this time the files are transferred to the data room and filed with the client casefile.

1612.1 Manual Files.

1. Envelope Files. The original materials were filed in envelopes which were labelled with the following information:

a. Appraisal number. This was a hyphenated five digit number which started with the last two digits of the year in which the appraisal was conducted (ie. 77) followed by the sequential number of the appraisal (ie. 001)

b. Owner's name.

c. Owner's relocation casefile number.

d. Quarter quad location.

e. Chapter in which the improvement was located.

f. Names of the appraisers.

g. Date the appraisal was performed.

2. Envelope Contents. The following information was placed in the envelope files:

a. Copy of the request for appraisal.

b. Any available computer printouts listing improvements appraised by the BIA.

c. Field sheets and photographs of all identified improvements, with the value of each improvement according to the fair market value in 1977.

d. Sketch of the homesite.

e. Appraisal summary, listing all improvements and their values.

3. Subsequent Documentation. Additional documentation collected during case processing which related specifically to the improvements was added to the file. Such documentation included:

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

- a. Affidavit of Ownership.
- b. Notice of Intent to Purchase Improvements.
- c. Affidavit of Publication.
- d. Notice of Determination of Value.
- e. Quit Claim Deed to ONHIR.
- f. Quit Claim Bill of Sale to Hopi Tribe.

g. Incidental documents, such as quit claims of improvements to the client by other family members; correspondence; form MM#1610.3, Owner Retention of Improvements.

4. More Than One Owner. Due to instances where the original owner quit claimed items to other family members, usually children, many appraisal files have more than one owner. In these cases, the names of all owners should appear on the appraisal file. The automated records and the rolodex file should cross-reference the multiple ownership.

5. Government Properties. Improvements which appeared to have been built with Federal, State, or tribal funds, such as range improvements and community facilities, were appraised by field staff. As a general rule, records of improvements located within a client's traditional use area were filed with the client appraisal record for reference purposes; while records of improvements located in a common area, such as the Coal Mine chapter house/community service facilities were filed in separate folders.

6. Refused Appraisals. In a minority of cases, the residents refused to allow ONHIR staff to conduct an appraisal. In these instances, an envelope was prepared with the information listed in #1 above, but no field records were prepared.

7. Transfer to File Folders. As of the date of these procedures, documents contained in the appraisal envelopes will be transferred to hard cover file folders for transfer to the data room when activity on the appraisal has concluded (at the time of turnover to the tribe exercising jurisdiction). The folders will be labelled with the appraisal number, client name, and casefile number.

8. Rolodex File. Information from the appraisal files was recorded on rolodex cards which were filed in alphabetical order by owner name. The information listed in a. above was recorded on the cards, along with notes of activity relating to acquisition of the improvements.

1612.2 Automated Files

GENERAL. The automated computer file was created in 1987 to record the

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

most frequently needed information in the manual records. Information in the automated files will be updated by the Housing Supervisor or the housing secretary as necessary, as action is taken in the course of program operations.

The following information is recorded in the automated files, and accessed by the client casefile number:

- a. appraisal number.
- b. QQL
- c. location of the QQL (NPL, HPL, or District 6).
- d. historic (1977) value of the improvement.
- e. date the appraisal payment was obligated.
- f. type of obligation (code table 34).
- g. actual (date of obligation) value of the improvement.
- h. date of turnover to the tribe exercising jurisdiction.
- i. type of turnover.
- j. comments.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on the Partitioned Lands	APPROVED 08/01/94

1613. REQUESTING A NEW APPRAISAL OR RE-APPRAISAL.

GENERAL. As of the date of these procedures, the majority of improvements on the partitioned lands have been appraised, and follow-up posting and advertising procedures have been accomplished. However, the client's appraisal file will be reviewed during case processing to assure that it is complete. If a case worker learns that improvements owned by a client have not been appraised, the case worker will initiate a request for appraisal.

For detailed instructions regarding appraisal file review during case processing, see subsection MM#1617 on p. 16.

1. Request for Appraisal. A request for an appraisal of HPL improvements may be initiated by the case worker when the client's case is being processed by Eligibility/Appeals, Counseling, or Housing Acquisition. If the request is from Eligibility/Appeals or Counseling, it should be in the form of a memo to the Housing Supervisor. The memo should provide the following information:

- the name, address, and casefile number of the client.
- the QQL of the improvement(s) requiring appraisal.
- the approximate number and types of improvements which need to be appraised.
- appraisal file number, if the client already has an appraisal record.
- the best way to contact the client.

2. Refer Client to Housing Acquisition. If the client is in the office when the Eligibility/Appeals staff member or counselor learns of the need for an appraisal, the client will be referred to Housing Acquisition so that a specialist may be assigned to the case and can make an appointment with the client to meet him or her at the HPL homesite.

3. Improvements to be Appraised. The request may be for appraisal of all improvements owned by the client, if the client has no appraisal record; or it may be for appraisal of miscellaneous improvements which the client failed to identify when the original appraisal was conducted.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
				the Partitioned Lands
				08/01/94

1614. CONDUCTING AN APPRAISAL.

GENERAL. Upon receipt of a request for appraisal, the Housing Supervisor will assign the job to a housing specialist.

1. Appointment to Conduct Appraisal. If the client is in the office, the housing specialist will make an appointment to meet him or her at the homesite. The specialist will ask for directions to the homesite, and the types of improvements which need to be appraised.

If the client is not in the office, the specialist will attempt to reach the client by phone, or will issue a letter to the client, setting an appointment to meet the client at the homesite. The letter will request the client to phone and reschedule the appointment if the date and time is inconvenient.

2. Appraisal Record. If the client already has an appraisal record, the specialist will familiarize him/herself with the contents. If the client does not have an appraisal record, the specialist will instruct the housing secretary to assign the next sequential number and prepare a file folder and rolodex card for the records.

3. Field Appraisal. When he/she arrives at the homesite, the specialist will ask the client to point out all improvements to be appraised. The specialist will perform the following actions:

- a. record the improvements on the appropriate field sheet (Residential Field Sheet or Miscellaneous Improvements).
- b. photograph each improvement recorded.
- c. prepare a sketch of the homesite showing the approximate dimensions of each improvement and their relationship to other improvements.
- d. the specialist may obtain an Affidavit of Ownership (or an amended Affidavit) and post the property while still at the homesite.

4. Value of the Improvements. Upon return to the office, the specialist will calculate the 1977 Fair Market Value of each of the improvement(s) and enter the values on the field sheets.

5. Appraisal Summary. The housing specialist will route the appraisal information to the housing secretary, who will file the documents in the client's appraisal record. The secretary will prepare an appraisal summary, which is a list of all of the client's improvements with their historic value and total. The summary is headed with the client's name, appraisal file number, and casefile number. The appraisal summary is kept in the appraisal file for reference.

6. Manual Record. If the client had no previous appraisal record, the

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

secretary will assign the next sequential appraisal number and prepare a manual file.

If the client already has an appraisal record, the information will be filed in the manual appraisal file. The earlier appraisal summary sheet and Affidavit of Ownership will be voided, and new forms inserted in the file.

7. Data Entry. The housing secretary will perform the following data entry.

a. New Appraisal. The secretary will create a new appraisal record in the automated files and will enter all information collected to this point in time.

d. Addition to Existing Appraisal Record. The secretary will increase the amount of the historic improvement value by the amount of the added item(s). No other data entry is required for added items.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
the Partitioned Lands				08/01/94

1615. AFFIDAVIT OF OWNERSHIP.

The Affidavit of Ownership, form MM#1610.1, will be obtained from the client at the earliest practicable time. As of the date of these procedures, the majority of appraisal files contain Affidavits of Ownership.

1. Preparation of Affidavit. The housing secretary will prepare the Affidavit of Ownership from the appraisal summary. The Affidavit will list the client's improvements in sequential order, without the monetary value. The client will be requested to sign the Affidavit in the presence of a notary.

a. Signature Obtained in Office. If the client is present in the office and identifies improvements which need to be appraised, the Affidavit may be prepared before the appraisal is performed based upon the client's description of the improvements. The client will be requested to sign the Affidavit while he/she is in the office.

b. Signature Obtained in Field. The housing specialist may obtain the client's signature on the Affidavit at the time the specialist travels to the homesite to perform the appraisal. In this case the specialist must be a notary.

c. Affidavit Mailed to Client. If the Affidavit is prepared after all office interviews and field work have concluded, the Affidavit will be mailed to the client to sign and return. The secretary will mail the form to the client with a cover letter instructing the client to sign the Affidavit in front of a notary and have the Affidavit notarized. The secretary will enclose a pre-paid, addressed envelope for the client to return the Affidavit.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

1616. ISSUING THE NOTICE OF INTENT TO ACQUIRE IMPROVEMENTS AND POSTING THE PROPERTY.

GENERAL. After the Affidavit of Ownership is obtained, the ONHIR will publish a Notice of Intent to Purchase Improvements, and will post the property. This is done in order to issue public notice of the Government's intended action, and allow counter-claimants to the property to come forward to assert their claim.

1616.1 Posting and Publishing.

Posting and publishing activities have been completed for the majority of improvements which were appraised during the initial appraisal program. In the event that a new appraisal is conducted, or review of the appraisal record reveals that notice and posting have not yet been accomplished, the following actions will be performed.

1. Preparation of the Notice of Intent to Purchase Improvements, MM#1610.2. The housing specialist will prepare the Notice of Intent to Purchase Improvements. The Notice of Intent to Purchase must list all improvements the client is claiming, whether or not all the improvements have been appraised. The Notice of Intent to Purchase will be signed by the Housing Supervisor or his/her representative. The Notice will state:

- description of the improvements.
- the location of the improvements (QQL and chapter).
- that the Office of Relocation intends to purchase the improvements described.
- names of the persons claiming the improvements.
- that anyone else asserting a claim to the improvements must file a claim with the Office of Relocation within thirty days of the date the Notice of Intent is posted.

2. Publishing the Notice. The ONHIR will publish the Notice of Intent to Purchase in the following newspapers:

- Arizona Daily Sun
- Navajo Times
- Holbrook Tribune

3. Action of the Housing Secretary. The secretary will send a copy of the Notice of Intent to these newspapers, with a cover letter requesting that the Notice be published pursuant to the ONHIR's blanket purchase order with the paper for legal and classified ads. The secretary will request that the newspaper provide the ONHIR with Proof of Publication and a tear sheet of the legal notice.

4. Posting the Improvements. The specialist will travel to the field to post the Notice of Intent to Purchase Improvements. This action constitutes preliminary acquisition notice to the client. Arrangements should

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

be made in advance for the client to meet the specialist at the homesite. The specialist will sign and date each copy of the Notice and will post copies at the following locations:

- the dwelling or principal improvement at the homesite.
- the bulletin board of the chapter house.
- the bulletin board of the nearest trading post.
- other locations which the specialist deems appropriate.

5. Posting at the Time of Appraisal. The improvements may be posted at the same time the appraisal or reappraisal is conducted, if the ONHIR has obtained an Affidavit of Ownership from the owner.

6. File Document. The specialist will give a signed and dated copy of the Notice of Intent to Purchase to the housing secretary to be filed in the appraisal file.

1616.2 Resolution of Ownership Disputes.

General. Individuals asserting a counter claim to the property are allowed thirty days from the date of publication of the Notice of Intent to Purchase to file a counter claim. Historically, the ONHIR has received few counter claims and they have subsequently been settled between the disputing parties without recourse to higher authority. In the event of a dispute, the following procedures will apply.

1. Counter Claims. Counter claims must be submitted in writing by the claimant and must set forth factual statements indicating the basis of the claim. Any relevant documentation possessed by the claimant must be submitted with the claim.

2. Action of Housing Supervisor. The Housing Supervisor will review the claim and will notify the owner of record that there is a dispute regarding ownership, and the identity of the person submitting the counter claim. The Supervisor will instruct the client to come to an agreement with the other claimant and inform ONHIR of the decision. The client will be informed that their relocation will not be processed until an agreement is reached.

3. Resort to Court of Competent Jurisdiction. In the event that the claimants cannot reach agreement, they may submit the dispute to a court of competent jurisdiction or seek other resolution sanctioned by Navajo Tribal Code.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on the Partitioned Lands	APPROVED 08/01/94

1617. REVIEW OF APPRAISAL RECORD DURING CASE PROCESSING.

The issue of client ownership of improvements on the partitioned lands will be covered by case workers in the Eligibility/Appeals, Counseling and Housing Acquisition branches during client case processing.

1617.1 Review at the Time of Eligibility Determination.

1. Newly Certified Clients. While reviewing documentation pertaining to eligibility, the Eligibility/Appeals Specialist will determine if the applicant is currently an HPL resident and/or owns property on the HPL. The Eligibility/Appeals Specialist will check the appraisal files to see if the applicant already has an appraisal record. If the applicant does not have an appraisal record but owns property on the HPL, and is determined to be eligible for relocation assistance, the Eligibility/Appeals Specialist will issue a memorandum to the Housing Supervisor, requesting that an appraisal be conducted. The request for appraisal will contain the information set forth in section MM#1613, p. 10 of these procedures.

At the time of the approval of these procedures, clients who may be determined eligible for benefits include: (1) people who failed to apply for relocation assistance by 7/7/86 but who meet the eligibility requirements of 25 CFR 700.138; (2) divorced spouses, pursuant to Management Manual Sec. 1220; and (3) denied clients whose denial has been reversed through the ONHIR appeals system.

1617.2 File Review During Counseling.

1. Check of Appraisal Records by Counselor. The counselor will determine from the automated records whether or not the client has an appraisal file. The counselor will also ask the client if they own improvements on the partitioned lands. If the client is an HPL resident but states that they do not own the improvements they occupy on the HPL, the counselor will ask about ownership and will record the information on the Case Narrative.

2. Review of Appraisal File. If the client owns improvements and has an appraisal file, the counselor will check out the file from the Housing Acquisition Branch and will review the file contents with the client. The counselor will assure that the file is complete: all improvements owned by the client have been appraised and all required documentation is in the file.

3. Appraisal Needed. If the client owns improvements on the partitioned lands but has no appraisal record; or there are additional improvements which need to be appraised; the counselor will request an appraisal according to section MM#1613, p. 10 of these procedures.

4. Documentation Needed. The counselor will check that the appraisal file contains the (1) Affidavit of Ownership and (2) Notice of Intent to Purchase Improvements. If either of these documents is missing, the counselor

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
the Partitioned Lands				08/01/94

will refer the client to the Housing Branch before they leave the office.

a. Affidavit of Ownership. If the client has not yet signed an Affidavit, the housing secretary will prepare an Affidavit for the client to sign in the presence of a staff member who is a notary.

b. Notice of Intent to Purchase Improvements. If the improvements have not yet been posted with a Notice of Intent to Purchase Improvements, a housing specialist will be assigned to the case. The specialist will make an appointment with the client for a field visit to the homesite. The specialist will also assure that the improvements are advertised according to MM#1616.1, p. 14 of these procedures.

5. Advice by Counselors. During the discussion about the appraisal file, the counselor will explain the ONHIR's policies regarding the HPL improvements which the client owns. The client will be informed that they may retain any or all of the improvements, provided they move them from the HPL homesite. (NOTE: the client may only retain improvements which can be moved. The client may not retain land improvements such as cornfields and earthen dams). If they do not choose to retain the improvements, they must execute a Quit Claim Deed to the ONHIR at the time they sign the relocation contract. The counselor will inform the client that all improvements owned by the client will be turned over to the Hopi Tribe for removal 30 days after the date of final inspection, which is the date that the client takes possession of the relocation house. Any improvements which the client has retained but has failed to remove will be subject to removal by the Hopi Tribe.

6. Owner Retention of Improvements. If the client wants to retain one or more improvements, the counselor will list the improvements by improvement number and description on form MM#1610.3. The counselor will route the original to the file room for the client casefile, and will place a copy in the appraisal file.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

1617.3 File Review During Housing.

1. Tracking Form. When ICB has completed work on the client's case, the ICB Supervisor will enter 'date housing ready' in the computer. If the client's case is also 'CC', the automated records will show that the case has been transferred to the housing pool (HP status). The ICB Secretary will route the tracking form for the client's case to the Housing Branch. The Supervisor will assign a housing specialist to the case and route the tracking form to the housing secretary.

2. Action of the Housing Secretary. The housing secretary will check the rolodex file and the automated records to determine if the client has an appraisal file.

a. No Appraisal Record. If the client has no appraisal record, the secretary will check the 'no' entry at the bottom of the tracking form and place the form in the specialist's mini file (see Housing Acquisition procedures, MM#1640).

b. Client Has Appraisal Record. If the client has an appraisal file, the housing secretary will check the 'yes' entry at the bottom of the tracking form and will review the file to assure that it is complete, using Optional Form MM#1610.6. The form will be stapled to the inside front cover of the appraisal file.

As appropriate, the secretary will prepare needed document(s) for the client's signature.

3. Initial Interview. At the time of the initial interview the housing specialist will once again ask the client if he/she owns improvements on the HPL, and ask the client to verify that the list of improvements on the Appraisal Summary and Affidavit of Ownership is complete and correct. The specialist will do the following.

a. Verification That All Improvements Have Been Appraised. If the client claims improvements which have not been appraised, the specialist will schedule a field trip to conduct the appraisal prior to scheduling the contract signing (see previous sections MM#1613 and MM#1614).

b. Completion of File Documentation. The specialist will obtain the client's signature on documents which the secretary has identified as needed; or, if the specialist learns that new appraisal/reappraisal is needed, he/she will assure that associated documentation is completed. The specialist will initial Optional Form MM#1610.6 to show that action has been completed.

c. Owner Retention of Improvements. The specialist will ask the client whether or not they want to retain any of the improvements. If the client wants to retain one or more improvement(s), but did not fill out a Owner Retention of Improvements form in Counseling, the specialist will obtain a signed Owner Retention of Improvements form. The original will be held in

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

the mini-file to be attached to the Relocation Contract. A copy of the owner retention form will be placed in the appraisal file.

4. Notice of Benefit Determination. **Cross reference MM#1710 and MM#1640.** The specialist will incorporate the amount of appraisal to be applied to the housing benefit into the Notice of Determination of Value. The client will have 30 (thirty) days to appeal the appraisal amount if they disagree with it.

The Notice of Benefit Determination may be reissued prior to contract signing if there is a change in the value of the appraisal.

5. Quit Claim Deed. Prior to the pre-construction conference, the specialist will draft a Quit Claim Deed, form MM#1610.4, for the secretary to type for the client's signature. The specialist will enter the following information on the Deed.

- Quarter Quad location of the client's primary homesite. This information is obtained from the automated Client Master File inquiry.

- legal description of the quarter quad location. This information is obtained by checking the USGS topographic maps.

- if the client is quit claiming one or more improvements to the ONHIR, the items will be listed on the Deed.

- client(s) name beneath the signature line.

6. Executing the Deed. When the client comes to the office for contract signing, the specialist will obtain their signature on the Quit Claim Deed, the secretary will type the date onto the Deed. The Deed will be notarized.

7. Relocation Contract. The following information about the client(s) appraisal will be incorporated into the relocation contract: amount to be applied to the housing benefit; QQL; and legal description of homesite quit claimed to ONHIR. If the client is retaining one or more of the improvements, the contract will state this fact, and will incorporate the requirement that the client will remove the improvements at their own expense. The client will agree through the contract as well as on the Owner Retention of Improvements form that any improvements not removed within 30 days after the date of final inspection will be considered ONHIR property and will be transferred to the Hopi Tribe for removal. The original Quit Claim Deed with the Owner Retention of Improvements form attached will be attached to the contract and filed in the client casefile. Copies of the quit claim deed and the owner retention form will be placed in the appraisal file.

8. Data Entry. The Housing Supervisor will enter the date of contract signing in the automated file. Entry of this date automatically updates the date of obligation of the appraisal amount and code (type) of obligation. The automated system will compute and enter the actual improvement value, as

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

updated by the Boeckh cost modifier, for all cases with a date of obligation and "B" (benefit) obligation code.

9. Data Entry for Cash Payment for Appraisals and Other Types of Appraisal Actions. In cases of cash payments to estates or to denied clients, or other cases of appraisal disposition which require special action, the Housing Supervisor will access the automated appraisal file to perform the following entries.

a. Date of Obligation. The Supervisor will enter the date of obligation of payment. This is the date that the ONHIR receives the properly executed (1) request for payment and the (2) Quit Claim to the ONHIR.

b. Code of Obligation. The Supervisor will enter the code of obligation: 'C' for cash payments, 'N' for no payment, or 'O' for other.

c. Actual Improvement Value. The Supervisor will manually calculate the amount to be paid based upon the Boeckh cost modifier for estate payments or payments to denied clients, and will enter this amount.

d. Appraisal Comment. The Supervisor will enter a brief explanation about the type of payment or other action.

1618. PROPERTY DISPOSAL.

GENERAL. Pursuant to the terms of the contract between ONHIR and the Hopi Tribe, HPL improvements acquired by the ONHIR will be turned over to the Tribe's Office of Hopi Lands for assessment and removal.

1. Quit Claim to ONHIR. The Quit Claim Deed relinquishes ownership of the improvements to the ONHIR. The ONHIR will retain ownership of the property for 30 days following the date of final inspection, which is the date the client takes possession of the relocation house. The 30 day period will be utilized by the client to remove personal property, including any retained improvements, from the HPL homesite.

2. Notification to Hopi Tribe at the Time of Contract Signing. The Housing Supervisor will notify the Hopi Tribe when a client who owns property on the HPL signs the relocation contract. The notification will be issued within three days of contract signing, and will inform the Tribe of the client's name, ONHIR casefile number, appraisal number, quarter quad location of the property, and projected date for completion of house construction (see sample letter MM#1610.6)

3. Quit Claim to the Hopi Tribe. No less frequently than the beginning of each month, the secretary will run the computer report entitled Appraisals Needing to be Turned Over to Hopi. The secretary will check that 30 days have passed since the date relocated, and will prepare the following documents to send to the Hopi Tribe.

a. Quit Claim Deed for Each Appraisal. The secretary will prepare a Quit Claim Deed, form MM#1610.5, listing all improvements owned by the client. If the client has retained any of the improvements, these will be marked with an asterisk. When ready, the Quit Claim Deed will be signed by the Housing Supervisor and notarized.

b. Owner Retention of Improvement Forms. The secretary will make a copy of the Owner Retention of Improvements form (if one or more improvements have been retained) and attach it to the Quit Claim Deed.

c. Photographs of the Improvements. The secretary will make a copy of the photographs of the improvements which are in the appraisal file. The sheets of original photographs will be attached to the Quit Claim Deed. The copies will be placed in the appraisal file; they may be discarded when the Hopi Tribe returns the original photographs.

d. Cover Letter. The Secretary will prepare a cover letter to the Director of Hopi Lands for the Housing Supervisor's signature, to accompany the documents being forwarded to the Hopi Tribe. The letter will list the appraisals being turned over, by appraisal number. The letter will request the OHL director to sign and return the original Quit Claim Deed, and return the photographs when the Tribe finishes recording the information they need.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

4. Cases Where There is More Than One Owner. In many instances there is more than one owner of the various improvements. This usually occurred when the original owners quit claimed one or more items to their children. Usually the quit claimed properties fall into the category of miscellaneous improvements - corrals, outbuildings, etc. Occasionally dwellings were quit claimed to children. The secretary will follow this guideline in preparing appraisals for turnover:

Guideline. An appraisal with more than one owner will not be turned over to the Hopi Tribe until the owner/occupant of the dwelling(s) has relocated. After the principal owner/occupant has relocated, his/her improvements plus minor improvements owned by other relocated clients who share the appraisal will be quit claimed to the Hopi Tribe. If there are still one or two family members who own miscellaneous improvements who have not relocated, their improvements will not be turned over until they relocate. The secretary will enter a comment on the client's rolodex card and in the automated file that the rest of the appraisal has already been turned over.

The housing secretary may request assistance from the Housing Supervisor or Management Analyst in determining how to handle problematic cases.

5. Data Entry and Mailing. The Secretary will perform the following data entry and will mail the documents regular mail to the Office of Hopi Lands.

- a. date of turnover, which is the date on the Quit Claim Deed.
- b. type of turnover: 'H' for Hopi Tribe.
- c. Appraisal Comments: The secretary will enter explanations as appropriate, such as the numbers of the improvements which the client has retained, or the names of other clients owning portions of the appraisal.

6. Follow-up Activities. When the executed Quit Claim Deed and original photographs are returned by the Hopi Tribe, the secretary will file the documents in the appraisal file. The appraisal file will be placed in a suspense file. If the documents are not returned within a month, the Secretary will phone the HPL office to inquire about the status of the documents.

7. Transfer to Data Room. When all action by ONHIR staff on an appraisal has been completed, the appraisal file will be transferred to the data room to be filed in the client casefile. If the casefile is too voluminous to accommodate the appraisal file, the appraisal file will be filed right next to the casefile.

a. More Than One Owner. If there was more than one owner of the improvements listed in the file, the file will be placed in the casefile of the principal owner - the client who owned the dwelling(s). This is usually the original owner, before items were quit claimed to other family members.

MANAGEMENT	SECTION	1600	HOUSING ACQUISITION	_____
MANUAL	SUBJECT	1610	Improvements Located on	APPROVED
			the Partitioned Lands	08/01/94

The location of the file will be cross-referenced in the casefiles of the other owners.

MANAGEMENT SECTION 1600 HOUSING ACQUISITION _____
MANUAL SUBJECT 1625 Acquisition of Improvements APPROVED _____
Owned by Denied Applicant 09/08/92

SECTION 1600 HOUSING ACQUISITION

SUBJECT 1625 ACQUISITION OF IMPROVEMENTS OWNED

BY DENIED APPLICANTS

AUTHORITY: 25 CFR 700.127

POLICY.

Applicants who are denied eligibility for relocation assistance benefits may receive a cash payment for improvements which they own on the partitioned lands.

In order to receive a cash payment, the denied applicant must be shown as the owner of the improvement(s) according to Office of Relocation records as of the date of initial eligibility determination. The improvement must be located on land partitioned to the tribe of which the owner is not a member. In addition, the person must have exhausted administrative appeal, or must have informed the Office of Relocation that he/she does not intend to appeal the denial. The 30-day period of time allowed for filing appeal following receipt of denial must have expired before the request will be processed.

PROCEDURES.

1626. REQUEST FOR PAYMENT OF IMPROVEMENTS.

GENERAL. The Housing Supervisor shall exercise the operating responsibility for processing requests by denied applicants for cash payment for improvements. The Housing Supervisor will consult with the Eligibility/Appeals Supervisor regarding the applicant's eligibility and appeal status.

Processing payment for improvements for applicants who have been denied eligibility for relocation assistance but who own improvements on the partitioned lands may be initiated in one of several ways, as follows.

1. Request by Applicant. A denied applicant who requests payment for improvements which he/she owns on the partitioned lands must submit the request in writing to the Housing Supervisor. If the applicant has a legal representative, the representative should submit the request.

2. Referral by Eligibility/Appeals Supervisor. The Eligibility/Appeals Supervisor will notify the Housing Supervisor by memo when final agency action is taken on denials of applicants who claim to own improvements on the partitioned lands. If the applicant has an appraisal file, the memo will reference the appraisal file number. If the applicant does not have an appraisal file, the Eligibility/Appeals Supervisor will attach copies of information about the improvements which was considered at the time of initial eligibility determination. The Supervisor will issue a letter to the applicant at the last known address informing them that they may be entitled to appraisal payment, and requesting that they contact the Housing Supervisor to initiate the process.

3. Review of Automated Records by Housing Supervisor. Periodically the Housing Supervisor will request a report from ADP of denied applicants with completed or no appeal who have open appraisal records. The Supervisor will issue a letter to the applicant at their last known address informing them that they may be entitled to appraisal payment, and requesting that they contact the Housing Supervisor to initiate the process.

1627. REVIEW OF APPEAL STATUS.

General. The Housing Supervisor shall verify that the applicant has received notification of denial, and shall determine the appeal status of the case. This information is available through the appeal and determination files in the automated records, and from the Eligibility/Appeals Branch.

1. Applicant With Open Appeal. If the applicant has filed an appeal which is pending action in the administrative review process, the Housing Supervisor shall inform the applicant that no action can be taken on the request for payment until there is final agency action on the appeal or it is withdrawn. The Supervisor will document the instructions to the client.

2. Client Did Not File Appeal. If the applicant has not filed an appeal, the Housing Supervisor will verify that at least 30 days have expired since the applicant received the Notice of Denial. The date the applicant received the Notice is available through the automated records. No action will be taken on the request for payment until the period allowed for filing an appeal has expired.

1628. REQUIRED FILE DOCUMENTATION.

1. Affidavit of Ownership. After receiving a written request for cash payment for improvements and verifying the applicant's appeal status, the Housing Supervisor will review the denied applicant's appraisal file. The Supervisor will assure that an appraisal summary has been prepared from the field records, that an Affidavit of Ownership is on file, and that the property has been advertised and posted.

a. No Affidavit on File. If the applicant has not signed an Affidavit of Ownership, the Supervisor will instruct the housing secretary to prepare an Affidavit listing the applicant's improvements in sequential order, without the monetary value. The secretary will mail the Affidavit to the applicant with a cover letter instructing the applicant to sign the Affidavit in front of a notary and have the Affidavit notarized. The secretary will enclose a pre-paid, addressed envelope for the applicant to return the Affidavit. When the Affidavit is returned by the applicant, it will be routed to the file room for filing in the applicant's case file. A copy will be inserted in the appraisal file.

2. Notice of Intent to Acquire Improvements and Posting the Property. The Supervisor will assure that the improvements claimed by the applicant on the Affidavit of Ownership have been posted with the ONHIR's Notice of Intent to Acquire Improvements, and that the Notice has been published. If posting and publishing have not been accomplished, the Supervisor will follow the procedures in subject MM#1616, p. 14-15.

3. Notice of Determination of Value and Offer of Fair Market Value for Improvements. The Notice of Determination of Value and Offer of Fair Market Value for Improvements, form MM#1625.1, will be issued no sooner than 30 days after the improvements have been posted and advertised. The Notice will list the improvements in sequence according to the assigned appraisal number, and will state the value of each improvement and the total value as modified by the Boeckh cost modifier. The Notice will inform the applicant that he/she has 30 days from the date of the letter in which to appeal the amount offered. This time period may not be waived by the applicant nor by the ONHIR.

a. Boeckh Cost Modifier. In cases of request for cash payment of appraisal by denied clients, the Boeckh cost modifier in effect on the date of original denial will be used to determine the fair market value of the improvements. The Housing Supervisor will calculate the amount manually, and will enter it in the automated records at the time the Notice of Determination is prepared.

4. Quit Claim Deed. When the Notice of Determination of Value is prepared, the Supervisor will also prepare a Quit Claim Deed for the applicant's signature. The Quit Claim Deed will list the improvements owned by the applicant. The Deed will be enclosed with the Notice of Determination and sent to the applicant with a cover letter instructing him/her to sign the Deed in the presence of a notary and have the Deed notarized. The Housing

Secretary will enclose a pre-paid, addressed envelope for the client to return the Deed.

5. Funds Obligation and Disbursement Voucher Request. When the signed Quit Claim Deed is returned by the applicant, the Supervisor will route a copy of the Deed to the Finance Branch and request that funds be obligated for the appraisal payment. The Supervisor will prepare a Disbursement Voucher Request and route it to the Finance Branch for processing. The payment for the quit claimed improvements will be sent directly to the applicant.

6. Data Entry. The Supervisor will perform data entry of the actual appraisal value, the date of obligation, and obligation code (C), and will note in file comments that this is a denied applicant payment.

1629. PROPERTY DISPOSAL.

Property acquired from denied applicants shall be offered to the tribe exercising jurisdiction over the land on which the improvements are located. Transfers of acquired improvements will be processed as described in Management Manual subject 1618.

1630. DENIED APPLICANTS WHO CLAIM TO OWN IMPROVEMENTS ON THE PARTITIONED LANDS BUT DO NOT HAVE AN APPRAISAL FILE.

General. In order to be paid for improvements, the denied applicant must be shown as the owner of the improvements according to ONHIR records as of the date of the original determination of denial. If the applicant claims to own improvement(s) on the partitioned lands, but the ONHIR does not have an appraisal file for the applicant, the Housing Supervisor will determine the validity of the applicant's claim. The Supervisor may consult with the Eligibility/Appeals Supervisor and other management staff in assessing the validity of the applicant's claim.

1. Applicant's Assertion of Claim. The applicant will submit the claim to improvements in writing and will explain the basis for the claim and attach any relevant documents. The Supervisor will inform the applicant that the claim to ownership of improvements must be supported by records which date from the period prior to denial. No payment shall be issued to applicants whose claim is not supported by documentation. The posting process verifies the applicant's ownership of improvements (see MM#1616) but for denied applicants, it is not used as the sole means of validating a claim to improvements.

2. Acceptable Documentation. The ONHIR may consider the following records in support of the applicant's claim of ownership. The property must be described in sufficient detail to enable the Supervisor to determine the type, condition, and exact location of the property.

- will
- court award
- quit claim deed
- JUA enumeration listing the applicant as owner of

the improvement(s) claimed.

- information developed by the Eligibility/Appeals Supervisor at the time of initial determination.
- Findings of Fact issued by the Hearing Officer during agency appeal process, recognizing applicant's claim to ownership of improvements at the time of initial determination of denial.
- Information from the applicant's case file or other casefiles relating to the ownership of improvements.

3. Initial Appraisal. If one or more of the improvements claimed by the applicant has not been appraised, the Supervisor will assign a housing specialist to conduct a field appraisal and create an appraisal record according to MM#1614. The applicant will be told that it may be necessary for him or her to accompany ONHIR staff who conduct the appraisal in order to locate and identify the improvements. The housing secretary will assure that required file documentation is obtained for the newly-created record (appraisal summary, Affidavit of Ownership, posting/publishing activity, and

data entry).

3. Determination by Supervisor. The Supervisor shall determine whether or not records submitted by the applicant and/or contained in the ONHIR system of records support the applicant's claim of ownership. If records support the applicant's claim, the Supervisor will process the cash payment according to MM#1628.

4. Denial of Claim. If the Supervisor determines that records do not support the applicant's claim, the Supervisor will issue the applicant a letter denying the payment. Denial of payment may be reviewed by higher management officials, but is not subject to appeal through the formal appeals process.

MANAGEMENT SECTION 1600 RELOCATION OPERATIONS
MANUAL SUBJECT 1640 Housing Acquisition

APPROVED _____

1/1/99

SECTION 1600 RELOCATION OPERATIONS BRANCH

SUBJECT 1640 HOUSING ACQUISITION

AUTHORITY: P. L. 93-531, as amended; 25 CFR 700 Subpart E.

POLICY.

The Office of Relocation will enable certified clients and their families to acquire replacement housing at a location of their choice. The ONHIR will expend the replacement housing benefits to which the client is entitled to purchase a house of the client's choice, provided it meets the specifications of 25 CFR 700.53 and 700.55. Each acquisition will be handled as an individual transaction, whereby the client on behalf of the household contracts with the ONHIR to relocate, and contracts with a contractor or realtor for the construction and/or purchase of a replacement home.

Upon executing the relocation contract, the client will agree to vacate permanently any improvements owned on the Former Joint Use Area, and will remove or quit claim to the ONHIR any and all habitations and improvements located on the land partitioned to the tribe of which he/she is not a member.

Public Law 93-531 provides for two levels of housing benefit amount: housing benefit for a family of three or less and housing benefit for a family of four or more. The specific amount is subject to change to reflect changes in the cost of acquiring decent, safe and sanitary replacement housing.

The assistance payment (incentive bonus) authorized pursuant to sec. 14(b) of P.L. 93-531 shall be issued to the head of household upon verification of actual occupancy of the replacement dwelling.

MM#1640

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1/1/99

PROCEDURES.

GENERAL. The Relocation Specialist will initiate housing acquisition activities when all counseling phase and site acquisition activities have been completed. Housing Acquisition activities will be coordinated with the activities of the Inspections Section to accomplish timely review of house plans and inspection of replacement housing.

1641. Establishing the Housing Benefit Amount.

General. Pursuant to P. L. 93-531 and 25 CFR 700.183 (b), the ONHIR may increase or decrease the amount of housing benefit to reflect changes in the cost of acquiring decent, safe and sanitary replacement housing.

1. Review of Housing Costs. Relocation Operations Branch (ROB) staff will monitor housing costs. The ROB Manager will prepare a written recommendation annually for action by the Commissioner. The ROB Manager may recommend that the housing benefit be increased, decreased, or remain the same. **Cross reference Management Manual Vol. 4, Sec. 1710 Benefits.**

2. Recommendation to Commissioner. The written recommendation will be in the form of a memorandum to the Commissioner through the Deputy Director and the Executive Director. The recommendation shall ordinarily be prepared in March, in order to receive action by the Commissioner by the first Friday in April as required by 25 CFR 700.183(b). In the memorandum, the Manager will set forth the factors which constitute the basis for the recommendation. The recommendation may cover all types of acquisitions, or may affect only (1) minimum or maximum housing benefit, or (2) on or off-reservation acquisitions.

The recommendation as approved by the Commissioner may be amended later in the year and prior to the next year's recommendation, if required to meet the exigencies of housing acquisition costs.

3. Basis for Recommendation. The ROB Manager will recommend a change in housing benefit based upon the following factors.

a. Increases or decreases in basic house costs per square foot and options costs as submitted by contractors for new construction houses.

b. Appraisal reports of off-reservation houses which show changes in construction costs per square foot.

c. Changes in residential housing costs for Arizona as published in Marshall and Swift's Residential Cost Handbook and the Boeckh Building Cost Modifier.

d. Information regarding changes in HUD housing costs, provided by the Phoenix district office.

1/1/99

4. Review by Deputy Director and Executive Director. The Deputy Director and Executive Director will review the recommendation and discuss it with the ROB Manager as necessary. The Manager may be instructed to obtain additional information. If an increase in benefit is recommended, the Deputy Director will determine the impact of the potential increase on current budget allocations and budget planning. The Deputy Director and Executive Director shall indicate their concurrence or nonconcurrence with the recommendation, and transmit it to the Commissioner for action.

5. Action by Commissioner. The Commissioner shall approve or disapprove the recommendation. If the approved recommendation results in a change in benefit amount, the new benefit amount(s) will be effective the date of the Commissioner's approval. The ROB Manager shall disseminate information about the revised amounts to all departments.

1/1/99

1642. Transferring Client Cases to the Housing Acquisition Phase of Case Processing.

General. The client's case will be transferred from the 'SC' phase of activity to the 'HS' phase of activity after the client has completed counseling activity, and after the client's site has been acquired and all necessary clearances obtained or performed by the Homesite Lease Section of the Relocation Operations Branch.

1642.1 Action to Transfer Case.

1. Relocation Services Checklist. The specialist will select the Relocation Services Checklist which is applicable to the client's case. When all counseling actions have been completed and the client's homesite lease has been completed (for clients moving on-reservation), the specialist will fill out page 1 of the checklist and route it to the Counseling Team Leader for review and approval. The specialist will attach any documentation which the team leader will need to review in order to approve transfer to HS status.

The checklist is available in form-fill format. Page 1 will be filed in the casefile after the team leader has approved HS status. The specialist will keep a copy in the mini-file. Entries on the remaining pages will be made as the case progresses through housing acquisition. When the contract has been signed, the specialist will print the checklist and route it through the team leader for signature before filing it in the casefile. Entries will continue to be made on the checklist until post move counseling has been completed; at that time the final page will be printed and filed in the casefile.

2. Transfer to HS by Team Leader. Page 1 of the checklist serves as a case tracking form and verifies that all actions preparatory to the initial housing interview have been completed. If the Team Leader agrees that the case is ready for the initial housing interview he/she will approve and date page 1, and enter the approval in the automated records. Data entry will transfer the case to HS status.

If the Team Leader determines that additional information or action is required before the case is ready for housing, he/she will return the casefile and the checklist to the specialist with instructions.

3. Computer Generated Forms.

Data entry will generate the Client Information Summary printout (see attached example MM#1640.C). The specialist will receive a message that the printout is ready.

4. Actions of the Secretary. Upon receiving the printout, the specialist will ask the secretary to prepare a mini-file and file dividers for case documents.

a. Mini Files. The "mini file" is the working file maintained by

1/1/99

the relocation specialist while the client is in Housing Acquisition. The secretary will prepare a file folder labeled with the client's name, casefile number, and census number. Original documents relating to the client's case will be filed in the client casefile. Copies of documents which the specialist wants readily available will be placed in the mini file for reference during case processing. The contents of the mini file will be discarded after housing acquisition activity has been completed.

Under no circumstances shall mini-files be locked up in specialists desks. The files must be accessible to the Team Leader and other Branch staff when the specialist is out of the office.

b. File Dividers. The specialist will file the originals or copies of all documents relating to the case in the client casefile as they are received or created. The documents will be organized according to the headings listed below, and will be filed behind the appropriate file divider. The secretary will type the headings on fifth cut file dividers and deliver them to the specialist with the mini file. The Checklist will be filed on the left side of the middle section of the case file, and the dividers will be filed on the right side underneath the "T" sheet. The dividers will be in the following order, top down:

- (1) Inspection Reports; Invoices; Truss, Termite and Concrete Trip Tickets
- (2) Contracts, Change Orders & Time Extensions
- (3) Worksheet, Color Sheet, Infrastructure, Escrow Documents, Appraisal, Deed Restriction
- (4) Insurance
- (5) Initial Interview Documents, Correspondence & Miscellaneous

1643. Initial Housing Interview.

General. At the initial housing interview the specialist will inform the client of the specific actions required to select a house, house plan, contractor, or realtor. If the client does not take timely action after the initial housing interview, the specialist will contact the client regularly to determine the reasons. If it appears that the case may require pro-active intervention, the specialist may request a case staffing with the team leader, ROB Manager, Deputy Director, and any other staff who may have ideas which will expedite the case.

1643.1 Scheduling the Initial Housing Interview.

1. Scheduling the Initial Interview. The specialist will schedule the initial interview within five days of the client's transfer to HS status. The specialist will inform the secretary of the date and time for the appointment, and any special instructions which should be incorporated into the appointment letter. The specialist will review the casefile to determine if there is any additional information which the client should bring to the interview.

2. Actions of the Secretary. The secretary will type a letter to the client informing him/her of the date and time of the initial interview (see sample letter MM#1640 Attachment B). The letter will include a signature line for the client to confirm the appointment. A postage paid addressed envelope will be enclosed for the client to return the signed letter. The letter will also remind the client to take their mileage reading for expense reimbursement. The letter will request the client to call and reschedule the appointment if they are unable to travel to Flagstaff on the date/time scheduled. The letter will be sent regular mail.

The specialist will record the appointment on their schedule.

3. Preparing Materials Needed for the Initial Interview. After instructing the secretary to schedule the initial interview, the specialist will prepare a packet of materials to be used during the initial interview. These materials include:

for on-reservation moves:

- on-reservation initial interview checklist
- letter of introduction to contractor and instructions for filling out the pre-construction worksheet (3 copies)
- pre-construction worksheet with Part 1 filled out by the specialist (3-5 copies)
- copy of the IHS plot plan attached to each worksheet
 - color and appliance sheet
- NTUA plot plan
- IHS plot plan
- list of contractors
- search expense reimbursement form and instructions

1/1/99

for off-reservation

moves:

- off-reservation initial interview checklist
- letter of introduction: off reservation acquisitions
- deed restriction
- list of contractors
- search expense reimbursement form and instructions

4. "T" Sheet. The specialist shall prepare the ONHIR Funds Obligation and Disbursement Record, known as the "T" sheet (see Attachment MM#1640.T), for the client casefile. The T sheet is a running record of the funds obligated and expended for the client's benefits. It is filed on top of the documents pertaining to Housing Acquisition activity. At the time of case preparation, the specialist will enter the client's name, casefile number, escrow number if applicable, and amounts obligated for housing benefit, moving, and bonus on the sheet. The document, vendor number, and payee numbers are entered later by the Finance Branch (see MM#1645.3 #4). The specialist will enter the date, payee, reason for payment, escrow number if applicable, and amount of payment each time a voucher is prepared. The payment history recapped on the T sheet is compared with information in the automated records to verify accuracy.

5. Special Handling Cases. If the case requires special handling, the specialist will assure that the casefile contains the instructions necessary for the case to be processed correctly. If the specialist is uncertain about the way in which the contracts should be signed or the way payments or property should be issued, the specialist will consult with the ROB Manager for instructions. The ROB Manager will consult with the Deputy Director and/or Legal Counsel for direction as necessary. Such cases may include:

- conservatorships
- power of attorney
- client occupying temporary emergency housing
- housing requiring extensive handicap modification

1643.2 Conducting the Initial Housing Interview.

1. Initial Interview Checklist. There are two checklists for initial interviews: On-Reservation Initial Interview Checklist, form MM#1640.1, and Off-Reservation Initial Interview Checklist, form MM#1640.2. The specialist will follow the appropriate checklist while conducting the interview. At the end of the interview, the specialist will have the client sign the checklist, to verify that all subjects have been discussed.

The specialist may prepare additional notes on issues to cover with the client during the initial housing interview.

2. Verifying and Updating Casefile Information. At the initial housing interview the specialist will verify and update any relevant client data which

1/1/99

has changed since the specialist's last contact with the client. Changes which are significant enough that they require changes to the client's automated records will be routed to the secretary for data entry.

Client information which must be updated regularly in the manual and automated files up to the time when the client signs the relocation contract is:

- household membership information
- employment/income for clients moving off-reservation
- mailing address
 - HPL residence status
 - pre-move location description

3. Appraisal and Retention of Improvements. If the client has an appraisal, the specialist will review the file with the client during the initial housing interview and verify that the client understands that all of the property will be quit claimed to the Office of Relocation at the time of contract signing unless the client chooses to retain one or more items. If the client wants to retain the improvements, the specialist will assure that the client has signed an Owner Retention of Improvements form which correctly lists the property the client wants to retain.

4. Range Unit Moves. If the client is moving to a range unit, the specialist will determine from the Client Information Summary whether the client is a permittee or sponsored family member, and will observe the following policy guidelines with regard to case processing (**cross reference MM#1820**).

a. Permittee.

(1). If this is a transferred permit (little "e"), the client who transferred the permit eligibility must sign their relocation contract first, unless a waiver is granted by the Deputy Director.

(2). The specialist will ask if the client has been contacted by a New Lands range technician regarding the range management plan. If the client states that he/she has not been contacted, the specialist will arrange a meeting between the client and the Range Management office.

b. Sponsored Family Member.

(1). The client must be sponsored by a permittee living in the same range unit.

(2). The permittee must sign their relocation contract first.

5. Bonus Payment. The specialist will inform the client of the ONHIR's policy regarding payment of the bonus. The bonus will be issued upon verification that the client has completed an application for homeowner's insurance (**cross reference MM#1670**) and has moved into the replacement house. As

1/1/99

feasible, the bonus payment will be mailed or delivered to the client in the field. The client must sign the Inspection of Replacement House and Certification of Occupancy form in order to receive the bonus payment.

6. Homeowner's Insurance (see MM#1670). The specialist will inform the client that the ONHIR will pay the first two year's of homeowner's insurance from the client's housing benefits, unless the client is taking out a mortgage on the house, in which case the insurance will be paid through the mortgage. After the first two years, the client will be responsible for the insurance premium if he/she wishes to continue the coverage.

7. Home Maintenance Training Program. The specialist will inform the client of the ONHIR's home maintenance training program. The specialist will inform the client that a home maintenance video will be shown the day of contract signing, and the Home Maintenance Specialist will make an appointment to conduct the training after the client moves into the replacement house.

8. Key Day. The specialist will encourage the client to be present at the final inspection to take possession of the house. The specialist will instruct the client to phone ICB or keep in contact with the contractor to find out the date when the final inspection will be performed.

9. Other Issues. After discussing general requirements associated with case processing, the specialist and client will discuss issues which the client should consider in selecting a house plan. These issues will include: number of bedrooms needed to accommodate the family; room arrangement; amount of storage space needed; maximum glazing on south side of house, for passive solar heating; handicap features required or desired by the client; and similar issues directly related to the specific circumstances of the client. The specialist may request that a construction inspector be present during this part of the discussion to provide technical assistance on questions the client may have about house construction.

If the client has ideas about options which he/she would like, the specialist will discuss them with regard to the amount of housing benefit available and the basic house features which must be considered before options are added to the plan.

The specialist will also cover any other subjects applicable to the client's type of housing acquisition, and will give the client the forms specified on the Initial Interview Checklist, and an ONHIR business card. Types of housing acquisition are covered in following sections of these procedures.

1643.3 Special Arrangements for Clients Requesting Assistance in Selecting a House Plan or Contractor.

If a client requests assistance from the ONHIR in selecting a house plan or a contractor, the specialist will submit the request to the ROB Manager and the

1/1/99

Deputy Director. The specialist will provide an analysis of the client's circumstances and a recommendation for action. The ONHIR will maintain a list of contractors in good standing who can be contacted on a rotational basis and requested to submit a bid on the project.

After a plan to facilitate the acquisition has been defined, the specialist may assist by arranging meetings in the field between the contractor(s) and client; providing the client with transportation; and providing language interpretation. The specialist may recommend a basic house plan model which can be modified by the client and the contractor.

1/1/99

ON-RESERVATION RELOCATION

General. The majority of clients who relocate to reservation sites acquire a new construction home. In a few instances, clients acquire an NHA home which they are currently occupying. The first part of these procedures will discuss new construction homes.

1645. NEW CONSTRUCTION HOMES.

1645.1 Activities Prior to the Pre-Con.

General. The process of acquiring a new construction home varies in minor respects according to the location of the home: 1) reservation homesite lease; 2) reservation subdivision; 3) New Lands rural community; 4) New Lands range unit.

1. Choosing a Contractor. The client shall select a licensed contractor to build their relocation house. At the time of the initial interview the relocation specialist will provide the client with a list of licensed contractors in good standing who have informed the ONHIR that they want their names made available to clients. The specialist will advise the client to contact several contractors, look at houses they have built, and compare offers before making a final selection. The specialist will not recommend any specific contractor to the client.

2. ONHIR House Plan Requirements. Contractors who do business with the Office of Relocation will receive a written description of ONHIR approved materials and specifications. These specifications are referenced as Exhibit "C" of the contract documents. The specifications are revised periodically as needed and distributed to all contractors. Staff from the Inspections and Compliance Branch will orient new contractors to the ONHIR's construction requirements.

3. Basic House Plans. In the early 1980's the ONHIR developed Basic House Plans incorporating energy efficient features. Use of the Basic House Plans has been largely superceded by the submission by contractors of custom plans incorporating the energy-efficient standards. Contractors who have built houses for ONHIR clients in the past have copies of the Basic House Plan technical specifications. New contractors will receive copies of the technical specifications if the client selects one of the plans.

4. Basic Plans Given to Clients. A client moving on-reservation will be given a non-technical set of the simplified floor plans for Basic House Plans during the initial interview. The client may select from among these plans or may work with the contractor to develop a set of custom plans which incorporate ONHIR requirements.

5. Pre-Construction Worksheet. The Pre-Construction Worksheet, form MM#1640.3, is used for on-reservation new construction housing. It is intended

1/1/99

to help the client compare prices and options offered by different contractors. Prior to the initial interview, the specialist will fill out part 1 of the worksheet with information required by the contractor to estimate construction costs. The specialist will attach a copy of the approved materials and specifications and give the client 3-5 copies of this package of forms. As applicable to the client's situation, the specialist will attach SPV specifications, cistern specifications, and/or septic specifications.

6. Letter to Contractor and Other Handouts. In addition to the copies of the Pre-Construction Worksheet and specification requirements, the specialist will give the client the following additional handouts:

a. On-Reservation Construction: Letter to Contractor, form MM#1640.5. The letter to the contractor sets forth general requirements governing the contracting process, and specific instructions for filling out the Pre-Construction Worksheet.

b. Color and Appliance Selection, form MM#1640.4 (contract document Exhibit E). This form is attached to the Pre-Construction Worksheet and supplements the information provided by the contractor on the Worksheet. After the client has selected the house plan they want, the contractor will discuss each of the items on the Color and Appliance Selection form with the client, and will record the client's choices. Both the client(s) and the contractor will sign the form. At the time of contract signing, this form will be attached as Exhibit E to the contract documents.

The Color and Appliance Selection form must be returned to the specialist at the same time as the Pre-Construction Worksheet.

c. Plot Plans. The specialist will provide copies of the homesite lease plot plan and utility information (IHS and NTUA plot plans) for the contractor's use in preparing the house plan.

d. Travel Reimbursement Claim Form. The specialist will give the client a copy of the travel claim form and instruction sheet MM#1640.B.

7. Returning the Pre-Construction Worksheet. Only one Pre-Construction Worksheet should be returned to the specialist: the one for the contractor which the client has selected. If the client wants assistance in choosing a contractor, he/she may bring in worksheets filled out by several contractors and ask for the specialist's help in analysing and comparing options and costs. The specialist's help will be limited to comparison of quantifiable items listed on the worksheets; the specialist will not state an opinion on the merits of the different contractors being considered.

The Worksheet may be returned to the specialist by either the client or the contractor. If the contractor submits the form, it must contain the client's signature, and the specialist will contact the client to verify that the client has selected this contractor. The following documents must be attached:

1/1/99

a. The contractor will submit four sets of blueprints. The plans shall include a statement that they meet ONHIR's specifications and must be signed by the client.

b. The contractor will obtain an estimate of the premium for 1 year of homeowner's insurance from an insurance company willing to insure homes on the reservation. The quote obtained must be on company letterhead and should be for the minimum deductible offered by the insurance company.

c. Color and Appliance Selection form.

d. If applicable, cost estimates for an SPV and propane system, and/or for individual cistern and septic; plus a detailed description of the materials and the work which will be done.

8. Review by Relocation Specialist. The specialist will review the worksheet, blueprints, and insurance estimate, and will contact the contractor if necessary to clarify any issues. The specialist will verify that the contractor has provided the following information:

a. The Worksheet is complete; all required entries have been made by the contractor.

b. The client has signed the Worksheet and has verified contractor selection.

c. The contractor has submitted four sets of blueprints, and the blueprints have been signed by the client.

d. The submission includes an insurance estimate from a company which is willing to insure on-reservation homes; and the estimated cost for 2 years of coverage has been accurately calculated and recorded on p. 2 of the Worksheet.

e. The specialist will double check the accuracy of the cost totals entered on the Worksheet for the basic house and options.

9. Contractor License Number. If the contractor is a new contractor who has not done business with the ONHIR previously, and the contractor is operating in a state which has a contractor registry, the specialist will contact the contractor registry to verify that the contractor has a valid license. If the contractor does business with ONHIR regularly, the specialists will routinely verify the validity of the license twice a year.

10. Transmitting the Plans to ICB. After verifying that all required documents have been received and that the costs have been calculated correctly, the specialist will fill out form MM#1640.6, Plans Transmittal Memorandum, and attach the blueprints and Worksheet. The specialist will make a copy of the transmittal memo for the mini file, and route the original and attachments to

1/1/99

ICB.

11. Plan Review by the Inspections Section. The Inspections Section will set up a plan check file for the client and conduct plan review according to the procedures in MM#1540, pp. 2-7. The plan reviewer will check the square footage of the house as shown on the blueprints against the square footage entry on p. 2 of the Worksheet to make sure the contractor has calculated the square footage accurately.

The ICB plan reviewer will contact the contractor directly if clarification of minor technical points is needed. The specialist will not generally be involved during this phase of activity. If there are major or numerous problems with the plans, the plan reviewer will return the plans to the specialist with the Plan Review Form stating all of the items requiring correction or clarification. The specialist will contact the contractor about the problems, and will resubmit the changed/corrected plans to ICB when they are received from the contractor (**cross reference MM#1541, #6**).

If discussions with the contractor over problem issues do not result in agreement, the specialist will instruct the client to look for another contractor.

12. Review by Inspection and Compliance Team Leader. The ICB team leader will review the work of the plan reviewer and will identify any problem issues which must be discussed with the contractor prior to or during the pre-construction conference. The ICB team leader will calculate the cost of the house per square foot and the cost of options selected by the client, and will determine whether or not the cost is reasonable. The determination is based upon experience with historic and current residential construction costs.

13. Approval by ROB Manager. After all staff reviews have been completed, the house plans, Pre-Construction Worksheet, Pre-Con Notes and any other related documents will be routed to the ROB Manager for final review and preparation of the On-Reservation Infrastructure Computation Sheet. After approval of all documents, the plans will be routed to the specialist in the "green file".

14. Contents of the Green File. The green file contains all the documents which the specialist will need for the pre-con. On the right side are copies of documents which will be given to the contractor, with the exception of the On-Site Clearance Form.

right side: * On-Site Clearance
* homesite lease approval and tract description
* feasibility study with directions to the site
* archaeological clearance (with and special instructions if applicable)
* IHS and NTUA plot plans
* copies of exhibits B, C, D, E, F.

1/1/99

On the left side are documents which the specialist will use to prepare the contracts. All documents beneath the Inspection Chart are returned to ICB after the pre-con, and the green file is then used for the documents created during construction inspection.

left side: * Plan Review Form
 * transmittal memorandum
 * pre-construction worksheet with attachments
 color sheet, utility information, insurance
 quote

return * inspection chart
to ICB * 4 copies of the feasibility study

Inserted loosely into the file are the 4 sets of blueprints, preconstruction notes, preconstruction conference checklist, and the On-Reservation Infrastructure Computation Sheet.

15. Notice of Benefit Determination. The specialist will issue the Notice of Benefit Determination to the client when the house plans are routed to ICB for review. If adult children are included in the household, the specialist must complete the Declaration of Household Membership by Specialist before the Notice of Benefit Determination is issued. The specialist will route the signed Notice to the secretary, who will mail it certified mail, return receipt requested. The Notice informs the client that he/she has 30 days to appeal the determination if they disagree with it.

1/1/99

1645.2 Pre-Construction Conference (cross reference MM#1540 pp. 8-10).

General: Pre-construction conferences will be held for all acquisitions involving new construction. The relocation specialist will coordinate the activities of the conference. There are two principal functions of the conference: 1) comprehensive review of the house plans to reach final agreement about construction items and house plan options, and 2) detailed review of the contracts and other official documents which are executed at the conclusion of the conference. Prior to the pre-con, the client will view the home maintenance training video.

1. Scheduling the Pre-Construction Conference. When the Inspections Section returns the green file to Housing Acquisition, the file will be routed to the specialist, who will schedule the pre-construction conference. The conference will include the client, the contractor, the specialist, a construction inspector; and a representative from the Range Management Office, if the client is a permittee.

The client will be notified by letter or phone of the date/time the session will begin. The letter will instruct the client to phone to reschedule the appointment, if the date/time is inconvenient.

The secretary will enter the date/time the pre-con is scheduled in the main desk appointment book.

2. Pre-Con Notes cross reference MM#1540 p. 5 #7. The secretary will enclose a copy of the Pre-Con Notes, form MM#1540.4, initialled by the plan reviewer, in the letter to the client(s). The specialist will inform the client of the items which he/she must be prepared to discuss at the pre-con, and will instruct the client to think about these items. The secretary will also send a copy of the pre-con notes to the contractor.

3. Review of Contract Documents by Housing Team Leader. Ten days prior to the pre-con, the specialist will assemble the files containing the information necessary to prepare the contract documents. The specialist will prepare the contract documents for review by the Housing Team Leader, using the Contract Review Checklist (see attached example) to assemble the information and documents. The specialist will complete the entries on the Contract Review Checklist and forward the Checklist and the typed contract documents to the team leader. The specialist will include these files:

- green file (plan review file)
- client casefile
- mini file
- appraisal file (if client has appraisal)

4. Review by Team Leader. The team leader will review the contract documents against the information in the relevant files, including the automated records, for accuracy, consistency, and completeness. The team leader will note

1/1/99

any necessary corrections and instruct the specialist as appropriate. The specialist will prepare the final contract documents from the drafts as corrected or changed by the team leader. The contract documents are:

- 1) Contract for Relocation: New Construction
- 2) Quit Claim Deed; and Owner Retention of Improvements, if applicable.
- 3) Construction Contract
- 4) Exhibits A, B and C
- 5) Disbursement Schedule Exhibit G
- 6) Warranty Agreement
- 7) Memorandum - utility information

The contract documents will be computer generated. The specialist will type or write the required entries onto the Contract Data Worksheet. The secretary will type up the Contract Data Worksheet and will generate the contract documents through merge. The secretary will deliver the contract documents to the specialist after they have been generated, and the specialist will proof the final documents to assure that all provisions applicable to the case have been included in the contract documents.

Examples of contract documents are available from the housing secretary. They are not included with the forms attached to this section of the agency management manual.

5. Home Maintenance Training Video. Prior to the pre-con, the specialist will show the home maintenance training video to the client, and will discuss any questions which the client has about the subjects presented.

6. Review of Plot Plans. The pre-con will begin with review of the plot plan and the siting of the house with respect to the utility plot plans submitted by IHS and NTUA. If the house is being served with individual cistern and septic the plot plan will be prepared by the ICB engineering technicians. After the plot plan has been prepared, if either the contractor or client want a deviation of more than 10 feet for the house location the plan must be resubmitted to the engineering staff who prepared it. The engineering technicians will determine if the water and sewer and electric service connections are impacted by the change, and will calculate cost and material changes.

7. Review of Construction Plans. The construction inspector will discuss the house plans selected by the client, following the items on the Pre-Construction Checklist, MM#1540.6. Copies of the blueprints will be spread out in front of the contractor and the inspector. Conference participants will also have copies of the Pre-Construction Conference Notes. The inspector will cover each item listed in the Pre-Con Notes. Items which are not applicable and/or are not incorporated into the plans will be crossed out on the Pre-Con Notes. Items which are clarified and are incorporated into the plans will be marked on the blueprints in red ink. Each red line change will be initialled by the inspector.

1/1/99

The inspector will write additional information on the Pre-Con Notes as appropriate, and will initial the notes. The contractor and the client will sign the Pre-Con Notes after decisions have been made on all items. The Pre-Con Notes will be attached to the construction contract as Exhibit D.

After all final changes have been made, the inspector will double check the contractor's copy and the backup copy of the blueprints and will verify that all red line modifications have been entered on all four sets of the blueprints. The contractor must initial each change on one set of plans. The inspector will stamp the four copies "approved" and sign and date them.

The inspector, contractor, and client will sign the Pre-Construction Conference Checklist verifying that all items were covered.

8. Exhibit B: Individual Specification Summary Sheet. The specialist will fill out the Individual Specification Summary Sheet (form MM#1640.7) in advance of the pre-con. During the pre-con, as final decisions are made about house style, required features, and options, the specialist will change the entries on Exhibit B as necessary. The sheet will be typed by the secretary for signature by the client and contractor before they leave the office. The Individual Specification Sheet will be attached to the construction contract as Exhibit B.

a. Special Conditions. Any special conditions which are not part of the house plans but are required for the accomplishment of construction will be written onto the Exhibit B by the specialist. These additions will be initialed by the client and contractor. For example: client must remove trailer or other temporary dwelling from premises before construction can start.

b. Changes During the Pre-Con. If there are significant changes in the house plans or costs during the pre-con, it may be necessary for the specialist to recess the conference in order to make changes to the contracts and reprint them. Changes which add to the house costs must be reviewed by the ICB Supervisor who will determine if the costs are reasonable. The conference will reconvene when the contracts are ready. Change orders will not be used to make changes at the time of the pre-con; they will be used only to make changes after the contracts have been signed. See Management Manual Section MM#1655.

c. Rescheduling the Pre-Con. During the pre-con there may be such major changes to the house plans that it becomes necessary to adjourn the meeting and reschedule it after new plans have been submitted and reviewed by ICB. The conference may be rescheduled at the request of the client, the contractor, the ICB representative, or the specialist.

9. Color and Appliance Selection Sheet. The client's selections among available manufacturers, styles, colors, and similar choices for appliances, fixtures and paint will be recorded on the Color and Appliance Selection Sheet (Form MM#1640.4). This form shall be signed and attached to the construction contract as Exhibit E.

1/1/99

10. Contract Documents. The specialist will provide the client with the contract documents to review. The contract documents are:

- Contract for Relocation: New Construction
- Quit Claim Deed; and Owner Retention of Improvements, if applicable.
- Construction Contract
- Disbursement Schedule (exhibit G)
- Warranty Agreement

The specialist will translate the documents as necessary, and will answer any questions which the client has about the provisions of the documents. If there are any last minute changes to any of the documents as a result of the review of house plans or for other reasons (i.e. client changes their mind about improvements to be retained), the specialist will make the changes and the secretary will produce a final document for signature while the client is in the office.

The specialist will assure that the contractor and client sign each of the contract documents, as specified on the document, before leaving the office.

The contract documents will be arranged in the following order for review by the team leader and ROB Manager and filing in the casefile:

- Contract for Relocation
- Construction Contract
- Exhibit B, Color Sheet, Precon Notes, Plot Plan
- Disbursement Schedule Ex. G

- Warranty Agreement

11. Requirement of Client's Signature on Contract Documents. The person who is the certified relocatee is the head of household for purposes of relocation planning. This individual must sign all contract documents which require the relocatee's signature. If the certified head of household cannot write his/her name, the contract documents will be executed with the relocatee's right thumbprint. The specialist will sign as witness to this act.

If the certified head of household cannot be physically present during relocation planning and document execution; or if the certified head of household is incompetent to participate in relocation planning and document execution, the ONHIR will assure that housing documents are executed by a properly authorized power of attorney or court appointed guardian/conservator. These arrangements must be made while the client is in the counseling phase of case processing.

If the benefit entitlement has been transferred to the spouse or other family member as the result of the death of the original applicant, the casefile will contain documentation of the transfer and the surviving household

1/1/99

representative will sign the contract.

12. List of Subs and Suppliers. The contractor will submit a list of the subcontractors and suppliers he intends to use. The list should be submitted at the time of contract signing so it can be reviewed as part of the package of contract documents submitted to the ROB Manager for review and signature.

13. Homeowner's Insurance. **Cross Reference MM#1670, Homeowner's Insurance**. The specialist will give the client a copy of the insurance quote which the contractor has submitted. The specialist will inform the client of the following ONHIR requirements regarding homeowner's insurance:

a. Insurance Application. If the company is willing to provide blank copies of its insurance application form, the specialist will have the client fill out the application at the pre-con. If the company requires the client to come into its offices and fill out an application in person, the specialist will so instruct the client. The ONHIR will authorize round trip mileage reimbursement from the client's pre-move location to the offices of the insurance agent for this purpose. The specialist will instruct the client to submit the claim as soon as the trip has been completed, and to attach evidence that they have been to the insurance company and filled out the application form. Such evidence may be a copy of the signed application form or copy of the insurance binder, intent to insure, or equivalent documentation.

b. Evidence of Completed Application for Bonus Payment. The specialist will inform the client that the bonus will not be issued until the client has moved into the new house and also until the ONHIR has received confirmation from the insurance company that coverage is ready to go into effect.

14. Utility Deposits. At the precon the specialist will get the client's signature on applications for water and power service in areas served by NTUA and/or CDEC. The completed applications will be placed in the green file and routed back to ICB. The amount required for deposits will be withheld from the client's moving money and issued by ONHIR to the utility provider. Clients moving to areas served by other providers will have to go to the company offices to fill out an application and make the deposit.

15. Clients Who Are Receiving New Lands Grazing Permits. After the contract documents have been signed, the specialist will contact the representative of the New Lands Range Office who has been scheduled to meet with the clients. The range official will obtain the client's signature on the term permit and on the range management plan for the unit to which they are moving.

Cross reference MM#1820I.

16. Invoices. The contractor must invoice the OHNIR for work done. Since the amount of each draw is predetermined and specified in the Disbursement Schedule Exhibit G, the contractor may submit all invoices at the time of the pre-con, and the specialist will hold them until ICB submits a passed inspection report for each of the invoiced construction stages.

1/1/99

17. Search Expense Claim. The specialist will pick up the pre-move search expense claim from the client at the pre-con, and make sure that all entries have been completed and the client has signed the form. The specialist will explain how the claim is processed.

18. Post Move Expense Claim. The specialist will give the client an expense reimbursement form for one post-contract trip. The ONHIR will authorize search expense reimbursement for one trip for the client to travel to the insurance agency to submit the homeowner's insurance application. The expense reimbursement will be processed when the client submits evidence of completed insurance application. The ONHIR will not reimburse a client for post-contract travel for any other purpose.

1/1/99

1645.3 Activities Immediately Following the Pre-Con and During the Remainder of the Housing Acquisition Phase of Case Processing.

General. The specialist will double check all contract documents to verify that they are complete and all entries are correct. The specialist will route the documents as instructed below. During the construction process the specialist will process construction payments and serve as the primary contact for any issues or problems which may impact completion of the house according to the terms of the construction contract.

1. Review by Team Leader. After the pre-con has concluded, the specialist will submit the contract documents as a package to the Housing Acquisition Team Leader for review. The Team Leader will check documents to make sure they are arranged in the required order for signature of the ROB Manager; and that the contents are accurate and complete.

2. Approval by ROB Manager. After the Team Leader has reviewed the contract documents they will be routed to the ROB Manager for approval and data entry. The Manager will sign as provided on the documents.

3. Data Entry by Manager. The Manager, or Team Leader in his absence, will perform the following data entry. Data entry of the date of contract signing automatically transfers the client case from HS to CS (construction phase) in the automated records.

(a). Screen #1: Contract Information Update.

- date contract signed
- anticipated completion date
- contractor vendor number
- benefit amount
- appraisal amount
- infrastructure amount
- moving expense amount
- square footage of house
- fiscal year obligation

(b). Screen #2: Relocation Home Legal Description.

- state
- county
- tax parcel number (off-reservation only)
- legal description

(c). Screen #3: Payment Schedule Entry.

- amounts of the draws to be disbursed to the contractor and to IHS and NTUA, per the schedule listed in the Construction Payment Contract.

1/1/99

4. Distribution of Copies of Contract Documents. After all signatures have been obtained, the specialist will file the original contract documents in the client casefile. The specialist will tab the payment schedule for ready reference. The specialist will distribute copies as follows:

a. Client Copies. The client will receive copies of all documents which they have signed, except the house plans. A copy of the house plans will be sent to the client by ICB after construction has been completed.

b. Contractor Copies. The specialist will mail the contractor the following documents after the ROB Manager has signed them: Construction Contract, Disbursement Schedule, Color and Appliance Selection Sheet, Pre-Con Notes, Exhibits, Warranty Agreement, and any other documents from the right side of the green folder.

c. Plan Check File. The specialist will place the following documents in the green file/Plan Check File and route it to ICB: NTUA utility application, Pre-Con Notes, four copies of the approved house plans, Exhibit B, Color and Appliance Selection sheet, plot plans for homesite and utilities, and Form MM#1640.8, Information for Utility Providers.

5. Coordination With the Finance Branch. The specialist will make copies of the relocation contract and the disbursement schedule for the finance branch. The specialist will highlight the amounts listed in the relocation contract, and the prepayments and moving expense on the disbursement schedule. He/she will deliver the copies and the casefile to the Finance Officer. The Finance Officer will assign the vendor number and document numbers for disbursement of housing, bonus, and infrastructure funds. The Finance Officer will enter these numbers on the ONHIR Funds Obligation and Disbursement Record (the "T Sheet").

The Finance Officer will set up the vendor file and create the Client Obligation and Payment Record. Vouchers and supporting documents (as appropriate) submitted by the housing specialists, along with the corresponding fiscal activity documents, will be filed in the vendor file. The Finance Officer will enter the funds obligated, payments, dates of payment, and batch numbers on the Client Obligation and Payment Record, and maintain a running balance of funds disbursed and remaining in the vendor account.

The Finance Officer will return the casefile and the T sheet to the specialist, who will enter the amounts obligated for each expenditure category on the T sheet.

6. Utility Deposits. If utility deposits are not covered by pre-paid agreements, the specialist will prepare vouchers for utility deposits. The checks will be sent to ONHIR, and when they are received the specialist will issue the checks and the application for service signed by the client to the service providers.

7. Travel Claims. The Finance Branch will provide the specialist with a

1/1/99

copy of the client's search expense claim after reviewing and approving it. The specialist will send the claim to the client with a cover letter alerting the client that they will be receiving the payment within two weeks.

8. Letter to the Insurance Company. At the sheetrock draw, the specialist will issue the First Year Insurance Letter (see attached example) to the insurance company which submitted the cost estimate, informing them that the client has selected them as the insuring agent and has signed the relocation contract. The specialist will provide the client's name, address, phone number (if applicable), ONHIR casefile number, the legal description of the house location, and directions to the house. The letter will also instruct the insurance company that any refunds should be issued to ONHIR and not to the client.

The specialist will be responsible for providing any other information or documents required by the company, (i.e. photographs). At the time of the final inspection, the specialist will contact the insurance company to verify that everything is in place for the homeowner's policy to go into effect.

9. Notifications to IHS. **Cross reference MM#1774.** After the house has passed the footing and foundation inspections, the specialist will issue Notification of Passed Footing and Foundation, form MM#1774.2, to the IHS District Engineer. This report will alert the Engineer that the contractor's heavy equipment is off the site and IHS can proceed to install the septic tank and/or begin construction on the water and/or sewer lines.

A second notification to IHS will be automatically generated when the house passes interim inspection. This signals IHS that the house will be completed in about 60 days and the water and septic should be completed when the house is finished.

Other Notifications. The specialist will inform the District Engineer by memo if construction is halted for any reason, or any other unusual event occurs which will impact the construction work to be done by IHS.

10. Change Orders. The specialist will process change orders in accordance with MM#1655.

11. Review of Inspection Reports. The white copy of the ICB inspection reports will be routed through the Construction Inspections Team Leader to the relocation specialist. There are four possible results of a scheduled inspection: passed, passed with carry-over items, cancelled, and failed. The ICB Secretary will data enter the following information from the inspection reports, as applicable, and route the reports to housing.

- number of failed items
- number of items carried forward
- 'contractor not ready for inspection' code

1/1/99

12. Construction Draws. Upon receipt of a passed inspection report the specialist will prepare a voucher for funds disbursement. The specialist will check the inspection report to see if the contractor will be charged a reinspection fee. If so, the specialist will record it on the T sheet and on the disbursement schedule next to the draw from which the fee will be deducted.

Five payments or more are issued to the contractor during the course of house construction. Specific dollar amounts of the payments are stated in the Disbursement Schedule. When the specialist receives a "passed" or "passed with carry over" inspection report from ICB, the specialist will pull the pre-submitted invoice and prepare a Disbursement Voucher Request Form. If the contractor did not submit invoices at the pre-con, the specialist will suspense the payments until the invoices are received.

The specialist will enter the vendor number, payee number, document number, amount of payment, date, and face-of-check comment on the voucher. At the bottom of the voucher the specialist will enter the total payment, client name and casefile number. The specialist will calculate and enter any funds to be deobligated from the original contract amounts due to reinspection fees or change order modifications. Only one draw is permitted per voucher; any other entries on the voucher can only be a deobligation with explanation.

The specialist will initial the voucher and route it to the Housing Team Leader to double check the entries and calculations. After it is checked the voucher will be routed to the Finance Branch. Vouchers are due every Wednesday by 10 a.m. unless otherwise instructed on holidays. The voucher will be filed in the vendor file by the finance clerk. The contractor's invoice and the white copy of the inspection report will be filed in the casefile by the specialist behind the appropriate file divider.

Partial Payments: No partial draws will be made to a subcontractor or supplier without a written request from the contractor and the approval of the ROB Manager.

13. House Wiring Compliance. When the house passes interim inspection, the contractor is responsible for insuring that the electrical subcontractor submits a statement that the electrical system installed in the house meets code requirements. This statement or form is submitted to the ICB Administrative Assistant.

14. Action at the Time of Sheetrock Inspection. The sheetrock inspection signals that the house should be ready for final inspection in about six weeks. At the time the house passes sheetrock, the specialist will do the following:

- (1). Order the remaining moving expense allowance;
- (2). Order the insurance premium;
- (3). Mail the insurance application, plot plans, and directions to the homesite with the First Year Insurance Letter.

1/1/99

- (4). Order the bonus check;
- (5). Write the client about the final inspection.

a. Moving Expense Allowance. At the time the house passes the sheetrock inspection, the specialist will prepare a Disbursement Voucher Request for the amount of moving expense allowance remaining after the utility deposit has been subtracted.

b. Insurance Premium. **Cross reference MM#1670**. The specialist will order the first year insurance payment when the house passes the sheetrock inspection. The check will be sent directly to the insurance agent.

c. Bonus Check. The specialist will order the bonus check at the time of sheetrock inspection. The check will be sent to the ONHIR.

d. Letter to Client. When the house passes sheetrock, the specialist will write to the client and inform them that they will soon be receiving the moving allowance check. The specialist will inform the client of the approximate date of final inspection. The specialist will encourage the client to be present at the final inspection to take possession of the house. The specialist will instruct the client to phone ICB or keep in contact with the contractor to find out the date when the final inspection will be performed.

15. Action at Final Inspection. When the specialist receives the passed final inspection report, he/she will do the following:

- (1). Order the final draw.
- (2). Send the photographs to the insurance company and request that the company initiate coverage.
- (3). Issue the Inspection of Replacement Dwelling and Certification of Occupancy Form.
- (4). Complete the Case Closing Sheet.
- (5). Make sure that lien waivers have been received from all subcontractors and suppliers.

a. Transmitting Photographs to the Insurance Agent. As of the date of these procedures, insurance agents providing coverage for reservation houses require photographs of the stove and two exterior views of the completed home, prior to effecting coverage. The photographs will be taken by the construction inspector at the time of final inspection and routed to the Housing Branch along with the passed final inspection report.

The relocation specialist will assure that the photographs accompany the final inspection report, and are correctly labelled. The specialist will get the photos to the insurance agent within 24 hours, using overnight mail or delivering the photos personally if the agency is located in Flagstaff.

- b. Case Closing Sheet. After receiving the passed final inspection

1/1/99

and ordering the contractor's final draw, the specialist will fill out the Case Closing Sheet, Form MM#1640.20. This form is available in the word processing document library. The Housing Team Leader will review the closing sheet and perform the following data entry: date of final inspection, warranty expiration date, type of warranty, benefit document number.

c. Lien Waivers. The specialist will review the list of subs and suppliers submitted by the contractor at the time of contract signing and verify that all subcontractors and suppliers have submitted lien waivers (Form MM#1640.21) stating that they have been paid in full. The list should reflect any changes which have occurred since contract signing. The final draw will not be issued until all lien waivers have been received.

16. Client Possession of Home. When the house has passed the final inspection, the contractor will give the client the keys to the house. This usually takes place at the homesite, frequently at the time of final inspection. Generally the contractor takes the client through the finished house and explains the features of the house and the operation of the mechanical systems and appliances.

17. Inspection of Replacement House and Certification of Occupancy. This form is generated by the computer entry of the date of passed final inspection. A Warranty Complaint form will be attached to the Inspection/Certification form. The form requires the client to inspect the house and report any observable defects on the Warranty Complaint form. A client may not subsequently complain that something was wrong when they moved in if they don't report it at the time of move-in.

The bonus check will be sent certified mail after the Inspection/Certification form has been signed, notarized, and returned to the specialist. Before issuing the bonus check, the specialist will verify that all actions to effect homeowner's insurance are completed.

If workload permits, the specialist will schedule a field visit to obtain the client's signature on the Inspection/ Certification form and deliver the bonus check. If a field visit is not possible, the bonus check will be sent certified mail.

No Homeowner's Insurance Application. If the client has failed to submit a completed application for homeowner's insurance, the specialist will notify the client that the bonus check will not be sent out until the application is submitted.

18. Property Disposal. If the client claimed ownership of improvements on the HPL the property will be conveyed to the Hopi Tribe by means of a Quit Claim Deed, approximately 30 days after the house passes final inspection. The secretary will prepare these conveyance documents monthly, according to the procedures in MM#1610 subsection 1618.

1/1/99

19. Case Transfer to PM Status. When the house passes final inspection, data entry of the date of final inspection by the Housing Team Leader will transfer the case automatically into post move (PM) status.

20. Closing Out the Mini-File. When the housing acquisition is completed and the mini-file is no longer needed, the specialist will file any original documents in the main casefile, and destroy copies of documents which are no longer needed.

21. Second Year Insurance. The specialist will run as needed a report of outstanding second year insurance premiums for his/her clients. The report will show:

- client name
- casefile number
- date relocated
- date first year policy expires

If the insurance agent has not yet invoiced the ONHIR for the second year premium, the specialist will phone the insurance agent and request an invoice. The agent may provide a verbal quote, to be followed by a invoice, from which the specialist can prepare the voucher. The payment will be issued electronically to the agent or regional office, as appropriate. The specialist will notify the client by letter that payment has been ordered. A copy of the letter will be sent to the agent.

Refunds. All refunds will be issued to ONHIR. The specialist will inform the insurance company of this policy. When a refund is received, the specialist will check the records; if the client used personal funds (including bonus and moving money) for the purchase of the house the refund will be reissued to the client.

Data Entry. When the second year insurance is paid, the specialist will enter this in the automated records. This entry eliminates the client's name from the list of outstanding second year payments.

The specialist will notify the client by letter that the premium has been paid, and that this is the final premium payment by ONHIR. A copy of the letter will be sent to the insurance company.

1/1/99

1645.4 Special Conditions Affecting Clients Moving to the New Lands and Reservation Subdivisions.

There are minor variations in procedures for moves to reservation subdivisions, depending upon the subdivision. The Relocation Operations Manager will inform the specialists of any special conditions which must be observed in moving clients to subdivisions located on the reservation. Special conditions may include the following:

1. Construction Requirements. Subdivisions may have certain housing design specifications or technical building requirements. The specialist will provide the contractor with specifications and requirements applicable to the subdivision.

2. Infrastructure Allowance. In cases where the ONHIR is building the infrastructure for subdivisions, there will be no infrastructure allowance added to the client housing benefit.

1645.41 Special Conditions Applicable to the New Lands.

1. Infrastructure Allowance. Because the ONHIR is funding infrastructure on the New Lands, there is no infrastructure allowance added to client housing benefit.

2. Utility Service. After the house passes interim inspection, the specialist will send the following forms to Continental Divide Electric Cooperative enclosed with a cover letter.

- application for electric service
- meter deposit of \$35
- 2 data cards
- Letter of Compliance
- map with legal description of property.

Copies of the above documents will be filed in the client casefile.

3. Grazing Issues.

a. Permittee.

(1). If the client or spouse is a permittee, the specialist will assure that a representative from the Range Office is present at the pre-con to obtain the permittee's signature on the Range Management Plan and the term grazing permit.

(2). If the client has a transferred permit, the specialist will assure that the person who transferred permit eligibility has already signed a contract; or that the ROB Manager has obtained a waiver of this requirement from the Deputy Director.

b. Sponsored Family Member.

1/1/99

1646. Acquisition of NHA Housing.

General. A client who has moved off the HPL and is buying a house may acquire the house as their relocation home. On the Navajo reservation, a client may be purchasing a home through the Navajo Housing Authority's mutual help or home ownership programs, funded by the Department of Housing and Urban Development. Acquisition of such homes will follow the procedures contained in this section, with necessary modifications determined by the relocation specialist and ROB Manager based upon the circumstances of the particular case.

The client's benefit will be applied to the acquisition in the following manner: 1) problems or defects which represent safety items must be repaired; 2) benefit monies remaining after the repairs have been made will be applied to the purchase price of the house; 3) if any benefit funds remain after essential repairs have been made and the house has been paid off, the remainder may be used for options desired by the client and approved by the ROB Manager.

Depending upon the amount which the client owes on the NHA house and the cost of required repairs, the payment made by ONHIR to NHA may not result in the house being fully paid off. However, the payment will substantially reduce the number of years the client will be making payments. Some of the procedures stated below will depend upon whether the house can be paid off completely, or whether the client will still be making payments under the terms of the NHA contract.

1. Inspection of the House. When a client wants to acquire their NHA home, the specialist will request an inspection of the house by ICB.

2. Requesting Pay-Off Figure. The specialist will write directly to the NHA central office in Window Rock and request an updated statement of the account balance on the housing contract. The specialist will also request the infrastructure cost for the project.

3. Safety Items Which Must be Repaired. The specialist will review the inspection report prepared by ICB, and will discuss the report with the Construction Inspection Team Leader in order to find out approximately how much the repairs should cost. In cases of NHA house acquisition, the report will be prepared as a narrative list which the client can use to obtain bids from contractors. The report shall separate the required corrections from the items desired by the client.

4. Initial Housing Interview. After the specialist has obtained the pay-off figure and the inspection report, the initial interview will be scheduled. The specialist will inform the client of the updated pay-off amount, and the approximate amount of benefit required for essential repairs. If the client wants additional remodeling or modifications to the house, he/she will submit the items to the Housing Team Leader and the ROB Manager for approval.

5. Selecting A Contractor. The specialist will encourage the client to

1/1/99

take the list of corrections and the list of desired items to several contractors to compare price estimates. The contractor whom the client selects to make repairs will submit a bid detailing the work to be done, the cost for repairing or remodeling each item, and the anticipated amount of time required for the repairs and remodeling. If an addition is going to be built onto the house, the contractor will submit four copies of blueprints for the addition.

If it will be necessary for the client to move out of the house while the repairs/remodeling are accomplished, the contractor will estimate how long a period this will be, so that the specialist can make arrangements for temporary accommodations for the client and family (**cross reference MM#1754, Temporary Accommodations During Initial Acquisition**). The specialist will inform the client that any costs for temporary accommodations, including furniture storage, will be charged to the client's housing benefit.

6. Homeowner's Insurance. If the house will be completely paid off by ONHIR, the contractor's bid must include an estimate for two years of homeowner insurance coverage from a company willing to insure the home on the reservation. If the house will not be completely paid off, no insurance bid is required; the house will be covered by NHA insurance while the client is still making payments.

7. Reviewing the Bid. The Housing Team Leader and ROB Manager will review the repair/remodeling bid and approve or disapprove it. Infrastructure costs will be allowed only if NHA has provided information about the project infrastructure cost and the number of units served, for a per capita breakdown of infrastructure allowance.

8. Approval by NHA. The Navajo Housing Authority must approve repairs to the house. The specialist will send a copy of the list of proposed repairs and remodeling items to NHA and check with the NHA contact official to verify approval.

9. Review of Blueprints. If blueprints for an addition or for remodeling are required, the contractor will submit four copies of the blueprints. The specialist will route the blueprints to ICB for review.

10. Contract Signing. After the blueprints (if any) and costs have been reviewed and approved, the specialist will set a date for contract signing. ICB will be notified to have a representative present at the meeting even though there may not be an addition to the dwelling, as all repairs must pass inspection before the contractor's draws will be issued.

11. Contract Documents. Depending upon the amount and type of repair required by the dwelling, the specialist shall decide whether to use (a) Contract for Relocation and Repairs, or (b) Contract for Relocation and New Construction Contract. These contracts must be individually prepared in order to incorporate the clauses applicable to the acquisition. If the ONHIR has agreed to arrange temporary commercial accommodations during housing renovation, information about the location of the accommodations and the amounts to be charged to the client's

1/1/99

benefits will be stated in the contract.

Warranty Deposit. The ROB Manager will determine whether or not the contract will provide for the \$1000 warranty deposit. Usually there is no warranty holdback, but the decision will be based upon the list of repairs/remodel items.

12. Memorandum of Agreement. The Office of Relocation will utilize a Memorandum of Agreement between the ONHIR and the Navajo Tribal Housing Authority to formalize the purchase of an NHA home. The MOA will reference the client's existing contract to purchase the NHA house, and will specify the project number and unit to be acquired and the amount which ONHIR will pay for the unit. The MOA will be signed by the ROB Manager and the Director of the Navajo Housing Authority, Window Rock.

13. Issuing the Check to NHA. The specialist will prepare the MOA and obtain the signature of the ROB Manager. After the contract documents have been signed, the specialist will give a copy of the relocation contract and the first two pages of the relocation contract to the Finance Branch, and will prepare a voucher for the amount to be paid to NHA. The Finance Branch will direct that the check be mailed to the ONHIR office.

When the check is received, the specialist will prepare a cover letter to the director of the Navajo Housing Authority in Window Rock requesting that the director sign and return the MOA as soon as possible. The specialist will inform the director of the date when repair work will begin on the house.

The ROB secretary will make copies of the cover letter, the check, and the MOA for the client casefile. The original letter, check and MOA will be sent certified mail, return receipt requested, to the director of NHA, Window Rock. The secretary will type the return mail receipt number on the cover letter.

14. Construction Start Date. The construction contract will specify a tentative construction start date which will be no sooner than 30 (thirty) days following the date of execution of the contract, so that the payment to NHA can be ordered by the specialist and received by NHA. The contract will provide that the contractor shall not begin work until notified to proceed by the specialist. If it is necessary for the specialist to extend the start date, the extension will be accomplished by means of a contract amendment signed by the client.

Regardless of the date that the NHA director signs and returns the MOA, receipt and deposit of the check by NHA will constitute action to proceed with housing repair/remodeling.

15. Other Activities Relating to the Acquisition of an NHA House. With certain exceptions as noted, activities following the execution of contract documents follow the general outline for new construction houses set forth in section 1644.3 of these procedures. In broad outline, these activities are:

- a. The ROB Manager will review and sign the contract documents

1/1/99

(MM#1645.3 #2).

b. The ROB Manager will perform data entry as appropriate to the case (MM#1645.3 #3).

c. Copies of the contract documents will be distributed as provided in MM#1645.3 #4.

d. Insurance Premium. If the payment to NHA results in the house being fully paid off, the contractor will obtain an estimate for insurance coverage and submit it with the bid for corrections. The specialist will obtain a completed insurance application from the client, or will instruct the client to go to the insurance agency fill out an insurance application as described in 1645.2 #11 (p. 29). The specialist will order the insurance check at the time the contract documents are signed. The specialist will arrange for insurance coverage to go into effect as soon as possible after the house payoff.

No ONHIR Insurance. If the house is not fully paid off, the ONHIR will not arrange for insurance coverage, as the house will continue to be covered under the terms of the NHA purchase contract.

e. Moving Expense. The moving expense money may be issued to the client at any time following the execution of contract documents.

f. Payments to the Contractor. The specialist will prepare vouchers for payments according to the schedule set forth in the payment contract, upon receipt of passed construction inspection reports.

g. Closing Sheet. The specialist will prepare a case closing sheet after ordering the final draw.

h. Bonus Payment. In cases of NHA acquisitions, the specialist will not travel to the home to verify occupancy and deliver the bonus check. Provided the specialist has received verification that the client has applied for homeowner's insurance, the bonus payment will be mailed to the client. The specialist will send the client the Inspection of Replacement Dwelling and Certification of Occupancy Form upon completion of repairs. The form will be sent to the client with a cover letter instructing the client to sign the form in the presence of a notary and have it notarized, and return the form to ONHIR. A postage paid pre-addressed envelope will be enclosed with the form.

i. Transfer to Post Move. Data entry of the date of final inspection by the ICB Administrative Assistant will transfer the case to PM status.

1648. OFF-RESERVATION RELOCATION.

General. A client who is moving off-reservation will acquire a replacement house through one of three methods: (1) new construction; (2) resale (purchase of a house available on the local housing market); (3) mortgage payoff or paydown plus remodeling and repair on the house currently occupied by the client (commonly referred to as "existing mortgage").

The principal difference between the acquisition of a home on the reservation and a home off the reservation relates to land title. A client moving to a reservation site will obtain a lease interest in the 1 acre homesite or lot on which the house is built. Off reservation the client will obtain title to the parcel of land on which the house is built. Title will be obtained according to the laws and procedures of the jurisdiction to which the client is moving.

Purchasing Land Off-Reservation: The ONHIR will purchase a lot in order to build a new house for a relocatee moving off reservation. The size of the lot will vary according to local market conditions, but the total cost of the land and house may not exceed the amount of the client's benefit or benefit plus additional financing arranged by the client. The ONHIR will not purchase land parcels on behalf of the client for any purpose other than the construction of the relocation house.

Original Documents. Frequently documents required for an off-reservation purchase are faxed to the relocation specialist. The specialist will require that faxed documents which have legal significance be followed up by mailed originals. This includes the relocation contract documents and the appraisal.

Data Entry of Actual Relocation Site. Data entry of the actual relocation site for off reservation moves will be made by the ROB Manager when the contract has been signed and data entry of contract data is performed.

1648.1 Housing Initial Interview.

General. During the initial housing interview with clients who are moving off reservation, the relocation specialist will inform the client of the actions required to acquire both new construction and resale housing. The specialist will also provide general information about the housing market at the location to which the client is moving.

The specialist will follow the Off-Reservation Initial Interview Checklist, form MM#1640.2, in conducting the interview. After the interview is over, the specialist will ask the client(s) to sign the form, confirming that all subjects were covered. General information which must be discussed with all clients during the initial interview regardless of relocation site is set forth in MM#16403.2. Information which is applicable only to off-reservation moves is listed below.

The Off-Reservation Initial Interview Checklist will be filed in the client casefile under the correspondence tab.

1. Housing Expenses. Pursuant to 25 CFR 700.53 (d), monthly expenses of the replacement house may not exceed 25% of the monthly gross income of the household. Monthly housing costs off reservation include: utilities, homeowner's insurance, real property taxes, and mortgage payment. The specialist will prepare an analysis of the client's household income in relation to anticipated housing costs to determine maximum allowable housing expense. This figure will be incorporated into the letter to the contractor or realtor. If the client applies for mortgage financing, the specialist will inform the lender of the 25% requirement.

In order to prepare the income and expense analysis, the specialist will do the following:

a. Income and Employment. The specialist will update casefile information on the client's (household) annual income and employment. If the information on the Client Information Summary is not correct, the specialist will record the information provided by the client on the Client Information Summary. The specialist will use code table 19 for occupations and code table 2 for location of job. The specialist will route the corrections to the secretary for data entry.

If the household income has dropped below \$15,000 the case will be put on hold until the income goes up, or the specialist will ask for an income waiver. If the household income is still \$15,000 or higher but the client or spouse has changed jobs or employment status, supporting documentation is needed. Acceptable documentation is: income tax records, W2 copies, cumulative wage statement, year-to-date; employer statement of earnings. Supporting documents are not needed to verify routine annual salary increases in the same job.

b. Credit Report. The specialist will order a credit report if there is no credit report in the file; or if there is a credit report which is more than 6 months old. The credit report will be used to advise the client about the wisdom of applying for mortgage financing, and the amount of mortgage which the client can reasonably assume given their current debt structure.

c. Income/Housing Cost Analysis. Form MM#1640.17, Income/Housing Cost Analysis is used to provide the client with a comparison of their annual income and current expenses vs. the housing expenses they will incur following the off-reservation move. The specialist will enter the client's income, loan and credit card payments, and an approximate figure for post-relocation utility, property tax, and insurance payments. The specialist will discuss the anticipated expenses and will give the form to the client so they can enter the amount of the mortgage loan after the client has selected a house and applied for mortgage financing.

d. Advice to Client. The specialist will discuss the advantages and disadvantages of a mortgage, and appropriate size of mortgage considering the family income and obligations. The specialist will advise the client about the need to budget for monthly and annual payments for utilities, mortgage, property tax and insurance.

1). Property Taxes. The specialist will explain that if the client takes out a mortgage, property tax and homeowner's insurance will be collected through the monthly payments if it is a PITI loan. PITI stands for "principal, interest, taxes and insurance." Not all loans provide for the collection of taxes and insurance premiums. If the client does not have a PITI loan, the client will have to budget and set aside money for the bi-yearly tax payment and homeowner's insurance (after the first two years). The specialist will explain the consequences of not paying the property tax.

2). Property Tax Proration. The specialist will explain to the client that taxes are due every six months (by Oct. 31 and April 30 in Arizona). Depending upon the date that escrow closes, a client may either owe taxes on the property or may receive a tax credit. Tax payment or credit will be handled through escrow. The specialist will advise the client about the tax payment which applies in the client's particular situation.

3). Special Assessment Districts. If the purchase agreement shows that a resale house is located in a special assessment district, the specialist will explain to the client what this means. Usually the seller will be required to pay the special assessment fee. If this is not feasible, the specialist may negotiate a lower house purchase price and ONHIR will pay the special assessment from infrastructure allowance.

If the client is building a new construction house in a rural area which has been designated a special assessment district, the ONHIR will pay the assessment from the infrastructure allowance.

Special assessment fees which are identified prior to contract signing will be paid in full as part of the contract process, so that the client will not encounter subsequent extraordinary fees. However, if a client moves to a rural area which is designated a special assessment district after the client has relocated, the ONHIR will not be responsible for fees.

2. Types of Ownership Titles. The specialist will inform the client of the different types of ownership titles in the jurisdiction where they are moving. The specialist will explain the differences in the types of titles, and the advantages and disadvantages of the different types, with specific regard to the client's personal circumstances. The specialist will inform the client that the realtor/vendor will ask them how they want to take title, because the title company will need the information. The specialist may provide the client with a copy of attachment MM#1640.15, Forms of Ownership, if they want a written explanation of the different ways of taking title in Arizona.

3. Infrastructure Allowance. **Cross reference MM#1770**. The ONHIR may contribute from discretionary funds an amount not to exceed 30% of the total housing benefit plus infrastructure cost for infrastructure to be brought to the lot line. Infrastructure may include water, sewer, natural gas, electricity; and items which meet subdivision development requirements, such as streets, sidewalks, curbs, gutters, and streetlights. Infrastructure does not include telephone or cable.

During explanation of the client's benefits, the specialist will explain the off-reservation infrastructure allowance. The specialist will inform the client that ONHIR can pay an amount equal to the the costs for off-site infrastructure if the developer or seller can provide a statement of development costs. This means that the housing benefit will be increased by the amount spent on the approved infrastructure development. If the contractor/seller does not provide documentation on infrastructure cost, no allowance will be provided when the client contracts for their house. The specialist will explain that the infrastructure allowance is not a set amount; it depends upon what the developer spent, and tends to run between \$6000 and \$12,000.

4. ONHIR Deed Restriction. The specialist will inform the client that the title will contain a deed restriction which is applicable for the first two years that the client owns the home. The deed restriction is intended to assure that the client makes an informed decision if they want to sell the house or borrow money using the home as security. The deed restriction requires that the client consult with ONHIR if they propose a transaction which will alter the terms of the title. **Cross reference MM#1780, Deed Restrictions**. If the client obtains mortgage financing in order to build or buy the house, the deed restriction does not apply to the lender, who is in first position on the lien.

5. Letters of Introduction. The specialist will give the client as many copies as needed of the Letter of Introduction - Off-Reservation Acquisitions. The specialist will carefully explain the terms of acquisition which are contained in the letter of introduction:

* the ONHIR will not pay more than the appraised value of the house.

* the house is subject to the inspection and approval of the house by the ONHIR.

* the acquisition is contingent upon the client raising sufficient funds, which may include a mortgage and personal savings in addition to the government housing benefit and infrastructure.

6. Instructions to Client. The specialist will instruct the client about contacting realtors/contractors, and will inform the client of the process which will occur once they have found a house or house plan that they want to acquire. The specialist will advise the client not to sign any purchase agreement without prior approval of the ONHIR; the ONHIR may reject any purchase agreement negotiated by the realtor/contractor and client without ONHIR review and approval.

The specialist will answer the client's questions and conclude the interview with instructions to contact the specialist as soon as they find a house or a contractor.

7. Checklist #3. Checklist #3, which is available in the form-fill word processing library, will be used by the specialist for off-reservation

moves. As the case proceeds, the specialist will use Checklist #3 to enter actions and receipt of documents. If the client chooses a new construction house, the specialist will fill out Part A of Checklist #3. If the client chooses a resale house, the specialist will fill out Part B of the Checklist. This form will be filed in the client casefile when the acquisition has been completed.

1649. OFF-RESERVATION NEW CONSTRUCTION.

General. Acquisition of a new construction home off reservation varies from acquisition of a new construction home on reservation in these principal respects:

(1) ONHIR does not perform feasibility studies on off reservation lots. However, flood plain clearance and archaeological clearance are required.

(2) Payments are disbursed through escrow rather than directly to the contractor. In Arizona, escrow is administered by a title company, and these procedures describe this type of disbursement. Disbursement methods vary from state to state, and the specialist will process payments according to the requirements of the locality where the client is building.

(3) The Pre-Construction Worksheet and associated forms are not used for off-reservation construction. The contractor shall submit a sales agreement which describes what is being provided, including lot, utility hookups, and completed house.

(4) The contractor must provide at his/her expense an appraisal of the house plans on FNMA 1004 Appraisal Report.

(5) The client will frequently obtain mortgage financing in order to acquire the house of his/her choice.

(6) The ONHIR warranty agreement and \$1000 warranty holdback applicable to on-reservation construction shall not apply to off reservation construction. The home owner shall have recourse to the protections and indemnification procedures established by the jurisdiction to which he/she is moving.

1. Lot Acquisition. When the client chooses a contractor and house plans, the contractor will identify lots which are available for building and will acquire the lot selected by the client. Lot costs will be incorporated into the sales agreement and the construction payment contract.

Occasionally a client will find a lot and will want to purchase it before he/she has selected a contractor; or will already own or be making payments on a lot. These cases are unique and must be handled by the specialist according to the circumstances of the acquisition. The specialist will develop wording to be incorporated into the relocation contract and payment contract which states the purchase terms, and will obtain approval from the ROB Manager and the Deputy Director. The following guidelines will apply to such acquisitions.

a. Purchase of Lot by ONHIR. The ONHIR cannot disburse housing acquisition funds until the relocation contract is signed. Lot cost is the first payment issued pursuant to the construction payment contract after the relocation contract is signed. If a client wants the ONHIR to purchase a lot before he/she has selected a contractor, the specialist will strongly advise that the sales agreement between the client and the lot seller allow for a 60-

90 day closing in order for the following contingencies to be met:

(1). The lot must receive floodplain clearance and archaeological clearance. The relocation specialist will initiate these reviews (see section 1654 of these procedures).

(2). The title company handling the transaction must submit a preliminary title report or condition of title report.

(3). The purchase of the lot will be contingent upon the client selecting a contractor and submitting blueprints and having them approved by ONHIR within the specified closing period.

Under no circumstance will the purchase of the lot be finalized before the contract is signed. If the client has secured the lot by making an earnest deposit and subsequently changes his/her mind, the ONHIR will not reimburse the forfeited deposit.

b. Purchase of a Lot by the Client. If the client is making payments on a lot, the client may instruct ONHIR to use the amount necessary from the housing benefit to pay off the lot through the relocation contract and construction payment contract. Alternately, the client may prefer to continue making payments independent of the relocation contract in order that all of the housing benefit be available for construction of the house.

No ONHIR deed restriction will be placed on lots purchased by the client.

Lots which are being purchased or are owned outright by the client must meet the requirements of (1) and (2) above: there must be a title report stating that the lot is free of liens; and the lot must receive floodplain and archaeological clearance.

2. Selecting a Contractor. The specialist will advise the client to contact several contractors who build houses in the community where the client is moving, and discuss development of a house plan which meets the client's needs. The specialist will recommend that the client compare offers from several contractors before making a final selection. The specialist may provide a list of contractors, but will not recommend a specific contractor to the client. If the client wants assistance in choosing a contractor, he/she may ask for the specialist's help in analysing and comparing house plans and costs submitted by different contractors.

3. House Plans. In consultation with the contractor, the client will choose a house plan which is within the amount of the client's benefits and infrastructure allowance, plus any additional financing that the client may obtain. ONHIR's Letter of Introduction - Off-Reservation Acquisition states the conditions which must be met in order for the ONHIR to build the house. The specialist will clarify any questions which the contractor may have regarding the terms of purchase.

4. Documents Required From Contractor. The specialist shall obtain the

following documents from the contractor selected by the client:

a. Sales Agreement. The contractor selected by the client will submit a sales agreement to the ONHIR. The agreement may take the form of a letter, contract, or other written document. The sales offer must contain the following contingencies:

1). The sale is subject to the inspection and approval of the home by the ONHIR.

2). The sale price (price negotiated) will be \$ (specific amount) or ONHIR approved appraisal, whichever is less.

3). The sale is contingent upon the client obtaining sufficient funding through housing benefits, infrastructure, loan, and personal funds.

b. House Plan. The contractor must submit plans which include:

- 4 copies of working blueprints signed by the contractor and the client.

- 4 copies of Federal Specification Form 2005,

Description of Materials

- plot plan

- mechanical schedule (as appropriate)

- schedule of windows and doors

- cross section drawings and elevation plans

- truss certificates

The contractor may submit ONHIR form MM#1640.4, Color and Appliance Selection Sheet as an optional form, and/or may submit additional specification sheets for house components.

c. Appraisal. The contractor must submit an Appraisal of Fair Market Value of the house. The appraisal shall be in the form of FNMA 1004 Appraisal Report.

d. Insurance Estimate. If the client fails to obtain an insurance estimate, the contractor must obtain and submit a cost estimate for one year hazard insurance with the minimum deductible offered by the company. The estimate must be on insurance company letterhead (**cross reference MM#1670**).

e. Infrastructure Breakdown. In order for the client to receive an allowance for the cost of bringing infrastructure to the lot line, the contractor must provide a breakdown of the lot development costs, as listed on form MM#1640.14 (**cross reference MM#1770**). Infrastructure costs must be set forth on the contractor's letterhead, signed by the contractor/developer.

f. Copy of Contractor's State License. The contractor must provide either a copy of his/her state license, or the license number. The specialist will contact the Registrar of Contractors (or other appropriate office,

depending upon the jurisdiction) to verify that the license is valid and the contractor is in good standing.

5. Title Company. The contractor will establish a business relationship with a title company for the purpose of opening an escrow account and processing the documents required for the purchase. The contractor will inform the specialist of the title company which will be handling escrow, and the specialist will contact the escrow officer about ONHIR requirements. The specialist will obtain the following documents from either the title company or the contractor:

a. Preliminary Title Report. The title company will provide a preliminary title report for the land and will initiate a title insurance policy for the lot. After the house is built the insurance policy will be amended to include the value of the house. The specialist will verify that the preliminary title report includes the following information:

- client's name and signature must match
- method of vesting
- legal description
- any liens against the client must be shown on the preliminary title report
- any tax liens or special assessments on the property.
- commitment to insure

b. Covenants, Conditions and Restrictions attached to the land. This information may be submitted separately from the preliminary title report.

c. Escrow Instructions if available. A sales agreement, or a letter from the specialist stating ONHIR requirements as set forth in form MM#1640.20, Letter of Introduction - Off-Reservation Acquisition, may serve as escrow instructions.

6. Loan Approval. Any additional financing obtained by the client must be finalized before the relocation and housing contract documents are signed. The client and/or lending institution must provide the specialist with the following information, which may be in the form of a letter of commitment or good faith estimate of settlement costs:

- amount of the loan
- interest on the loan
- terms and conditions of the loan, including: do the installment payments include or exclude tax and insurance impound; any balloon payment, number of months of loan.

The specialist will analyze the monthly payments in relation to the requirement that total monthly housing costs may not exceed 25% of the gross household income. The specialist will incorporate the information about the loan into the contract documents.

7. Review by Specialist. The specialist will use form MM#1640.14 Items

Needed for Off-Reservation New Construction as a self-check that all essential documents required for the purchase have been received. The specialist will assure that all issues related to the acquisition have been satisfactorily addressed by the contractor, title company, finance institution, and client. If negotiations with the contractor over price or other issues do not result in agreement, the specialist will instruct the client to look for another contractor.

8. Review and Approval by ROB Manager. The specialist will submit the infrastructure breakdown to the ROB Manager. The Manager will fill out Form 1770.2, Off-Reservation Infrastructure Computation. If the amount which the Manager approves exceeds \$15,000 the Manager will submit the infrastructure cost calculations to the Deputy Director for final approval.

The Manager will also review and approve the appraisal.

9. Transmitting the Plans to ICB. The specialist will fill out form MM#1640.6, Plans Transmittal Memorandum, and attach the blueprints and required documents. The specialist will route the memo and attachments to ICB.

10. Plan Review by ICB. ICB will set up a "green file" for the client and conduct plan review according to the procedures in MM#1540. If the ICB plan reviewer requires additional information, the plan reviewer will inform the relocation specialist who will contact the contractor for the information.

11. Notice of Benefit Determination. The specialist will issue the Notice of Benefit Determination to the client when the house plans are submitted to ICB. If adult children are included in the household, the specialist must complete the Declaration of Household Membership by Specialist before the Notice of Benefit Determination is issued. The Notice must be reviewed and signed by the ROB Manager. The specialist will route the signed Notice to the secretary, who will mail it certified mail, return receipt requested. The Notice informs the client that he/she has 30 days to appeal the determination if they disagree with it.

12. Scheduling the Pre-Construction Conference. When the Inspections Section returns the green file to Housing Acquisition, the file will be routed to the specialist, who will schedule the pre-construction conference. The conference will include the client, the contractor, the specialist, and a construction inspector.

The client will be notified by letter or phone of the date/time the session will begin. The letter will instruct the client to phone to reschedule the appointment, if the date/time is inconvenient.

The secretary will enter the date/time the pre-con is scheduled in the main desk appointment book.

13. Pre-Con Notes **cross reference MM#1540 p. 5 #7**. The secretary will enclose a copy of the Pre-Con Notes, form MM#1540.4, initialled by the plan reviewer, in the letter to the client(s). The specialist will inform the

client of the items which he/she must be prepared to discuss at the pre-con, and instruct the client to think about these items. The secretary will also send a copy of the pre-con notes to the contractor.

14. Review of Contract Documents by Housing Team Leader. Ten days prior to the pre-con, the specialist will assemble the files containing the information necessary to prepare the contract documents. The specialist will prepare the contract documents for review by the Housing Team Leader, using the Contract Review Checklist (see attached example) to assemble the information and documents. The specialist will complete the entries on the Contract Review Checklist and forward the Checklist and the typed contract documents to the team leader. The specialist will include these files:

- green file (plan review file)
- client casefile
- mini file
- appraisal file (if client has appraisal)

15. Review by Team Leader. The team leader will review the contract documents against the information in the relevant files, including the automated records, for accuracy, consistency, and completeness. The team leader will note any necessary corrections and instruct the specialist as appropriate. The specialist will prepare the final contract documents from the drafts as corrected or changed by the team leader. The contract documents are:

- 1) Contract for Relocation: New Construction
- 2) Quit Claim Deed; and Owner Retention of Improvements, if applicable.
- 3) Construction Contract
- 3) Disbursement Schedule

The contract documents will be computer generated. The specialist will type or write the required entries onto the Contract Data Worksheet. The secretary will type up the Contract Data Worksheet and will generate the contract documents through merge. The secretary will deliver the contract documents to the specialist after they have been generated, and the specialist will proof the final documents to assure that all provisions applicable to the case have been included in the contract documents.

Examples of contract documents are available from the ROB secretary. They are not included with the forms attached to this section of the agency management manual.

1650. OFF-RESERVATION RESALE HOUSING.

General. During discussions between the relocation specialist and the client, resale houses are generally described for convenience purposes as either "spec" homes or older homes. "Spec" homes are newly constructed houses offered by the contractor through realty listings. Resales which are not "spec" houses have been previously owned.

All resale houses will be inspected by the Inspections and Compliance Branch. The specialist will advise the client that resale houses may have hidden problems which cannot be detected through the inspection process; the older the house, the more likely it is to have problems. If the inspector notes safety or health items which do not meet ONHIR standards, the seller will be required to correct them.

The ONHIR will require termite inspection. Depending upon the results of the inspection, termite treatment may be required. Costs of termite treatment will be paid by ONHIR from incidental costs.

The seller has the right to withdraw from the purchase transaction if the ONHIR inspection results in a determination of repairs which the seller is unwilling to make.

The ONHIR will not require the seller to remodel or to make minor maintenance or cosmetic repairs to the resale house. The client will be advised that the house must be satisfactory "as is" and any remodeling or minor repair must be negotiated by the client as part of the purchase contract. Spec homes offer the client more opportunity to negotiate upgrades and changes with the developer.

Historic Properties. The ONHIR will not acquire houses which are fifty or more years old for replacement housing.

Modular Units and Mobile Homes. The ONHIR will not acquire modular units and mobile homes for relocation housing.

Appraisals. Residential appraisals will be required for all resale acquisitions. The appraisal will be initiated by either the seller or the lender. The ROB Manager will review and approve the appraisal amount, and may order an independent appraisal. As a general rule, the ONHIR will not pay more than the ONHIR approved appraised value of the house. Exceptions may be made on a case-by-case basis as approved by the ROB Manager and the Deputy Director.

1. Selecting a Realtor. The specialist shall instruct the client to contact realtors and/or developer's sales offices in the community where they plan to relocate. The specialist will give the client copies of form letter MM#1640.11 Letter of Introduction - Off-Reservation Acquisition to give to the realtor and title company.

The client will be instructed to call the specialist when they have found a house they want to buy. The client will be instructed not to sign a

sales agreement until it has been approved by ONHIR.

2. Sales Agreement. When the client has found a house that he/she wants to purchase, the specialist will contact the realtor about the terms of the sales agreement. The specialist shall verify that the agreement contains the following contingencies:

a. The sale is subject to the inspection and approval of the home by the ONHIR.

b. The sale price (price negotiated) will be \$ (specific amount) or ONHIR approved appraisal, whichever is less.

c. The sale is contingent upon the client obtaining sufficient funding through housing benefits, infrastructure, loan, and personal funds.

If the client makes an earnest deposit on the house, the deposit may be refunded to the client if the purchase agreement is approved by ONHIR and if there are sufficient funds available from the housing benefit after the purchase transaction is completed.

3. Inspection of House. The specialist will submit a Plans Transmittal Memorandum to ICB requesting that an inspection of the house be conducted. The inspector will use the resale inspection checklist when conducting the inspection. The inspector will report any items which do not meet ONHIR safety standards and which must be corrected before the purchase is consummated. A copy of the report will be given to the realtor or seller.

a. House Meets Code Standards. If the house passes inspection and does not require repairs, the specialist will proceed with final review of the purchase contract and all other documents required to draft the housing contracts.

b. House Does Not Meet Code Standards. If the house does not pass inspection and requires repair/modification to bring it up to ONHIR safety requirements, the specialist will provide the realtor with a list of the repairs which must be made by the seller. After the seller has made the repairs, the realtor will notify the ICB Administrative Assistant who will arrange for a reinspection.

If the seller has agreed to make repairs to non-safety items, reinspection may not be necessary. The Inspections Supervisor has the discretion to approve repairs based upon written verification signed by the realtor and client that the seller has made the agreed-upon repairs.

c. House Requires Extensive Repair. If the house requires extensive repairs and the construction inspector recommends against the purchase, the Inspections Supervisor will submit the recommendation in writing. The specialist will advise the client to look for a different house.

The ONHIR will not acquire the house if the cost of repairs will

exceed the housing benefit. If the cost of repairs will not exceed the housing benefit and the client wants to purchase the house despite the recommendations of the construction inspection office, the client's request must be approved by the Deputy Director.

The relocation specialist and the Inspections Supervisor will prepare a report to the Deputy Director through the ROB Manager which details the inspection findings and potential problems with the house; the client's reasons for wanting to buy the house; and alternatives available to the client. The client may be required to sign an acknowledgement that ONHIR is unable to inspect certain features of the house - ie. mechanical systems - which would require removing walls, flooring, etc.

If the Deputy Director denies the client's request, the client may appeal to the Executive Director.

4. Title Company/Escrow Instructions. The realtor will select a title company to obtain the preliminary title report and handle the pending purchase. The realtor will inform the specialist which title company will be handling escrow, and the specialist will contact the escrow officer to begin work on the transaction.

5. Other Documents Required. In addition to the purchase contract, the following documents will be obtained by the specialist from the realtor, developer, or other appropriate agent:

- infrastructure cost breakdown
- FNMA 1004 Appraisal Report
- written estimate for homeowner's insurance
- preliminary title report for the property, or
commitment to insure
- escrow instructions (may be verbal, confirmed in
writing by the specialist)
- preliminary settlement statement, obtained prior to
closing for the purpose of ordering funds;

- obtained - final settlement statement
- after - title insurance policy
- closing - deed/title conveyance containing the ONHIR deed
restriction

6. Commercial Financing. Any additional financing obtained by the client must be finalized before the relocation and resale contract documents are signed. The client and/or lending institution must provide the specialist with the following information, which may be in the form of a letter of commitment or good faith estimate of settlement costs:

- amount of the loan
- interest on the loan
- terms and conditions of the loan, including: do the
installment payments include or exclude tax and insurance impound;

any balloon payment, number of months of loan.

The specialist will analyze the monthly payments in relation to the requirement that total monthly housing costs may not exceed 25% of the gross household income. The specialist will incorporate the information about the loan into the contract documents.

7. Verification of Specialist that all Requirements Have Been Met. The specialist will use form MM#1640.16 Items Needed for Resale Purchase as a self-check that all required documents have been received. The specialist will review all documents received in connection with the purchase and assure that they are complete and correct.

8. Review by ROB Manager. The specialist will submit the infrastructure breakdown to the ROB Manager for review and approval. The ROB Manager will prepare the Off-Reservation Infrastructure Computation Sheet. If the amount which the Manager approves exceeds \$15,000 the Manager will submit the infrastructure cost calculations to the Deputy Director for final approval.

The Manager must also approve the appraisal and may review the purchase contract and other associated documents as necessary, depending upon the complexity and circumstances of the purchase.

9. Contract Signing. The specialist will prepare the contract documents and arrange for contract signing with the client. It is not necessary for an ICB inspector to be present for the signing of a resale contract.

The resale contract will specify the exact amounts, sources, and recipients of all funds to be applied to the acquisition. If the client has acquired commercial financing the terms of the loan will be detailed in the resale contract. Incidental costs which will be paid by the ONHIR are not listed in the contract.

10. Letter of Confirmation of Payments to be Issued to the Title Company. After the contract has been signed and the funds have been ordered, the specialist will issue a letter to the title company stating the number of payments which the title company will receive, the amount of each payment, and the costs to which the payments must be applied. The incidental fees which ONHIR is paying are stated in the letter. Fees which ONHIR will not pay are also stated in the letter.

Payments are transferred electronically.

If the client has obtained financing, the letter will identify the lender and the amount to be deposited with the title company by the lender.

The specialist will also reiterate ONHIR requirements that specific documents be submitted after the acquisition has been finalized. These documents are typically a copy of the final settlement statement, title insurance policy and copy of the deed with ONHIR's deed restriction attached.

11. Refunds. Overpayments of incidental expenses are refunded to ONHIR. Refunds of escrow deposit or pre-paid taxes are issued to the client.

1651. EXISTING MORTGAGES.

General. In a small number of cases, a client may have obtained commercial financing and purchased a home off the partitioned lands prior to developing a relocation plan. These acquisitions are commonly called "existing mortgages" or "existing houses." If a client wants to acquire their own house as the relocation house, the ONHIR will expend replacement housing benefits in the following manner: 1) problems or defects which are safety items must be repaired; 2) benefit monies remaining after the repairs have been made will be applied to the purchase price of the house; 3) if any benefit funds remain after essential repairs have been made and the house has been paid off, the remainder may be used for options desired by the client and approved by the Housing Team Leader.

Acquisition of off-reservation existing mortgage houses follows a process similar to acquisition of NHA houses on-reservation.

1. Request for Inspection. The decision to acquire the existing house is usually made by the client during the social counseling phase. The specialist will request an inspection by ICB to determine if there are safety items which need to be repaired. The specialist will fill out a Plans Transmittal Memorandum, and will ask the client to provide photos of the house which will help the inspector to determine the condition of the house.

2. Results of Inspection. The construction inspection section will inspect the house using the final inspection checklist. The report will be submitted to the Inspections Supervisor, who will make a rough estimate of the cost of repairs, and will develop a recommendation regarding the feasibility of repairing and remodeling the house. The inspection report will be routed to the specialist.

a. Report Determines Safety Items Can Be Repaired. If the ICB report concludes that any items which fail to meet safety requirements can be satisfactorily repaired, the case will proceed.

b. Report Recommends Against Acquiring the House. If the ICB report concludes that there are significant problems with the house which cannot be repaired, or that it will be difficult and expensive to do the work, the specialist will advise the client about alternatives. The specialist may request team staffing by the Inspections Supervisor and the Housing Team Leader. If the client still wants to acquire the house after considering alternatives, the case must be submitted to the Deputy Director for decision. The specialist will communicate the decision to the client. If the client disagrees with the decision, the client may request a review by the Executive Director.

3. Initial Housing Interview. At the Initial Housing Interview the specialist will discuss the results of the inspection and the repairs which must be made to the house. The specialist will find out from the client the name and address of the mortgage company, the loan account number, and other pertinent information about the loan in order to find out the pay-off amount.

The specialist will provide the client with a rough estimate of how much money it will take to repair the house, and approximately how much of the benefit will be left to pay off the house and do any remodeling the client wants. The specialist will inform the client that any costs for temporary accommodations required while the house is being repaired/remodeled will be paid from the client's benefits, reducing the amount available for repair and mortgage payoff.

4. House Repairs/Additions. The specialist will give the client a list of the repairs which must be made to the house. The client has a choice between making the repairs him/herself, or obtaining bids from three licensed contractors to make the repairs. The decision is generally dictated by the extent of repairs required. If the client chooses to make the repairs him/herself, he/she must satisfy the Inspections Supervisor that he/she is qualified and willing to make the repairs.

If there will be funds remaining after mortgage payoff, the client may request remodelling and additions to the house. The contractor selected to do the work must submit plans for additions to the house to the specialist. The specialist will transmit the plans to ICB for review and approval.

5. Mortgage Payoff. The specialist will contact the mortgage holder and request a written statement of the payoff amount. Immediately prior to finalizing the contract the specialist will contact the loan company for a final update of the amount due. The specialist will determine whether or not the amount remaining after repairs have been made will be sufficient to pay off the mortgage completely, or if the client will continue to carry a mortgage. This information will be incorporated into the contract.

The specialist must always remind the client to continue making mortgage payments until the transaction is completed.

6. Other Information Required for Acquisition of an Existing Mortgage House.

a. Infrastructure Costs. In order for the client to receive infrastructure payment, the client must obtain a statement of infrastructure costs from the developer or builder (**see MM#1770**).

b. Condition of Title. The specialist will contact a title insurance company to request a condition of title report on the house. The specialist will ensure that the report identifies the trustor, trustee, beneficiary information, and any liens on the property. If the title policy does not reflect the current value of the house, the specialist will request an updated policy.

c. Hazard Insurance. If the mortgage will be fully paid by the benefit, the specialist will arrange for two years' homeowner insurance coverage for the client. If the mortgage is not fully paid off, the client will continue to make insurance payments through mortgage impound.

7. Items Not Required. The ONHIR will not require an appraisal report for an existing mortgage house, and will not require that the deed be amended to incorporate the ONHIR two year deed restriction.

8. Housing Contracts. When the ONHIR has accepted the contractor's bid for repairs and all other information has been assembled, the specialist will prepare the necessary contracts. The contracts are individualized to state the specific circumstances of the case.

a. Resale Contract. If the amount of repair/remodel does not exceed \$20,000, the specialist will utilize a standard resale contract, modified as appropriate to reflect the circumstances of the case.

b. Repair Construction and Repair Payment Contracts. If the amount of repair/remodel exceeds \$20,000 the specialist will use a repair construction contract and repair payment contract setting forth inspection and disbursement schedules typical for new construction.

9. Reinspection. When the client or contractor has completed the specified repairs, the work will be reinspected by ICB. Payment for repairs completed satisfactorily will be disbursed according to the terms of the contract.

1652. INCIDENTAL EXPENSES.

General. Cross Reference 25 CFR 700.195 Subpart F Incidental Expenses. The ONHIR will pay reasonable expenses incurred by the client which are incidental to the purchase of a replacement dwelling. Incidental expenses are incurred during the acquisition of an off-reservation house, whether it is a new construction or resale purchase. Incidental expenses are rarely incurred for the acquisition of an on-reservation house.

The types of expenses will vary somewhat depending upon the conditions of purchase and the location of the replacement house. The specialist will determine what expenses are reasonable, and will negotiate proration of expenses between the seller and the buyer (ONHIR). The specialist will attempt to get the seller to pay as many of the negotiable expenses as possible.

Disbursement to Client. The client will be responsible for certain incidental expenses, i.e. expenses associated with a loan application, such as the residential appraisal. Because it is difficult to calculate the exact amounts to be paid for various fees, any excess amounts paid by the client for incidental expense will be reimbursed through escrow to the client when escrow closes. The specialist will determine whether excess amounts should be refunded to ONHIR or to the client, and will inform the escrow officer.

1. Payments to Title Company: Settlement Statement. The title company will provide ONHIR with a copy of the settlement statement of costs (sometimes called a preaudit). Costs incidental to closing escrow may be disbursed by ONHIR at any time during the course of construction; but no later than the close of escrow, when the final payment is issued to the title company by ONHIR.

a. New Construction House. If the client is buying a new construction house, the settlement statement is generally issued at the time of closing. After the relocation and construction contracts have been signed, the specialist will provide the title company with a copy of the first two pages of the ONHIR construction payment contract, which shows the disbursement schedule and amounts. Incidental costs are not listed in the construction payment contract. The title company may or may not update the settlement statement to reflect the construction payment schedule.

b. Resale House. The title company will set up an escrow account and issue a settlement statement to ONHIR when the realtor notifies the title company of the pending sale.

2. Confirmation of Payments to be Made to the Title Company. Following receipt of the settlement statement of costs, the specialist will issue a letter to the title company setting forth the specific amounts which ONHIR will disburse to the title company. In the case of new construction housing, the letter will state the incidental costs but will not include the construction draws, which have already been detailed in the copy of the ONHIR construction payment contract sent to the title company. In the case of resale housing, the letter will state the amounts to be applied to purchase of

the house and will also detail the incidental costs which ONHIR will pay.

3. Authorized Settlement Expenses. As a general rule, ONHIR will pay the following closing costs to the title company:

- 1/2 of the escrow fee
- recording fee
- title insurance on the house and/or mortgage title insurance (seller pays for the title insurance on the lot)

4. Fees Associated With a Loan. The specialist will obtain a good faith estimate of loan closing costs from the title company. The fees charged by the lender will vary according to the terms of the loan. As a general rule, the ONHIR will pay the following fees from incidental expenses:

- credit report
- lender's inspection fee
- document preparation fee
- tax service fee
- ALTA charge (lender's insurance)

5. Other Incidental Costs. Depending upon the circumstances of the purchase, ONHIR may pay other fees, including the appraisal, septic tank inspection, termite inspection, flood certification, and chimney certification fees.

6. Expenses Which ONHIR Does Not Pay. The ONHIR will not pay the following costs:

- discount points for a loan
- loan impound charges
- prorated taxes
- homeowner's association fees.

7. Processing Incidental Expenses. Incidental costs are recorded on the Funds Obligation and Disbursement Record ("T" sheet) but they are not listed in the construction contracts. The specialist will prepare a Disbursement Voucher Request Form for the payment of incidental expenses. The specialist will enter the vendor number, payee number, document number, amount of payment, date, and face-of-check comment on the form. At the bottom of the voucher the specialist will enter the total payment, client name and casefile number.

The specialist will initial the voucher and route it to the Housing Team Leader who will double check the entries before the voucher is routed to the Finance Branch. The voucher will be filed in the vendor file by the finance clerk.

8. Exceptional Expenses. Prior to preparing the Disbursement Voucher Request, the specialist will obtain the approval of the ROB Manager for the payment of any any fees which do not fall within the scope of charges usually

MANAGEMENT SECTION 1600 HOUSING ACQUISITION MANUAL
SUBJECT 1640 Housing Acquisition: APPROVED _____
Off-Reservation Moves 7/20/00

paid by the ONHIR.

1653. CULTURAL RESOURCE ASSESSMENT.

General. Pursuant to 36 CFR 800, the ONHIR shall determine if any historic properties are affected by the acquisition of off-reservation housing. Due to the time frames established by the escrow procedure, survey and assessment of off-reservation properties will be given top priority. The ONHIR will proceed with the acquisition independent of the cultural resource assessment process. The relocation contract for clients moving off-reservation will include a clause which states that ONHIR will perform cultural resources assessment pursuant to Section 106 of the Historic Preservation Act, and will take any necessary action required by the outcome of the assessment.

Survey and assessment of off-reservation properties do not require review by the Navajo Nation, and reports will be submitted directly to the State SHPO. Reports on properties outside of Arizona will be sent to that state's SHPO for review.

PROCEDURES.

1. Plans Transmittal Memorandum. Action to conduct cultural resources assessment will be initiated by the relocation specialist through the Plans Transmittal Memorandum. The specialist will deliver a copy of the Plans Transmittal Memorandum to the Cultural Resources Manager (CRM) when the original is routed to ICB. The form will specify whether this is a new construction house, involving the acquisition of an undeveloped lot; or a resale or existing mortgage house.

Three questions have been added to the Memorandum for off-reservation acquisitions. This information can be provided by the contractor or realtor, and will give the CRM a better idea of the potential for historic properties. The specialist will provide the CRM with any additional information available at the time the Memorandum is prepared which will assist the CRM to conduct the assessment.

2. Inspection of Site by the CRM. From the information provided by the specialist, the CRM will decide whether or not a site visit is necessary.

a. New Construction Housing. If the house is going to be built in a rural area, the CRM will generally travel to the site to conduct an assessment. A lot in a prepared subdivision may not require an on-site assessment.

Time Frame for Completion of Assessment. Assessment reports which do not require a field visit will be processed within three days. Assessment reports which necessitate a field inspection will be processed as soon as possible. Properties located within a 250 mile radius of Flagstaff that require a field inspection will be visited within 10 working days. Properties located outside this area will be visited as soon as possible.

b. Resale or Existing Mortgage House.

Inspection. The ICB inspector who inspects the house will take photographs which will be used by the CRM in performing the assessment. The inspector will label the photos with the client name and casefile number, date of the photos, and what they show:

- exterior views of the house, front, back and side views, showing the way the house is situated on the lot
- photos of the landscaping
- photos showing the boundaries of the lot, if obvious
- photos of any other structures on the lot.

The inspection report and the photographs will be routed to the specialist. The specialist will give the photographs to the CRM.

Use of Appraisal. The specialist will require two copies of the appraisal report for a resale house and will route one copy to the CRM. NOTE: If the appraisal is received by fax, the specialist will request an original for the client file. In the meantime, the information contained in the faxed report will be used by the relocation specialist and the CRM to complete the cultural resources assessment, the Site Clearance form, and other acquisition activities.

Time Frame for Completion of Assessment.

The CRM will determine whether an on-site assessment is necessary. Assessment reports for resale or existing mortgage homes will be processed by the CRM within three days of receipt of the appraisal and photographs.

3. Fee Inspections. In the event that an inspection is conducted out-of-state by a fee inspector, the Inspections Supervisor will instruct the fee inspector about the need for photographs for cultural assessment, and what the photographs must show.

4. Site Clearance Form. ICB will continue to conduct flood plain review and clearance for off-reservation new construction housing and existing mortgage acquisitions. Flood plain review and clearance for off-reservation resales will be done by the relocation specialist. The specialist will check the flood plain determination on the appraisal and will enter the information on the Site Clearance form. The specialist will sign the form in lieu of the ROB Manager. The form will be routed to the CRM, who will enter comments and initial item #2 (archaeological clearance and stipulations) when the assessment is completed.

Flood Plain Zone A. If the appraisal report shows the house to be located in flood plain zone A, the ONHIR cannot acquire the house. The specialist will advise the client to look for another house.

5. Contract Documents. The specialist will prepare the contract documents and will assure that the clause regarding historic properties is inserted into the relocation contract.

6. Assessment Report. The CRM will prepare and type the report utilizing site photographs, the results of the on-site survey, if one was

conducted; information from the appraisal, and other relevant information. If the CRM needs additional information, he/she will work with the relocation specialist to get it. The report will be prepared as soon as all information required to complete the assessment has been assembled.

The CRM will make copies of the report for agency records, and will send the original with a cover letter to the SHPO.

7. Report to Specialist. The CRM will return these documents to the specialist:

- original appraisal report
- Site Clearance form
- copy of the assessment report and letter to the SHPO.

These documents will be filed in the client casefile after the specialist has finished working with them.

If the cultural assessment report concludes that there are historic properties which will require mitigation and may cause inconvenience to the client, the specialist will inform the client of the situation and may advise the client to look for another house.

SECTION 1600 HOUSING ACQUISITION
SUBJECT 1655 New Construction Change Orders

POLICY.

Any changes to the house plans or specifications which take place after the construction contract is signed, and which are incorporated into the construction contract by reference, represent contract modifications and must be approved in writing before the contractor proceeds with the modifications. Modification work orders, also called change orders, must be approved by the contractor, the client, and the housing specialist, with final approval by the Housing Supervisor. The change may require technical review by the Inspections and Compliance Branch. The change must be approved prior to the inspection of the work covered by the change order.

The ONHIR will not approve a change order which results in a cash payment by the contractor to the client. Any savings in the cost of the contract which results from an approved change order, will accrue to the Government, or will be expended in a manner approved by the Housing Supervisor.

A contractor who proceeds with modifications without prior written approval by all parties shall be informed that he/she will be liable for corrections and reinspection fees if the change is subsequently disapproved.

A client who requests a change shall be informed of the approval process, and shall be told that the request may extend the contract completion date.

PROCEDURES.

1. **Requesting a Change Order.** A request for a change order may be initiated by the contractor, the client, or the housing specialist. As soon as either the contractor or client decides to request a change to the plans and specifications, they must notify the housing specialist that a change order is pending.

2. **Writing up the Change Order.** The change order may be written up by the contractor, the client, or the housing specialist. Change orders may be submitted on ONHIR form MM#1655.1 or an equivalent form or statement. The change order must specify:

- a. Nature of the change;
- b. Reason for the change;

c. Impact of the change on contract cost, whether addition or reduction. If the change results in additional cost, the change order must specify the source of funds which will be used to cover the cost: unused housing benefit, bonus, moving, personal.

d. Impact of the change, including the time required to process the change order, on the contract completion date.

e. The change order must be signed by the contractor, the client, the specialist, the ICB reviewer (if review is conducted), and the Housing Supervisor.

3. **Action of the Housing Specialist.** The housing specialist will determine if the change requires additional blueprints, and will instruct the contractor to provide them. The specialist will also determine if the change requires technical review by the Inspections and Compliance Branch (ICB). If so, the specialist will forward the change order to ICB for review before submitting it to the Housing Supervisor for final approval.

The specialist will make sure that the change order has been approved and signed by all parties. If the specialist was not present when the client signed the change order, the specialist will contact the client by phone, mail or personal contact, to confirm the client's understanding and approval of the change. The specialist may request a client who provides a verbal phone confirmation to submit a brief written confirmation.

The specialist will inform the contractor that if he proceeds with the changes before receiving a copy of the executed change order he is proceeding at his own risk. The specialist shall inform the client that requests for major changes, or delay by the client in approving a requested change, may result in extension of the contract completion date.

4. **Action by ICB.** ICB staff will review and return all change orders which require technical review within two days of receipt from Housing Acquisition. In conducting an inspection, the ICB inspector will not pass an item which has been changed unless or until it has been approved by the Housing Supervisor. If the inspector is in the field at the time the approval is granted, the specialist can communicate the Supervisor's decision by phone or radio.

5. **Action by the Housing Supervisor.** After the ICB review is completed, the change order will be routed to the Housing Supervisor for final approval. After approving the change order, the Supervisor will perform the following data entry, as applicable:

- date change order received

MANAGEMENT
MANUAL

SECTION 1600
SUBJECT 1655

HOUSING ACQUISITION
New Construction:

APPROVED _____

Change Orders 7/23/91

- date change order approved
- contract extension date
- cost of change
- source of funds
- brief comment on the type of change.

The change order will be routed to the Housing Secretary, who will make copies of the completed order and route them to the casefile, the contractor, the client, ICB, and the housing specialist.

MM#1640
-3-

ISSUED 7/17/89

REISSUED 7/17/89

SECTION 1600 HOUSING ACQUISITION

SUBJECT 1656 VOIDING CONSTRUCTION CONTRACTS UNDER
CIRCUMSTANCES WHICH DO NOT INVOLVE A BREACH OF

CONTRACT

POLICY.

The construction contract and the construction payment contract may be voided or cancelled by mutual agreement of the relocatee, contractor, and the ONHIR for reasons which do not involve a breach of the contract terms. Such reasons may include threats by third parties against the client and/or contractor, or site conditions which cannot be mitigated and which require the house to be built in a different location. The contracts may also be cancelled by the ONHIR upon the death of a client with no household remaining to be relocated, if the client dies after the contracts have been signed but before construction has been completed (**cross reference MM#1790, Payments to Estates**).

PROCEDURES.

General. After the construction contract and construction payment contract have been signed, the relocation specialist is the principal point of contact for the client and contractor regarding change orders, problems encountered during construction, construction draws, and other issues.

Progress on house completion is monitored by both the housing specialists and the construction inspectors. Progress toward house completion can be monitored both in the field and through inquiry into several automated client inquiry files: Contract/Housing Information, Contract Payment Schedule, Inspections Inquiry.

The circumstances which require a contract to be voided are unique to each case, and must be reviewed and evaluated on a case by case basis. The decision to void a contract must take into consideration cost factors; inevitable delays in selecting a new contractor to complete the job; and/or difficulties in obtaining a new construction site. The Relocation Operations Branch Manager has principal responsibility for taking action to void a contract, in consultation with the Deputy Director, ROB Team Leader, ICB Team Leader, and the relocation specialist in charge of the case.

1. Recommendation to Void Contract. When a situation develops which makes it necessary to void a contract, the relocation specialist will investigate the situation, obtain any documentation bearing on the problem, and prepare a recommendation to the ROB Manager.

2. Action by ROB Manager. Within three days of getting the specialist's recommendation, the ROB Manager will review the case and may investigate the circumstances further. The Manager will prepare a memorandum to the Deputy Director which states the circumstances and recommends a course of action. The memo must include estimates of costs which will be incurred by the proposed course of action, and anticipated time extensions which will be required. The Manager will assure that documentation supports the proposed action.

The memorandum will provide a concurrence line for the Deputy Director's signature.

3. Action of the Deputy Director. Within three days of receiving the Manager's recommendation, the Deputy Director will review and approve or disapprove the recommendation. The Deputy Director may obtain legal review by the agency Legal Counsel, and will discuss the situation with ROB staff as necessary.

4. Contractor and Client Agreement. In the event that a contract needs to be cancelled for reasons beyond the control of the client or the contractor, the ROB Manager will obtain the signature of the contractor or contractor's representative and the client on form MM#1656.1 and will countersign the form.

5. Notification to Finance. The ROB Manager will provide the Financial Officer with any instructions regarding deobligation of contract funds or allocation of additional funds required to rectify the situation.

MANAGEMENT SECTION 1600 HOUSING ACQUISITION
MANUAL SUBJECT 1660 Archeological Discovery APPROVED
On the New Lands 03/28/90

SECTION: 1600 HOUSING ACQUISITION

**SUBJECT: New Lands Construction Contracts: Stipulations
Regarding Archeological Discovery and Off-Road Travel**

**AUTHORITY: National Historic Preservation Act, Sec. 106;
Archeological Treatment/Historic Properties Plan (ONHIR).**

POLICY.

Under the terms of the National Historic Preservation Act, the Office is mandated to take positive action to protect historic resources on the New Lands. The Office will penalize persons violating the provisions of the Archeological Treatment/Historic Properties Plan, depending upon the extent of the Office's authority to require such persons to adhere to the Plan.

The Office shall ensure that archeological monitors are present when construction is proceeding in the vicinity of archeologically sensitive areas. If archeological artifacts are found in non-sensitive areas, the monitors shall be available to travel to those sites and provide instructions about how construction should proceed.

Contractors. Contractors who are building houses in the rural community and on the range units shall notify the Office when archeological artifacts are uncovered during the course of construction. In addition, the contractor shall be informed that the Archeological Treatment/Historic Properties Plan prohibits cross-country travel to and from construction sites. The contractor shall be required to use established roads to travel to construction sites, and shall be responsible for requiring his subcontractors, employees, suppliers and agents to utilize established roads to reach the sites. Contractors who violate this policy will be subject to penalties levied by the Office.

Employees. Supervisors shall instruct employees performing authorized field travel on the New Lands to travel on existing roads. Employees shall also be instructed that potsherds, stone chips, and other items with potential historic significance found in situ on the New Lands may not be removed. Employees who violate these policies may be disciplined according to the terms of the agency's Personnel Policies and Procedures Manual.

PROCEDURES.

A. Housing Acquisition.

1. Effective December 13, 1988, contracts for construction on the New Lands will incorporate stipulations requiring contractors to notify the Office when archeological artifacts are uncovered during the course of construction. The contracts shall also incorporate stipulations requiring contractors and their subcontractors, suppliers, employees and agents to travel to construction sites by means of established roads. The contracts shall specify the penalties to be applied if these provisions are violated.

2. The contractor shall sign as a party to the contract, and receive a copy of it.

a. If the contractor encounters unanticipated archeological artifacts and does not know where on the New Lands the archeological monitors are working, the contractor will notify the New Lands Secretary at Sanders. The Secretary will attempt to contact the archeologist immediately. The contractor will halt construction until the archeologist arrives and gives further instructions.

3. Client Advisement. The Housing Specialist will instruct the client to use established roads to drive to the homesite if the client wants to visit the site during construction. The Specialist will emphasize that delays may occur in housing construction if this requirement is violated.

B. Reporting Violations.

1. Copies of these procedures will be distributed to all field staff. Staff will be advised by Supervisors of the importance of using established roads to reach construction and homesites. Staff will be instructed to record violations which they observe on the Violation Report, Form MM#1660.1.

2. Completed Reports will be submitted to the New Lands Manager.

C. Action by the New Lands Manager.

1. When the New Lands Manager receives a Violation Report he will bring the incident to the attention of the agency's Staff Archeologist within three days. The Archeologist will determine whether or not an archeological site was affected.

a. If the off-road travel affected a site, the Archeologist will determine whether or not there was damage to artifacts or structures. If so, the archeologist will determine whether or not the damage can be repaired or restored, and the approximate cost to repair or restore damage. The Archeologist may consult with the State Historic Preservation Officer

regarding appropriate action to restore and repair the damage.

b. The Archeologist will complete Form MM#1660.2, Assessment of Damages, and submit it to the New Lands Manager within two weeks.

2. The Manager will review the report and the information relating to the violation, and determine if the identity of the violator is known. If the violator has been identified and is a contractor or a contractor's agent, employee, supplier or subcontractor, the Manager will fill out Form MM#1660.3, Penalty for Violating Archeological Stipulations, and forward it to the Housing Supervisor, who will issue it to the contractor and will also deduct the penalty fees from the amount owed the contractor.

a. If the contractor disagrees that he is responsible for a violation, or he disagrees with the amount or type of penalty levied, he may request a hearing by the agency's Legal Counsel within three working days of receiving the penalty form.

b. Legal Counsel will schedule a hearing within 10 working days, and will issue a decision within three working days of completion of the hearing. The decision by Legal Counsel will be final.

3. If the Manager determines that the violation was committed by an ONHIR employee, the Manager will notify the employee's supervisor and will attach a copy of the Violation Report. The supervisor shall administer disciplinary action according to the provisions of the ONHIR Personnel Policies Manual.

4. If the Manager determines that the violation was committed by a client, the Manager will request the client's housing acquisition specialist or counselor to discuss the incident with the client and remind him/her that off-road travel is strictly prohibited. Violation may adversely affect the project and delay the client's relocation.

5. If the Manager determines that the violation was committed by an employee of another agency involved in New Lands development activities, the Manager will contact officials of the agency and emphasize the potential consequences should violations continue. The Manager will inform the Executive Director if external agencies appear to be disregarding the archeological stipulations.

6. If the Incident Report states that tracks were observed but the violator is unknown, the Manager will request contractors and other persons working in the area to watch for violators and report future incidents.

D. Application of Penalty.

1. Upon receipt of the Penalty for Violating Archeological Stipulations from the New Lands Manager, the Housing Supervisor will issue the Penalty to the Contractor and will attach copies of the Violation Report and the

12/09/93

SECTION 1600 HOUSING ACQUISITION

SUBJECT 1670 HOMEOWNER'S INSURANCE

AUTHORITY: Executive Director's Memo of 09/22/83.

POLICY.

Effective October 1, 1983, clients will be required to carry homeowner's insurance on the relocation home for a period of two years. The cost of the insurance will be paid from the client's housing benefit.

Choice of Agent. The client may choose an insurance agent. If the client does not choose an insurance agent, the agent will be selected by the contractor or the realtor.

Homeowner Coverage Only. The ONHIR will pay for a basic homeowner's policy only. It will not pay for any additional insurance coverage the client may desire. If the client wishes to add riders to the insurance policy, it is the client's sole responsibility to arrange and pay for the additional coverage.

Effective Date. Coverage will be effective the date when the insurance agent receives all required documentation.

Withholding from Client Benefits (Houses Without Mortgage Impound). The first year insurance will be paid as directed in the payment contract. Funds equal to the first year's premium, plus 10%, will be withheld from the client benefits for the second year insurance payment. If the funds withheld are insufficient to cover the second year cost, the ONHIR will make up the difference. If there is an overage, the difference will be returned to the U. S. Treasury. These funds are only available for insurance purposes and at no time will they be available in the form of cash to the client.

Off-Reservation Relocation Houses Which Have Mortgage Impound Account. A client who acquires a new construction or resale house off-reservation may obtain mortgage financing in addition to the ONHIR housing benefit. Depending upon the amount of the mortgage, the lender may require evidence of homeowner's insurance coverage, to be paid from an impound account. In such a case, the ONHIR will withhold the cost of the first year insurance premium from the client's benefit. This amount will be paid as part of the closing costs at the time escrow closes. The ONHIR will not withhold funds from the client benefit for the second year premium.

12/09/93

PROCEDURES. Cross reference MM#1640

1670.1 Social Counseling.

While the client's case is in Social Counseling, the counselor will advise the client of the requirement for two years homeowner's insurance coverage. The counselor will explain in general terms what the insurance covers and approximately how much it will cost, depending upon the client's preferred relocation site. This information can be obtained from a housing specialist.

The counselor will explain that the cost of the insurance premium will be paid from the client's housing benefit. The counselor will encourage the client to renew the policy after the initial two year period.

1670.2 Housing Acquisition.

General. While the house is under construction, it is covered by the contractor's course-of-construction insurance. This ends as soon as construction is completed. Homeowner's insurance coverage of the property should commence within three days of the date of final inspection. In order to accomplish coverage within this time frame, the ONHIR will transmit payment and all documentation for which it is responsible within two days following the final inspection (or escrow for resale houses). The ONHIR will endeavor to assure that the client fills out the insurance application form no later than the date of final inspection (or close of escrow, as appropriate).

While in theory the client is free to choose the insurance company he/she wishes, in actuality the choice is limited for clients moving to reservation homesite leases. Clients moving off reservation have a greater choice.

1. Initial Interview. At the time of the initial interview, the specialist will remind the client of the requirement of two years' insurance, to be paid from the client's housing benefit. The specialist will explain the following:

- coverage for on-reservation houses is expensive because of the distance of the houses from a fire department;
- ONHIR will issue the second year payment to the insurance company. No action is required by the client.
- the insurance company has the authority to cancel the insurance or deny a claim under certain conditions, which could include renting the home without notifying the company of the arrangement; failure to maintain the home in a reasonable manner; failure of the client to occupy the home on a regular basis.
- the basic policy covers fire, vandalism, theft, and damage from

12/09/93

natural disasters. More detailed explanation can be obtained from the insurance agent.

2. Obtaining Cost Quotes.

a. New Construction. The contractor selected by the client must submit an estimate from an insurance agent for 2 years homeowner insurance coverage, with the pre-Construction Worksheet and house plans. The quote should be for the minimum deductible offered by the company - either \$100 or \$250. The specialist will double check that the contractor has applied the correct multiplier for the cost for two years' coverage.

b. Resale. The realtor must submit an estimate from an insurance agent with the purchase offer/ agreement. The quote should be for the minimum deductible offered by the company - either \$100 or \$250. The specialist will double check that the realtor has applied the correct multiplier for the cost for two years' coverage.

3. Insurance Payment Information Incorporated into the Contracts. In preparing for the pre-con, the specialist will provide the payment information for the contracts.

a. Relocation Contract: contains vendor name and total (2 yr) amount of insurance premium.

b. Construction Payment Contract: contains vendor name, the 1st year insurance payment, to be paid at the time of sheetrock draw or escrow, and the amount of benefits to be withheld for the 2nd year premium payment.

4. Instructions to Client at the Time of Pre-Con. **Cross Reference MM#1640, p. 28.** The specialist will give the client a copy of the insurance quote which the contractor has submitted.

a. Insurance Application. The specialist will instruct the client that it will be necessary for them to go to the insurance office sometime before the house is finished construction and fill out the application papers. The ONHIR will authorize round trip mileage reimbursement from the client's pre-move location to the offices of the insurance agent for this purpose. The specialist will instruct to submit the claim as soon as the trip has been completed. In order for travel expense to be reimbursed, the client must attach evidence that they have been to the insurance company and filled out the application form.

b. Evidence of Completed Application for Mileage Reimbursement and Bonus Payment. In order for the client to receive the mileage payment for the trip to the insurance agent and also to receive the bonus check, the client must produce evidence that they have been to the insurance company and filled out the application form. Such evidence may be:

- copy of the signed insurance application form, submitted

12/09/93

by the client or faxed by the agency;

- copy of a binder, intent to insure, or equivalent documentation.

5. Letter to the Insurance Company After the Pre-Con. After the pre-con, the specialist will issue a letter to the insurance company which submitted the cost estimate, informing them that the client has selected them as the insuring agent and has signed the relocation contract. The specialist will provide the client's name, address, phone number (if applicable), ONHIR casefile number, the legal description of the house location, and directions to the house. For on-reservation houses the specialist will also provide a copy of the feasibility study containing (1) reservation location map; (2) topographic map with plotted house location; (3) homesite sketch; (4) survey plat.

The specialist will inform the insurance company that the client has been instructed to make one trip to the agency office to fill out the application form and take care of any other paperwork requirements. The specialist will inform the agent that the ONHIR requires the client to submit evidence that they have filled out the application form. The letter will also state that the specialist will be responsible for providing any other information or documents (i.e. wood stove specifications and photographs), and should be contacted by the agent on any issues regarding the policy.

6. Ordering the Insurance Payment. When the house passes sheetrock inspection (or close of escrow for resales), the specialist will prepare a voucher for the first year insurance payment. The check will be sent directly to the insurance agent. The specialist will send the agent a letter which contains the following instructions:

a. The invoice for 2nd year insurance should be sent to the ONHIR and not the client.

b. If the insurance is cancelled for any reason, the refund should be issued to ONHIR, not the client.

7. Houses With Mortgages. If the client is taking out a mortgage on the house, the specialist will find out if this is a PITI (principal, interest, taxes and insurance) loan. If the client is going to be paying homeowner's insurance through the PITI impound, funds will be withheld from the housing benefits for only the first year of insurance. The second year premium will be paid from the impound account.

8. Reminder to Client. If the specialist has not received a copy of the completed insurance application form by the time of the sheetrock inspection, the specialist will write to the client and remind them that they must submit evidence that they have completed the form in order to receive the bonus check.

12/09/93

9. Woodstove Questionnaire. Some insurance agents require a completed woodstove questionnaire, giving the specifications of the stove installed in the house. The housing specialist will obtain completed questionnaires for all houses with woodstoves. The questionnaire will be completed by the construction inspector at the time of final inspection, and routed to the housing specialist with the final inspection report and photographs.

10. Photographs. Most insurance agents require three photographs of the home: (1) woodstove as installed in house; (2) exterior view of front of house, and (3) exterior view of back of house. The photographs will be taken by the construction inspector at the time of final inspection and routed to the Housing Branch along with the passed final inspection report and woodstove questionnaire.

11. Transmitting Photographs and Questionnaire to the Insurance Agent. The housing specialist will assure that the photographs and woodstove questionnaire accompany the final inspection report, and are correctly labelled. The specialist will get the items to the insurance agent within 24 hours, using overnight mail or delivering the photos personally if the agency is located in Flagstaff. A copy of the questionnaire will be filed in the client casefile.

12. Final Reminder to Client. If the specialist has not received confirmation that the client has applied for homeowner's insurance by the time of passed final inspection, the specialist will phone or write the client that the field visit to deliver the bonus check will be delayed until confirmation is received.

13. Insurance Policy. The insurance policy is issued by the agent to the client. ONHIR does not ordinarily receive a copy. In the event that the specialist receives the policy, he/she will make a copy for the client casefile and send the original to the client, in case the insurance agent sent the policy to ONHIR by mistake.

1670.3 Second Year Insurance Payment.

General. The housing specialist will contact the insurance agent to renew the coverage for a second year.

1. ADP Suspense Report. The ADP Branch will generate an automated weekly report eleven months from the date relocated. The report will be delivered to the Housing Supervisor, who will route it to each of the specialists. The report will show:

- client name
- casefile number
- housing specialist
- date relocated

MANAGEMENT SECTION 1600 HOUSING ACQUISITION
MANUAL SUBJECT 1670 Homeowner's Insurance

APPROVED _____

12/09/93

2. Action of Specialist. If the insurance agent has not yet invoiced the ONHIR for the second year premium, the specialist will phone the insurance agent and request an invoice. The agent may provide a verbal quote, to be followed by a invoice, from which the specialist can prepare the voucher. The check will be mailed directly to the agent. The specialist will notify the agent that a check has been ordered; and will repeat the instruction that if the insurance is cancelled for any reason, the refund should be issued to ONHIR, not the client.

SECTION 1700 SPECIALIZED PROCEDURES/MULTI BRANCH

SUBJECT 1710 BENEFITS

AUTHORITY: 25 U.S.C. 640d-13; 25 CFR 700.181-189; 25 CFR 700.205.

BACKGROUND: A certified eligible head of household is entitled to a minimum housing benefit for a family of three or less, or a maximum benefit for a family of four or more. The specific amount required to obtain a safe, decent and sanitary house will be reviewed annually and may be adjusted.

Housing Benefit. The housing benefit incorporates the amount paid to compensate the client for the improvements, if any, relinquished upon relocation from the partitioned lands; plus such additional amount as necessary to bring the total to the authorized maximum. If a relocatee has an appraisal that equals or exceeds the current amount of replacement home benefits to which he is entitled, the appraisal amount will become the benefit entitlement. The amount of appraisal payment which exceeds the maximum benefit amount will be paid to the client in cash.

Assistance payments. Assistance payments, also called 'incentive bonus', are issued to clients pursuant to 25 usc 640d-13. The amount of bonus entitlement is considered a benefit in terms of Notice and appeal rights provided to the client.

Determination of Benefits. The client's entitlement to benefits is initially established when the eligibility determination is issued. Final determination of the amount of the benefit is made at the time the Relocation Contract is signed, based upon number of family members and on the current level of appraisal valuation and housing benefit entitlement. All issues related to calculation of specific benefit amounts must be resolved prior to Contract signing. The benefit vests when the Contract is signed.

Entitlement of household members. Relocation assistance benefits and other payments are issued to the certified client, who is identified as the head of household and acts in behalf of the household members for the purposes of relocation case processing. Prior to July 7, 2986, individuals identified as household members when the client applied for relocation assistance, who subsequently separated from the household as the result of divorce, attainment of independent head of household status, or other circumstance, were required to file separate applications in order to obtain a determination as to their eligibility independent of the original household (see MM#1714, Household Membership Determinations). Due to the July 7 1986 application deadline, persons who separated from the household on or after July 8, 1986 will not be counted for benefit entitlement, but may no longer submit applications for voluntary relocation assistance benefits.

Infrastructure. Clients whose housing benefit is calculated as stated

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	_____
MANUAL	SUBJECT	1710	Benefits	APPROVED
				07/31/98

on p. 1 of this Subject may receive payment of infrastructure costs associated with the acquisition of the replacement house. Clients whose housing benefit was calculated according to procedures in effect until 10/18/86 (appraisal amount added to housing benefit rather than incorporated into the benefit) will not be entitled to infrastructure costs.

The allowance for infrastructure costs is calculated in accordance with Section 1770 of this Management Manual. Items which may be paid from infrastructure allowance include: community or individual water system, grid electric or solar photovoltaic system, community sewer or septic system, propane tanks and associated gas lines. Other infrastructure costs may be paid if they are required for the development of lots located in subdivisions, including: natural gas, street, curb, gutter, sidewalk.

Additional information about infrastructure payments may be found in MM#1770.

Other disbursements. Payments other than benefits which are issued to clients include search expense (MM#1750) and moving expense (MM#1752).

PROCEDURES

1. Determination of Housing Benefit Amount.

For planning and discussion purposes, the relocation specialist will make a preliminary determination of the amount of the client's housing benefit at the time of the initial counseling interview, based upon the number of household members who will relocate with the client. Instructions for determining and documenting household membership are set forth in MM#1714. The relocation specialist will record the preliminary benefit determination on the Household Relocation Plan.

After the initial interview the relocation specialist will inquire about changes to the household membership during each update contact, and will assure that the automated and manual records correctly reflect the number and identity of household members.

The final determination regarding the number of household members and the amount of the client's benefit will be made prior to contract signing.

2. Determination of Bonus Amount.

The amount of bonus entitlement is set forth in sec. 14(b) of P. L. 93-531. The schedule established by the Act is:

- Applications signed before or on July 7, 1982: \$5,000
- Applications signed from July 8, 1982 to July 7, 1983: \$4,000
- Applications signed from July 8, 1983 to July 7, 1984: \$3,000
- Applications signed from July 8, 1984 to July 7, 1985: \$2,000
- Applications signed on or after July 8, 1985: -0-

The amount of bonus to which a client is entitled is determined by the date the client signed the application for voluntary relocation assistance. The date will be entered in the client's master file at the time of application. The computer will automatically compute and enter the amount of bonus in the client records.

In the event of a divorce, if the divorced spouse was listed as a household member on the original application and filed a separate application for benefits after the divorce and was determined to be eligible for relocation assistance benefits, he/she will be entitled to the bonus amount calculated from the date of the original application.

The client may elect to apply all or part of the bonus to the acquisition of the replacement house. The amount not applied toward the replacement house will be issued to the client when he/she vacates the

dwelling on the partitioned lands and occupies the replacement home. The specialist will prepare a voucher for bonus disbursement at the time of sheetrock inspection. The bonus will be delivered or mailed to the client when the specialist determines that the client has moved into the replacement home and has submitted proof of homeowner's insurance. The client must sign a Certification of Occupancy Form and have it notarized. If the check is delivered by the specialist, the client will also sign a receipt. **cross reference MM#1640.**

3. Determination of Appraisal Amount.

The value of the client's improvements on the partitioned lands is calculated according to the formulas set forth in the Appraisal Handbook, as adjusted by the Boeckh cost modifier. Changes in the Boeckh cost modifier may alter the appraisal amount up to the time the contract is signed.

The Office will not pay for improvements which were located on District 6; nor will the Office pay for improvements constructed on the partitioned lands by the Government.

4. Notice of Benefit Determination.

General. A Notice of Benefit Determination will be issued to the client approximately 4 - 6 weeks before contract signing. The Notice shall state the amount of housing benefit based upon current household membership, and shall specify the portion, if any, of the housing benefit which represents payment for appraisal. The Notice shall also state the amount of bonus, if any, referencing the date the client signed the application.

a. When the case is being prepared for transfer to home search and the initial housing interview, the specialist will review and verify household membership in order to determine the amount of housing benefit. (**cross reference MM#1714**)

b. Approximately 4 - 6 weeks before contract signing the specialist will generate form letter MM#1710.1, Notice of Benefit Determination, and route the completed letter to the ROB Team Leader for review and signature. This time frame is signalled by the receipt of house plans, for clients buying a new construction house on reservation; and by the initial housing interview, for clients moving off-reservation.

c. After the Notice has been signed, it will be returned to the Secretary to be mailed certified mail, return receipt requested.

d. If the client disagrees with the entitlement amounts stated in the Notice, the disagreement shall be handled according to procedures stated in MM#1330, Benefit Appeals.

SECTION 1700 SPECIALIZED PROCEDURES

SUBJECT 1714 HOUSEHOLD MEMBERSHIP

AUTHORITY: 25 USC §640d-14; 25 CFR §700.69, 25 CFR §700.143, 25 CFR §700.145, 25 CFR §700.147.

POLICY: The certified client represents the household for the purposes of relocation case processing. At the time the application for voluntary relocation assistance was submitted, the client identified the household members and verified their membership by providing documents requested by the intake worker. After the client has been certified and referred into the social counseling stage of case processing, the Relocation Specialist will ask at each interview about changes in marital status and household membership.

If persons have been added to or deleted from the household, the Relocation Specialist will write up the change and assure that the automated records are corrected to show the addition or deletion. The specialist will determine if verifying documents are required, and will request the client to provide the specified documents.

Final determination of household size and membership will be made immediately prior to the execution of the Relocation Contract.

The amount of the client's relocation benefit will be determined by the number of persons who are legal members of the household. For purposes of these procedures, 'legal household members' are (1) a spouse, where the legal relationship is documented by a copy of the marriage license and marriage certificate; and (2) children under the age of eighteen who have not attained head of household status through marriage, custodial parenthood, or financial self-support. In addition to legal family members, the client may identify other persons living in the household full-time who will be participating in the benefit. The documentation which must be on file to support their household membership is described under Verifying Documents, pg.12 of this section.

GUIDELINES FOR DETERMINING SPECIAL HOUSEHOLD MEMBERSHIP ISSUES.

Households which do not conform to the standard pattern of client, legal spouse, and dependent children will require special review and documentation by the Relocation Specialist. The specialist will record the members of the household on the Household Relocation Plan (HRP) and computer printouts, and will explain the composition of the household on the Case Narrative form. The Relocation Specialist shall be guided by the following instructions in preparing cases which fall into exceptional circumstances. Cases which are not covered by these guidelines will be brought to the attention of the Team Leader who will request direction from the ROB Manager and the Deputy Director.

1714.1. ADULT INCLUSION.

POLICY. The client may include adults (other than the legal spouse) for the purpose of benefit determination, provided the adult(s) they include are long-term actual residents of the client's household.

ONHIR household membership records will not show inclusion if the member does **NOT** make a difference in the amount of benefit.

Examples of situations where other adults can be included are:

- live-in partner (sometimes referred to as common-law spouse), who may have dependent children by a previous relationship in addition to children by the client.
- children who have reached the age of majority (over eighteen).
- older children either married or unmarried, with children of their own, who live with the client (three generations occupying the home).
- elderly parent or other relative of the client or spouse who lives in the client's household.

Criteria for inclusion. In order for the client to include these adults and any dependent children which they may have in the relocation benefit, the person must meet the following criteria:

(1) They must have lived with the client full-time for two or more years prior to the date of the client's request to include them, and they must state an intention to continue living with the client following relocation.

(2) They must have no other place to live such as a rental apartment or house. When they are away for occasional absences, which may include job seeking or employment, they stay with friends or relatives on a temporary basis, or in a camper. Except for personal possessions needed for a brief absence (change of clothes, toiletries, miscellaneous items) their personal possessions must be located at the client's home. Except for occasional absences, these persons could be located at the client's house by anyone seeking to contact them. Unless they move with the client, they will be homeless.

(3) The adults must be willing to sign an affidavit that they live in the client's house on a full-time basis.

(4) Adults with dependents who live with the client must name the dependents on their affidavit. For example, an LP (Live-In Partner) may have dependents by a previous relationship; the client's adult children may have young children of their own (client's grandchildren).

(5) An adult who applied separately and was denied must withdraw any pending appeal of the

denial in order to participate in the client's benefits.

WAIVERS: The ONHIR may waive the requirement of two years' full-time residence in the client's household in cases where the client's unmarried adult children are temporarily away looking for work; or for education, incarceration, or medical reasons. In order to request a waiver, the adult being considered for inclusion must have been a full-time resident of the client's household before leaving temporarily. The adult child must intend to return to live with their parents after completing college, incarceration, or medical treatment. If the adult child is successful in job search, he/she may not be included in the household benefit. If unsuccessful, he/she may be included upon returning to live with the client.

PROCEDURES.

General. The information about the household membership of individuals who would ordinarily be considered separate heads of household will be carefully examined, particularly if the person's inclusion increases the amount of the client's benefit. Unless the person qualifies for a waiver, case file information must show a consistent pattern of residence in the client's household for a minimum of two years prior to the date of review in order to be included in the relocation benefit.

1. Initial Identification of Household Members During Counseling Phase. At the initial counseling interview the specialist will ask the client to identify all household members who are living with the client and who will be moving with the client. The specialist will record the names and demographic information about the household members on the Household Membership form.

2. Updates of Household Membership During SC Phase. During the Social Counseling phase of case processing, the specialist will check on household membership during update contacts. Any changes in household membership will be recorded on the Household Membership form and will be explained in the case narrative.

3. Affidavits. The Relocation Specialist will obtain Affidavits of Household Membership (Forms MM#1714.1 and MM#1714.2) from the client and all adults who make a difference in the amount of benefit. **If the adults do not make a difference in the amount of benefit, no affidavit will be obtained.** EXCEPTION: An Affidavit must be obtained for the LP, even if he or she does not make a difference in the benefit amount.

Timing: The specialist will determine when to obtain the affidavits based upon how active the case is. Except for the LP, affidavits should be obtained as the case approaches housing phase and must be based on well-documented evidence of member's residence with the client.

4. Declaration of Household Membership. When the specialist is preparing the case for transfer to HS status and housing interview, the specialist will prepare a Declaration of Household Membership (MM#1714.5) confirming the household membership of all adults who make a difference in the benefit amount.

The specialist may need to do a field investigation if case narrative information is more than six months old, or if the specialist has reason to think that there may have been recent changes in the household.

5. Minor Dependents. Minor dependents of adult household members who are moving with the client will be listed on the Affidavits.

6. Review by Higher Authority. The Declaration of Household Membership and Adult Inclusion forms must be reviewed by the ROB Team Leader and ROB Manager, and approved by the Deputy Director. The Deputy Director may request review by agency Legal Counsel.

7. Final Verification of Household Membership and Notice of Benefit Determination. The specialist will conduct a final review of household size before contract signing, in order to assure that the amount of benefit has not changed since the housing interview. The Notice of Benefit Determination will be issued approximately four to six (4-6) weeks before contract signing.

1714.2. INCLUSION OF MINORS.

POLICY. The client may include minor children they are raising who are not the client's natural children. These are usually cases where the client is raising grandchildren or nieces and nephews.

Criteria for inclusion. If the client has legally adopted the children, a Court Order is required. If the children are not legally adopted, they must meet the following criteria:

- (1) The children must have been living with the client for at least two years, and they must be dependent upon the client for financial support.
- (2) Visits and interviews must confirm that the child lives with the client and is considered part of the household when the relocation plans are being developed.
- (3) Visits and interviews must confirm that the client intends the child to continue to be part of the household after they relocate.

PROCEDURES.

1. Case file Documentation by Relocation Specialist. The Relocation Specialist must prepare a write-up which covers:

- a. Relationship of child to client.
- b. How long the child has been living with client.
- c. Circumstances under which child came to be living with client. Is/are the biological parent (s) still alive? Do they plan to have the child come back to live with them at some time?
- d. Are there supporting documents which show the child is a dependent within the client's household? Does the client file tax returns, and is the child shown as a dependent?

2. School: If the child is enrolled in school, the specialist will contact the school and obtain copies of the school records showing who registered the child and the name(s) of the persons to be contacted as the child's parents or guardians.

3. Third Party Affidavit (Form MM#1714.3). The specialist will obtain a Third Party Affidavit from someone who is not a member of the household and is not related to the family by blood or marriage. The person signing the affidavit must know the client and household members, and be able to state that the child has been taken into the family and lives full-time with the client. It is preferable to obtain the affidavit from a social worker, community health worker, teacher or other school official, or a chapter official who knows the family.

Infants and Children Less Than Two Years Old. Cases where the child taken into the client's household is less than two years old may require more careful scrutiny in order to assure that the relationship can be considered permanent.

1714.3. BENEFIT ENTITLEMENT OF THE SURVIVING HOUSEHOLD OF A DECEASED CLIENT.

If a client dies before the Relocation Contract is signed, the case will be reviewed to determine if there is a household remaining to be relocated.

a. No Household. If the client had not identified any household members to participate in the benefit, no benefit will be issued. The specialist will fill out form MM#1714.4 and request that the case file be closed.

b. Existing Household. If the client was legally married and there is a surviving spouse, the Office will work with the spouse to develop the household relocation plan. If there is no surviving spouse but there are minor dependents of the deceased client, the Office will work with a Court appointed guardian or a household member who has attained age of majority in order to provide the remaining household with a relocation house and other applicable benefits. The Office may retain an attorney to represent the minor child(ren) of a deceased client during guardianship/conservatorship proceedings (see MM#1746).

If it is determined that any member of the household who was previously identified by the client is also deceased, then, in such event, the ONHIR will require the submission of a copy of the Death Certificate of the deceased household member prior to proceeding with processing of the relocation case.

The amount of the housing benefit will be determined by the number of members remaining in the household at the time the relocation contract is signed.

c. Special Household Situations. 25 CFR §700.145 does not provide for payment of benefits to the surviving household of a deceased client except in cases of legal marriage or minor children. If the household identified by the client prior to death consists solely of individuals who had some other relationship to the client (i.e. grown children with dependents; live-in partner/common-law spouse) the case will be referred to the Deputy Director for a determination of action to be taken.

In the case of a live-in partner/common law spouse, the surviving partner must endeavor to obtain a validation of marriage from the Navajo Nation in order to receive the benefit entitlement of the deceased client. The ONHIR will not consider a waiver of regulations pursuant to 25 CFR §700.13(b) until the client has attempted to obtain a marriage validation.

1714.4. DEATH OF A FAMILY MEMBER.

POLICY. If there is a death of a family member **other than the client** before the relocation contract is signed, the specialist will correct the household membership records to reflect the change. If the death reduces the client's benefit the specialist will inform the client of the reduction in benefit amount. This reduction may not be appealed through the agency administrative appeals system.

1714.5. BENEFIT ENTITLEMENT IN CASES WHERE THERE IS A GUARDIAN/CONSERVATOR.

POLICY. In cases where a guardian and/or conservator has been appointed to process the client's relocation, the guardian/conservator may be entitled to participation in the benefit depending upon the circumstances of the case.

If the guardian/conservator is going to reside physically in the relocation home to provide care for

the client or the client's survivors, the guardian/conservator and any immediate family members

(spouse, children) may be included in the household for purposes of benefit determination, provided they have not already received relocation benefits.

1714.6 INCARCERATED CLIENT.

POLICY. Depending upon the circumstances of the case, as outlined in this section, the Relocation Specialist will continue to process the case of a client who is incarcerated. The specialist will contact court, probation, or prison officials to obtain written confirmation of the client's sentence and anticipated release date. The specialist will visit or phone the client as often as practical to process the case to the point where the relocation site has been acquired and the case is ready for the initial housing interview.

Single/Unmarried Client. If the incarcerated client is single or has a live-in partner, the case will remain in pending status with an INCAR action code until the client is released from prison.

Married Client. If the client is legally married and wants the spouse to pursue the relocation benefits on behalf of the family, the client must provide the spouse with a notarized power of attorney. The specialist will advise the client about the consequences of putting the spouse's name on the homesite lease or the house title. The specialist will work with the spouse to acquire the relocation house; the specialist will not take direction from other family members unless authorized by the client.

1714.7. LEGALLY MARRIED CLIENTS WHO ARE SEPARATED.

POLICY. Clients who are separated from a legal spouse do not have to get a divorce in order to obtain a relocation house. However, the legal spouse (and children, if any) will be included in the ONHIR benefit whether or not they are living with the client. It is therefore desirable to resolve household membership issues before the relocation is processed.

A 'live-in partner' who is known to be legally married to someone else can not be included in the client's relocation benefits.

PROCEDURES.

The specialist will advise the client of the ONHIR policy and will counsel the client to dissolve the legal marriage if the client does not want to include legal members of the household who are not living with the client.

After the necessary legal actions have been taken and household relationships have stabilized to the point that the client can identify and document the persons participating in the benefit, case processing will proceed.

1714.8. LEGAL SPOUSE WHO REFUSES TO PARTICIPATE IN THE BENEFIT.

POLICY. All legal members of the current household will be included as persons participating in the benefit at the time the Relocation Contract is signed. If the legal spouse states that he/she is unwilling to sign the Relocation Contract or other relocation documentation, the relocation will proceed without the member's active participation.

PROCEDURES.

The Relocation Specialist will document the member's objections. The client will be informed that

the member's refusal to participate does not mean that the member can be excluded from benefit participation. The dissenting member will be named in the Notice of Benefit Determination.

Relocation documents which are usually signed by both the client and spouse will be signed by the client only.

1714. 9. CLIENT/SPOUSE IS PREGNANT AND WOULD LIKE THE ANTICIPATED BABY COUNTED TO INCREASE BENEFITS FROM MINIMUM TO MAXIMUM.

POLICY. The benefit amount is determined according to actual number of family members relocating with the client at the time the Notice of Benefit Determination is issued. In order to count the newborn for maximum benefits, the client will have to delay signing the Relocation Contract until after the baby is born. If the client is not willing to postpone contract signing, the anticipated baby will not be counted toward the amount of benefit entitlement. The amount of benefit stated in the Relocation Contract will be final.

The Relocation Specialist will document the file that the client has been advised of this determination, and the client will sign a statement that he/she has been so advised.

1714.10. DIVORCE AFTER THE APPLICATION DEADLINE.

POLICY. A person who was legally married to a certified head of household on July 7, 1986 (the application deadline date) and was divorced prior to the date the Relocation Contract was signed, may be considered for separate eligibility pursuant to 25 CFR §700.143(2). The divorced spouse's case will be referred to the Eligibility and Appeals Branch for determination. **For additional information, refer to Management Manual Section 1220.**

1714.11. CLIENTS SEPARATELY CERTIFIED WHO SUBSEQUENTLY MARRY.

POLICY. Individuals who are separately certified who later get married (legal marriage) before either of them receives benefits shall receive only one housing benefit. The case files shall be merged, and the couple shall identify which one of them will be the head of household to represent the household during case processing.

1714.12. CLIENT WHO MARRIES A RELOCATEE WHO HAS ALREADY RECEIVED BENEFITS.

POLICY. A certified client who marries another certified client who has already relocated is still entitled to a housing benefit. However, the relocated spouse and any dependents who already received benefits cannot be included in a second benefit. They will be recorded as "relocate N" in the automated records, and will not be listed in the Notice of Benefit Determination. They will be identified in the Relocation Contract, with the information that while they are moving with the client, they are not participating in the client's benefits.

1714.13. CLIENTS WHO ARE SEPARATELY CERTIFIED AND WHO ARE LIVING TOGETHER.

POLICY. Clients who are separately certified and are living together but are not legally married may receive separate benefits or elect to combine their benefits.

1714.14. CUSTODY OF CHILDREN UNDER DIVORCE DECREE

A. CLIENT WHO HAS JOINT CUSTODY OF DEPENDENT CHILDREN.

POLICY. A client who shares joint custody of a dependent under the terms of a divorce decree must exercise custody, control and care of the dependent for more than one-half of the year in

order to include the dependent as a household member. The client must provide the Office of Relocation with a copy of the Decree of Dissolution.

B. CLIENT WHO EXERCISES ACTUAL CUSTODY OF DEPENDENT CHILDREN AWARDED TO THE DIVORCED SPOUSE.

POLICY. A client who actually supports and cares for children even though they were awarded to the ex-spouse in a divorce settlement may include them in the client's benefit if he/she can demonstrate full-time financial support and custody of the children. The specialist will follow the criteria and procedures for **section 1714.2, Inclusion of Minors**. In addition, the specialist must obtain a notarized statement from the ex-spouse that he/she has agreed to have the client raise the children on a permanent basis.

1714.2 DOCUMENTING HOUSEHOLD MEMBERSHIP

PROCEDURES.

General. The Relocation Specialist will obtain supporting documentation for each household member who is identified by the client to participate in the benefit. Household membership records in the casefile and in the computer will be updated continually until the client signs the relocation contract.

All household members participating in the benefit are listed on the Notice of Benefit Determination. Household membership records will not be changed after the client has signed the relocation contract, with these exceptions:

- a. If the client dies after the contract has been signed but before house construction or acquisition is completed, the benefit entitlement will be transferred to the surviving head of household.
- b. If the client dies while the case is in post-move status, the IS Branch will change the household membership records so that any mailed notifications will go to the surviving head of household.

1. Recording Household Membership.

a. Intake. At the time of initial application the applicant will identify the household members and will provide identifying information (names, census numbers, social security numbers, birthdates, sex, and education level) to the intake worker. This information is entered in the automated records and is usually not updated until the applicant is certified and the case has been transferred to the Relocation Operations Branch.

b. Initial Counseling Interview. The Relocation Specialist will review the household membership information which the client provided at intake. During the interview the Relocation Specialist will ask the client to identify all current household members and will inform the client of the documents needed to verify membership.

Household membership will be recorded on the Household Relocation Plan (HRP) during the initial interview. The relocation specialist will perform the duplicate census number check as instructed in MM#1716. If the Duplicate Census Number check shows that neither the client nor any family member has previously participated in a relocation assistance benefit, the Relocation Specialist will request the client sign the Household Membership Form in the HRP. The Relocation Specialist will

sign as a witness.

c. Data Entry. Household membership will be recorded in the automated records by the ROB Administrative Assistant. The documents required to verify household membership will be recorded in the files (Code Table #158), and the household members will be shown as "relocate N" until the documents are received. When the documents are received, the records will be updated to show "relocate Y".

d. Pre-Contract Updates. The Relocation Specialist will update household membership information whenever contact is made with the client, up to the time the contract is signed. Explanations of any changes which occur will be recorded on the Case Narrative form and verified with required documents.

e. Initial Housing Interview and Client Information Summary. Household membership information will be printed out on the Client Information Summary and confirmed with the client. Any changes will be routed to the Administrative Assistant for data entry.

f. Notice of Benefit Determination. The Notice of Benefit Determination will be issued approximately four to six (4-6) weeks prior to contract signing. The specialist will prepare the Notice for the ROB Manager's signature. The Notice and all supporting documents including the case file will be reviewed by the ROB Manager before signing the Notice.

(1) For clients moving on-reservation, the specialist will prepare the Notice when the house plans are received from the contractor.

(2) For clients moving off-reservation, the specialist will prepare the Notice within three (3) days after the initial housing interview.

2. Documents Required.

a. Client:

- (1) CIB or family card.
- (2) Social Security card.

a. Spouse (legal marriage).

- (1) CIB or family card.
- (2) Marriage license and certificate issued by the Navajo Nation.

To Delete Spouse: Decree of Dissolution issued by a Court of competent Jurisdiction.

b. Children under eighteen and minor dependents.

- (1) Birth certificates for each child;
- (2) Court award of guardianship or adoption;
- (3) Form MM#1714.3 (Third Party Affidavit) for minor children who have not been legally adopted by the client.

To Delete a Minor Children: The Decree of Dissolution showing that the ex-spouse has

been awarded custody of the minor child(ren) who were originally part of the client's household.

c. Adult Children, LP's, and Other Adults:

(1). Affidavits of Household Membership (forms MM#1714.1 and MM#1714.2) and Declaration of Household Membership by Relocation Specialist. Note: If one of the included adults has dependent children, birth certificates must be provided.

To Delete Adults: If the client has broken up with an LP, or grown children who were household members at one time have left the household, the specialist will write up an explanation on the Case Narrative Form.

d. Death of client/household member:

Specialists will fill out the "Record of Deceased Notification", MM#1714.4, and route it to the ROB Administrative Assistant for data entry. If it is the client who is deceased, the form must be routed, with instructions, for approval by the ROB Manager and the Deputy Director, and data entry by IS.

Required Documents/Death of Client.

1. Death Certificate
2. Published Obituary
3. Other written documentation reviewed and approved by the ROB Manager and the Deputy Director.

Required Documents/Death of Household Member.

1. Death Certificate
2. Notice of funeral or memorial service
3. Published Obituary
4. Memorandum to File by the Relocation Specialist recording the information which they received about the death of the household member and when it occurred.
5. If the deceased household member was a member of the household remaining to be relocated upon the death of the client, a copy of the Death Certificate of said household member shall be required.

Transferring the Benefit Entitlement to the Surviving Spouse

Required Documents:

1. Death Certificate of client.
2. Marriage License and Certificate

Data Entry:

1. Record client's date of death and deceased code "Y" in the automated records.
2. Change client from "relocatee Y" in the computer to "relocate D."
3. Type (AP) after the client's last name to indicate that this is a special case.
4. Effective the date of these procedures, the name on the case file will not be changed. The surviving spouse will continue to be listed as spouse. Letters to the spouse will be manually generated so that there will be no automated generation of letters or other documents addressed to the deceased spouse.

Conservatorships:

Documents Required:

1. Court Order Appointing Guardian and/or Conservator.
2. Memorandum from Legal Counsel with instructions for case processing.

Data Entry:

1. Type (CS) after the client's last name to indicate this is a special case.
2. If the client is deceased, record the client's date of death and deceased (AP) in the computer.
3. If the client is deceased, change client from "relocatee Y" in the computer to "relocatee D."
4. Enter the Conservator's name with the designation "Consvtr" in the household membership record. ***Do not enter any demographic information except the Conservator's Social Security Number and relocate "N" code.***
5. If the Conservator is also a household member and is moving as a part of the household, put in their name and demographics just like any other household member, with the "Consvtr" designation.

SECTION: 1700 SPECIALIZED AND MULTI-BRANCH PROCEDURES

**SUBJECT: 1716 CLIENTS WHOSE NAMES APPEAR IN MORE THAN ONE
CASEFILE (DUPLICATE CENSUS NUMBERS)**

**AUTHORITY: 25 CFR §700.147(d); Recommendations of DOI/OIG Audit Report 7-
86**

POLICY: Individuals are not entitled to separate benefits if it is determined that they are members of a household which has received benefits (25 CFR §700.147(d).

BACKGROUND: When a client applies for relocation assistance, he/she provides the names of his/her parents; and also lists the members of his/her current household. In making the determination of whether or not the applicant is eligible for benefits, it is the applicant's parents' household which is important. The applicant must demonstrate that he/she was a member of a family which resided on lands partitioned to the tribe of which they were not members.

After the applicant is certified information about the client's current household is required in order to determine the amount of benefit to which the client is entitled, and the identities of the household members who will be participating in the benefit and moving with the client. As there are continual changes in household membership as the result of marriage, divorce, death, birth of new children, etc., household membership records are updated continually until a certified client signs the relocation contract.

Benefits vest at the time the relocation contract is signed. With one exception, changes which occur in household membership after benefits have vested are not tracked by ONHIR. The exception is death of the head of household. In order to avoid improper post-move notifications to the household, the ONHIR will change household membership records to show death of a client which occurs after contract signing.

PROCEDURES. (Cross Reference MM§1714, Household Membership.)

General.

1. Tribal Census Numbers. Subject to the exceptions described in this section of procedures, no one may participate in more than one relocation benefit, whether as a client or a household member. The exceptions are set forth in Section III of these procedures, **“Resolving Duplicate Inclusions.”** Because the tribal enrollment number (also known as the Census Number) is the single most unique identifier for Navajo tribal members, the inclusion of a client or household member in more than one casefile is best revealed through ONHIR computer records of client/household census numbers.

The term “duplicate census number” is a short-hand term referring to the fact that a client or member of the client’s household may be listed as a client or household member in more than one casefile.

2. Certificate of Indian Blood and Family Cards. Tribal enrollment numbers are issued by the Agency Office of the BIA/Tribal administrative district where the person lives. BIA/Tribal procedures for issuing census numbers have changed during the time the relocation program has been in operation. Initially census numbers for family members were listed on a Family Card issued to the head of household. As of the date of these procedures, family cards are no longer issued; census numbers are shown on Certificates of Indian Blood (CIB) issued to individuals.

2. ONHIR Census Number Records. Certified relocation clients must produce either a family card or CIB for themselves and all household members they want to include in their benefits. The census number is recorded in the automated records. The client shall be responsible for obtaining the CIB, and for supplying any supporting documentation, such as birth certificates, required by the BIA/Tribal Office for issuance of the CIB. The ONHIR will not reimburse the client for expenses incurred in obtaining the CIB or supporting documentation.

3. Relocate With Family Entry. The automated files include a “relocate with family” entry for all household members. A “Y” entry means: “Yes, this person is relocating with the family.” If the person is subsequently deleted from the household membership for any reason the Relocation Specialist (hereinafter the specialist) must write a narrative explaining why they are no longer a family member. The person’s name will not be deleted from the ONHIR records. Instead, the Relocate “Y” code will be changed to an “N” code (not relocating with the family.)

4. Household Members Who Are Not Members of the Navajo Nation. Household members who are not enrolled with the Navajo Nation will be assigned “dummy” census numbers. The specialist will explain the situation in a narrative. The household member may be non-Indian, enrolled with another tribe, or a newborn who has not yet received a census number. The specialist will determine which of the dummy numbers is appropriate. The dummy numbers are:

- 9999999 - Non-Indian
- 9999998 - Hopi
- 9999997 - Other Indian Tribe
- 9999996 - Newborn less than one year old.

5. Dummy Census Number for Newborns. This number may be used only for clients who are in HS status. It should be used only for newborns who do not make a difference in the amount of

benefit the family will receive. The purpose for inserting the “dummy” number is to avoid delaying contract signing by requiring that the family wait until a census number is issued.

6. Denied Applicants. If an applicant is denied, the information about his/her current household provided at the time of application is not updated in the automated records. If the applicant appeals and the denial is subsequently reversed, household membership is updated when the client enters counseling.

7. Data Entry. The ONHIR’s automated client master file contains the census numbers of household members which the client provided at the time of application. Updates of census numbers and “relocate with family” information is entered by the ROB Administrative Assistant.

I. COUNSELING BRANCH.

General. The specialist assigned to the case will be responsible for updating household membership information.

1. Household Membership Form. The Household Membership Form is page four (4) of the Household Relocation Plan, which is filled out at the time of the initial interview. The specialist will record the names and other identifying information for each person named by the client as a member of the household. Verifying documents will be obtained as specified in MM§1714.

2. Updating Household Membership. During each update contact the specialist will obtain a printout showing household membership and inquire about changes. The specialist will write up a Case Narrative explaining the changes and obtain verifying documents if appropriate.

3. Census Number Documentation. The specialist will make sure that each family member has a census number or dummy census number recorded in the automated files and that the casefile contains the supporting documentation: family card, CIB, or narrative explanation that the person with a dummy census number is not an enrolled member.

4. Checking Duplicate Census Numbers. Instructions for duplicate census number checks are found on page three (3) of the Household Relocation Plan. When the household membership information is obtained at the time of the initial interview, or during updates, the specialist will do the following:

a. Family List by Census. The specialist will obtain a printout of the “Family List by Census Number” for the client. Based on the information contained in the list, the specialist will:

¶ Make sure that all family members have census numbers recorded in ONHIR files in accordance with No. 3 above;

¶ Note whether or not any family member is listed in another casefile.

¶ If a family member is listed in another casefile of a client who is certified, the specialist will check the “relocate with family” code. If the household member is coded “N” (did not relocate with the other family) no further action is necessary. The family member can be included as a member of the client’s household.

â If the household member is code "Y" (has already relocated or is planning to relocate with another certified family) the specialist will research the issue as set forth in Section III of these procedures, "**Resolving Duplicate Inclusions.**"

If the issue cannot be resolved, the specialist will inform the client that the household member cannot participate in a second benefit, and an "N" code will be entered in the client's file beside the name of the household member in question.

b. No duplication. If the printout does not show any household members listed in other files by census number, the specialist will ask the client about alternate name spellings or surnames. If a household member has used a different name, the specialist will review the CLIENT/FAMILY MEMBER ALPHA LISTING, to determine if that person may be listed in another file. If so, the specialist will repeat checks (3) and (4) above.

c. Affirmation by Client. If there is no record that the client, or any of his/her household members, has previously participated in a benefit, the specialist will ask the client to sign the statement at the bottom of the Household Membership Form. This statement reads: "I hereby affirm that neither I nor any of the members of my household who are listed above, and who will participate in this relocation benefit, have previously received relocation assistance benefits from the ONHIR."

5. Transfer to CC Status. A copy of the DUPLICATE CENSUS BY FAMILY REPORT will be attached to the case file when it is submitted to the Relocation Operations Branch Team Leader for review and transfer to CC Status. The Team Leader will check to confirm that all household members have actual or dummy census numbers before signing the TRACKING FORM and performing data entry.

The Team Leader may transfer a case to CC status even though one or more household members lack a census number if the Case Narrative states that the client is in the process of obtaining the CIB and it will be received before the case is transferred to Housing. The specialist will be responsible for following up and assuring that the CIB is received and the census number is recorded in the files.

6. Updates While the Client is in CC Status. The specialist will continue to conduct updates with the client while the case is in CC status. The specialist will assure that any changes in family membership during this period are recorded in the manual and automated files and that census numbers are entered for each new member. The checks described above for duplicate inclusion will be performed.

II. HOUSING BRANCH.

General. After the case is transferred into Housing Acquisition, the specialist will be responsible for inquiring about changes in household membership and updating household membership records as required, up to the point in time when the client signs the Relocation Contract. **CROSS REFERENCE MM§1643.1.**

1. Client Information Summary In preparation for the Initial Housing Interview, the specialist will generate a Client Information Summary from the automated records. The specialist will double check to confirm that:

† All household members codes "relocate with family - Y" have census numbers, and

‡ There are NO duplicate census numbers for family members relocating with this client.

2. Initial Interview. At the time of the initial interview, the specialist will ask the client to verify the accuracy of the household membership information.

3. Changes in Household Membership. If the household membership information shown on the Client Information Summary is missing or incorrect, the specialist will record the correct information on the “Client Information Summary” and route it to the ROB Administrative Assistant for data entry. If the change in household membership results in either an increase or decrease in the benefit amount, the client must submit supporting documents. The types of supporting documents required are listed in MM§1714.

4. Census Numbers. The specialist will make sure that each relocating household member has a census number or dummy census number recorded in the automated files. If a client was instructed in the initial interview letter to bring in a CIB, the specialist will record the census number and make a copy of the supporting documentation. The CIB will be routed to the ROB Administrative Assistant for data entry of the census number and then filed in the case file.

If a dummy census number is required, the specialist will prepare the Case Narrative and route the information to the ROB Administrative Assistant for data entry.

5. Changes Prior to Contract Signing. The client file information will be updated if the client informs the specialist of changes in household membership which occur before the Contract is signed.

Major changes in household composition resulting from marriage, divorce, or death of the client or spouse may require the case to be returned to counseling. In such event the specialist will be responsible for updating household membership data and obtaining supporting documents.

Minor changes in household members, such as the birth of a child, do not require the case be referred back to counseling status. The specialist will obtain the necessary CIB for the newborn or will prepare a memo to file to justify the use of the “dummy” number for newborns. The specialist will assure that the client files and are updated as necessary.

III. RESOLVING DUPLICATE INCLUSIONS:

General. If the ONHIR automated records show that a client/ household member in a case currently being processed has previously participated in a relocation, the circumstances of the previous case will be researched and a determination made regarding this person's inclusion in the current case. It is the responsibility of the Relocation Specialist handling the current case to conduct the necessary research as soon as the situation is revealed by the DUPLICATE CENSUS REPORT.

The purpose of the research is to determine if this person was in fact relocated as a member of a previously relocated household and if so, did his/her inclusion make a difference in the amount of the relocation benefits previously awarded. Further, by virtue of the previous relocation is this person eligible to be included as a household member in the current case.

Note: There are circumstances in which the certified client in the current case was previously relocated as a member of another household. As a part of the certification process this issue may have been addressed by the ONHIR Legal Counsel and Legal Counsel may have issued a determination as to the amount of the benefit entitlement in the current case. The Specialist should carefully review the current case file to determine if such a decision has been made.

These cases will be handled on a case-by- case basis. The specialist should follow the guidelines set forth below in conducting the research and preparing the recommendation on Form MM#1716.1.

Utilizing the steps set out in Form MM#1716.1, the specialist will make a determination as to whether or not the client/ household member in the current case, who is the subject of this review, was included as a member of a household in a previous relocation.

1. This person did not move as a member of a previously relocated household.

If the client/household member in the current case who is subject to this review did not move as a member of a previously relocated household but the automated records indicate that they did, (and consequently they did not affect the amount of the benefit award) the specialist will complete the "Comments" portion of Form MM#1716.1 describing the circumstances of the previous relocation and how the specialist arrived at his/her determination. The specialist will then complete the "Conclusions/Recommendation" portion of the form and recommend that the "Relocate Y" Code in the automated records be changed to a "Relocate N." Form MM#1716.1 will then be delivered to the Relocation Operations Branch Supervisor for his concurrence who will in turn forward it to the Deputy Director for Final Approval.

2. This person moved (relocated) as a member of a previously relocated household.

If the specialist concludes that the client/household member in the current case who is the subject of this review, moved as a member of a previously relocated household, the specialist will conduct a further investigation into the circumstances of the previous relocation to determine which of the following situation applies to the individual subject to this inquiry.

- a. Was the person who is the subject of this inquiry the certified client in a prior relocation?

If the answer to this question is “yes” this person cannot be included in the current relocation. No further analysis is necessary. (The automated record in the current case should indicate “Relocate No.”) If the answer to this question is “no” the specialist will proceed to paragraph b.

b. Did the person who is the subject of this inquiry by their inclusion as a member of a previously relocated household make a difference in the amount of the relocation assistance benefits awarded in the previous case?

The inquiry into whether or not this person made a difference in the amount of the previously awarded relocation benefits is twofold. The specialist must first carefully review the content of the casefile on the previous relocation to determine if this person’s inclusion therein made a difference in the amount of the relocation assistance benefits paid.

EXAMPLE: IF THE PREVIOUSLY RELOCATED HOUSEHOLD CONSISTED OF FOUR MEMBERS AND THE HIGHEST BENEFIT WAS PAID, THEN THE ANSWER TO THE QUESTION IS “YES.” THIS INDIVIDUAL MADE A DIFFERENCE IN THE AMOUNT OF THE BENEFIT. NO CHANGE IS REQUIRED IN THE AUTOMATED RECORD. THE “RELOCATE Y” CODE WILL BE RETAINED. THIS INDIVIDUAL CANNOT BE INCLUDED IN CURRENT RELOCATION AS A HOUSEHOLD MEMBER. **SEE SECTION IV. BELOW.**

If the specialist determines that the person who is the subject of this inquiry relocated as a household member in previous relocation case (coded Relocate “Y”) but did not make a difference in the amount of the benefit determination, the specialist must then investigate the relocation history of all other household members who were included in the previous relocation.

The purpose of this inquiry is to determine if any of the other household members were subsequently independently certified eligible or included in another household which relocated, and if so, were they eliminated (removed) as a household member in the previous relocation because they did not impact the amount of the benefit level in that relocation.

EXAMPLE: A CHILD WHO WAS INCLUDED IN HIS/HER PARENTS’ PREVIOUS RELOCATION MAY HAVE BEEN SUBSEQUENTLY REMOVED AS A MEMBER OF HIS/HER PARENTS’ HOUSEHOLD SO THAT HE/SHE COULD RELOCATE WITH A SPOUSE. IF THE HOUSEHOLD OF THE PREVIOUS RELOCATION CONSISTED OF FIVE MEMBERS, THE ELIMINATION OF ONE OF THOSE MEMBERS DID NOT AFFECT THE AMOUNT OF THE BENEFIT. HOWEVER, THE REMOVAL OF TWO OF THOSE HOUSEHOLD MEMBERS WOULD HAVE AFFECTED THE AMOUNT OF THE RELOCATION BENEFIT AWARDED.

After completion of the above analysis if the specialist determines that the person who is subject to this review did not make a difference in the benefit level of the previous relocation and that actions taken by the Office on other household members after the previous relocation (were other household members who relocated in the previous relocation included in another relocation at a later date) did not affect the benefit level, then this person may be considered for inclusion in the household of the current relocation case. The specialist shall recommend that the automated record be changed to the “Relocate N” code in the automated file relating to the previous relocation and forward the completed Form MM#1716.1 “Duplicate Census Number Check” to the Relocation Operation Branch Supervisor for his concurrence and transmittal to the Deputy Director for his approval.

If the specialist concludes that the removal of the name of the person who is the subject of this inquiry from the household membership of the prior relocation would cause the household membership total to fall below the minimum number of household member required to justify the benefit awarded, then, in such event, this person cannot be included as a household member in the current relocation. The specialist will complete Form MM#1716.1 and deliver it to the Relocation Operations Branch Supervisor

for concurrence.

VI. SPECIAL CIRCUMSTANCES: A certified client who previously relocated with another household.

If the inquiry conducted by the specialist reveals that the individual who is the subject of the inquiry is the “certified client” in the current case, previously relocated with another household, and by his/her inclusion in that previous household made a difference in the amount of benefits paid, the matter must be referred to ONHIR Legal Counsel.

Although generally this issue is addressed at the time of certification in the current case, if the specialist’s research confirms that the person did move as a part of a previously relocated household and thereby increased the amount of the benefits the previous household was paid, the case must be reviewed by Legal Counsel to determine if the amount of the housing benefit for the current case should be reduced.

The “Relocate Y” code will not be changed. The specialist will write up the circumstances and route it to Legal Counsel through the Deputy Director.

VI. ACTION BY IS TEAM LEADER

Upon the completion of Form MM#1716.1 and approval by the Relocation Operations Branch Supervisor and the Deputy Director a copy shall be delivered to the IS Team Leader for review to confirm the accuracy of the automated records.

SECTION 1700 SPECIALIZED PROCEDURES

SUBJECT 1718 Emergency Moves

**AUTHORITY: 25 CFR 700.135, Relocation Advisory Services
(General Oversight Responsibility).**

POLICY.

If the client requests that his/her case receive priority processing, the Specialist shall determine if the client has an emergency need as described in this section. Demonstrated emergency need may entitle a client to priority processing.

1719 CRITERIA FOR EVALUATING EMERGENCY NEED

In order for a situation to qualify as an emergency need, the client or immediate family member must have a situation directly related to the client's residence or living conditions. Prompt acquisition of the replacement house will remedy the client's emergency need.

1. Handicap

Definition: The client or immediate family member has a physical handicap which requires handicap accommodations. The client's current housing does not have handicap facilities.

Documentation: A statement from a physician identifying the nature of the handicap in detail and explaining how the client's well being will be improved by moving to a house with handicap accommodations.

2. Health/Medical Need

Definition: The client or immediate family member has a medical condition which requires that the client live in a community with immediate access to a hospital or clinic or client or immediate family member has a medical condition which is made worse by the client's housing conditions.

Documentation: A statement from a physician identifying the nature of the medical problem in detail and explaining how a move to relocation housing will remedy the problem.

3. Burn Out

Definition: The client must move from the current residence because it has been partially or totally destroyed by fire. The client must have no other residence available and reconstruction of the residence would not be feasible.

4. Court Order

Definition: Client has been issued a Court Order to move out of an illegally constructed dwelling.

Documentation: A copy of the Court Order.

5. Other: Lightning Strike or Death in Dwelling

Definition: The dwelling must be abandoned according to traditional beliefs because it was struck by lightning or a death occurred in the dwelling.

Documentation: For a lightning strike, the police or fire department report or a field investigation report by the Relocation Specialist. For a death in the dwelling, a copy of the death certificate, funeral service announcement, or equivalent verification.

1720 PROCESSING THE EMERGENCY NEED REQUEST

1. Emergency Move Request Form

The Relocation Specialist shall record the request and his/her recommendation on the Emergency Move Request Form, (Form MM#1718.1) and attach the supporting documentation. An additional explanation of the situation will be recorded on the Case Narrative Form.

2. Household Relocation Plan (HRP)

The Relocation Specialist will assure that a Household Relocation Plan (HRP) has been completed. The client's relocation plan as set forth in the HRP and related documentation must explain how the emergency need will be remedied by relocating the family as soon as possible. On page six of the HRP, the Relocation Specialist will check "Priority Code 1" and the line indicating that the client has an emergency need.

Relocation Site: Because the emergency determination is used to expedite homesite lease processing, emergency requests may not be submitted for clients who have not selected a relocation site.

Any emergency needs that the client may have should be identified while the client is in agency status "SC." If the need is identified after the client has progressed into CC, HR, or HP statuses, the client will be referred back to SC for case review and evaluation.

The Emergency Move Request Form and supporting documentation will be attached to the HRP and the case file and forwarded to the Relocation Team Leader for his/her concurrence and then routed to the Relocation Operations Supervisor for review and approval. The file and recommendations will then be delivered to the Deputy Director.

The Deputy Director will approve or disapprove the Request.

Approval: If the Deputy Director approves the request the Relocation Branch Administrative Assistant will enter Priority Code 1 in the automated file.

Disapproval: If the Deputy Director disapproves the emergency move request, he/she will enter the reasons for disapproval on the Emergency Request Form. The Relocation Specialist will inform the client of the Deputy Director's decision.

Data Entry: The Administrative Assistant will perform data entry of the date of the Relocation Specialist's request, date of decision, emergency code, and Y/N decision.

1721 USE OF EMERGENCY CODE

The emergency code will be used by the Relocation Operations Branch Manager in prioritizing the work to be done on homesite lease applications.

SECTION 1700 SPECIALIZED PROCEDURES

SUBJECT 1722 Temporary Emergency Moves

**AUTHORITY: 25 CFR 700.175, Temporary Emergency Moves
Legal Opinion dated March 24, 1993**

POLICY:

The Office may grant a client a temporary emergency move under conditions specified in 25 CFR 700.175. Temporary emergency moves are generally granted in exceptional instances when a client's living conditions are hazardous to the health and safety of the client or immediate family but permanent relocation housing is not immediately available.

Temporary emergency moves are available only to clients who on December 22, 1974, were living on the land partitioned to the other tribe and who have continuously lived there and are domiciled on the Partitioned Lands at the time of the temporary emergency move request. Any exceptions to this regulation must be approved by the Executive Director pursuant to the procedures in 1722.4.

In order to qualify for consideration for a temporary emergency move, the client must have an emergency need which meets the criteria described in MM#1722.1. In addition, the client must meet the administrative requirements stated in MM#1722.2.

If a request for temporary emergency move is approved, the ONHIR will pay the differential between rent and utility charges required for temporary housing and that paid by the client prior to temporary relocation. The ONHIR may pay reasonable moving and related expenses incurred by the client.

PROCEDURES

Requests for temporary emergency moves (TEM) are ordinarily initiated by the client while the case is being processed in Social Counseling. The Relocation Specialist will document the client's emergency need and request for temporary accommodations on Case Narrative Forms and on the Temporary Emergency Move (TEM) Request Form, MM#1722.1. Review and implementation of the request will require coordination among the Relocation, Inspections and Compliance, Finance and Procurement Branches. Requests must be approved by the Deputy Director, who will consult with the agency Legal Counsel as necessary.

An official client representative who initiates a request for temporary emergency move for a client must submit information and documentation comparable to the information set forth on the Temporary Emergency Move Request Form. The representative must assure that the request satisfies the requirements of these procedures.

1722.1 Evaluation of Emergency Need

1. Health/Medical Emergency

Definition: The client or immediate family member has a medical condition which is made worse by the client's housing conditions. In addition, the client may need to move to a community with a hospital or clinic where medical treatment is readily available.

Documentation: Medical statement which must contain:

- a. Statement must be current and must state the anticipated duration of the condition and must be signed and dated by the client's doctor.
- b. Must state the client's specific health/medical problem and must explain what it is about the present housing conditions that aggravate the condition or place the client at greater risk of injury, debilitation, disease, or death.
- c. If appropriate, must state the specific facilities or features which are required in order to alleviate or remedy the client's emergency medical need. For example: handicap facilities, close proximity to hospital services, indoor bathroom facilities, controlled temperature environment, electricity for therapeutic health devices.

2. Burn Out

Definition: The client must move from the current residence because it has been partially or totally destroyed by fire and they have no other residence to live in.

Documentation: Police or fire department report and field investigation by the Relocation Specialist, including photographs.

3. Other

Emergency circumstances other than medical or burn out may justify a temporary emergency move. Unusual circumstances will be staffed by the Relocation Branch and required documentation will be defined based upon the nature of the case.

1722.2 Administrative Requirements

After determining that the client's need meets one of the above definitions of an emergency, the Relocation Specialist will screen the case to determine if it meets the regulatory requirements of 25 CFR 700.175 and administrative requirements. These requirements are:

1. Residence The client must be a full-time resident of the HPL. The Relocation Specialist will ask for a review of the client's residence status by the Eligibility/Appeals Specialist, who shall submit a memo to the file verifying that the client was a resident of the partitioned lands on 12/22/74 and has continuously resided at the homesite since that time, according to available information. The Eligibility/Appeals Specialist's statement will be attached to the TEM Request Form.

2. Improvements The client must be willing to quit claim all improvements on the partitioned lands to the office when the Contract for Temporary and Permanent Relocation is executed. The client may request a waiver of the quit claim requirement for good reason. The Relocation Specialist's write-up must explain the reasons for the waiver request (ie., family members need to stay behind to take care of livestock, protect the property from vandalism.) The waiver request must be approved by the Deputy Director.

3. No other Residence The Relocation Specialist must determine from information supplied by the client, and verified if necessary through field investigation, that the client has no other residence to which he/she can move which will remedy the emergency need.

4. Permanent Housing Not Available Immediately In order to be eligible for temporary accommodations, the client must have decided upon an actual relocation site. If the client is moving on-reservation, the client must have submitted a homesite lease application (lease status+S or beyond). The Relocation Specialist will find out from ICB about how long it will take for the lease application to be completed. The Relocation Specialist will enter the client's relocation site and anticipated lease completion date on the TEM Request Form, Form MM#1722.1.

5. Permanent Housing Not Available for More than a Year 25 CFR 700.175(b)(3) requires that clients receiving temporary relocation assistance be provided with permanent housing within 12 months of the temporary move. If it appears that it will be more than a year before the

relocation house can be built, the Relocation Specialist will explain the situation on the Case Narrative Form and request a waiver of the one year period. The waiver request must be approved by the Deputy Director.

6. Available Housing Temporary housing must be available for rent by the ONHIR.

a. On-Reservation Housing There is little housing available for temporary rental on the reservation. The client (or client's representative) must make a sincere documented attempt to locate temporary rental housing. The housing must be safe, decent, and sanitary and have the features needed to remedy the client's emergency need. The Relocation Specialist may assist the client to locate housing, if the client is physically unable to look for accommodations and there are no family members who can assist in the search. If no housing is available, the client may have to be accommodated off-reservation until the relocation house is acquired.

b. Off-Reservation Housing Rental units are generally available off-reservation. If the client requests or agrees to temporary housing off-reservation, the unit will be acquired by the Contracts and Procurement Branch according to the instructions in the Procurement Request submitted by the Relocation Operations Supervisor (see 1722.6.2) following the Deputy Director's approval.

7. Justification The Relocation Specialist's recommendation must explain not only how the proposed move will remedy the client's emergency need but why the proposed arrangements are the best among the alternatives available to the client.

1722.3 Processing by the Relocation Branch

1. Information from the Relocation Specialist The Relocation Specialist will complete the Temporary Emergency Move Request Form, MM#1722.1, and attach the documentation as specified on the form and required by these procedures. In addition, the Relocation Specialist will fill out the portion of Form MM#1756.1 (Temporary Accommodations) which lists the client's rent and utility expenses at their pre-move residence. The client will be required to pay this amount toward the cost of emergency housing. If the client hauls their own water and cuts their own wood, and is unable to supply a specific cost for gas and vehicle expense, the Relocation Specialist will tell the client that the ONHIR will charge a flat rate of \$30.00 per month toward emergency housing costs.

2. Consultation with ICB The Relocation Specialist will submit the Temporary Emergency Move Request Form and attachments to the Relocation Operations Supervisor who will inform the Housing/Inspections Team Leader that the client has requested a temporary emergency move and that the Relocation Specialist is preparing a recommendation to the Deputy Director. The Housing/Inspections Team Leader will inform the Relocation Operations Supervisor of actions which will be taken to expedite the client's site acquisition so that the estimated completion date can be moved up.

3. Consultation with Finance The Relocation Operations Supervisor will consult with the Finance Branch to obtain estimated costs for rent and utilities for temporary housing for p.2 of the Request Form. The Finance Branch will provide the information from file records of costs for temporary accommodations. If more up to date information is required, the Relocation Team Leader may request the Contracting Officer to obtain cost estimates.

4. Forward to Deputy Director After all issues relating to the request have been reviewed and the details for temporary accommodations have been worked out, the Relocation Operations Supervisor will recommend approval or disapproval of the request. The request will be submitted to the Deputy Director for final decision.

1722.4 Action of the Deputy Director

The Deputy Director will evaluate the request for completeness, adequacy, and compliance with policy requirements, with particular regard for requests for waiver of regulatory provisions. The Deputy Director's decision will be returned to the Relocation Specialist for implementation.

1. Request for Waiver of HPL Residence Waivers of HPL residence must be recommended by the Deputy Director and approved by the Executive Director. The Deputy Director may recommend a waiver of the HPL residence requirement only in extreme circumstances, where the housing poses imminent hazard to the client's health and safety. The client must have made every reasonable effort to acquire replacement housing and failure to obtain replacement housing up to the point in time of the emergency request must be due to circumstances largely beyond the client's control.

2. Request for Waiver of Quit Claim The Deputy Director may waive the requirement that the client quit claim the HPL property when they execute the Temporary and Permanent Relocation Contract. The waiver may be granted if the Deputy Director determines it to be in the best interests of both the client and ONHIR. Reasons for waiver may include the possibility that the client's condition may improve and he/she may be able to return to the HPL residence; family members need to remain behind to care for livestock and property; the temporary housing will not accommodate all members of the family.

The waiver may be granted for the duration of the temporary move. At the time the permanent relocation contract is executed, the client will be required to quit claim the improvements.

3. Waiver of One Year Requirement. The Deputy Director may waive the requirement that the permanent relocation site must be available within a year. If the site will not be ready for construction within a year, the Deputy Director shall determine if the provision of 25 CFR 700.125 (b)(3), should be waived in the best interests of the client and the Office. In making this determination, the Director will weigh the projected expense to the Government against the client's emergency need.

1722.5 Client Disagreement With Decision

If the request is disapproved and the client disagrees with the ONHIR's decision on an emergency move request, he/she may request review by the Executive Director. Decisions regarding temporary emergency move requests may not be formally appealed under SUBPART L 25 CFR 700.

1722.6 Action By Housing Acquisition

1. **Information from Relocation Branch** Within one day of the Deputy Director's action, the Relocation Operations Supervisor will route copies of the approved TEM to the Relocation Specialist with any additional information needed to acquire temporary accommodations and prepare the Contract for Temporary and Permanent Relocation.

2. **Procurement Request** Within two days of receiving the request, the Relocation Operations Team Leader will prepare a Procurement Request (See Management Manual #4000) for apartment/rental housing and associated utilities, and submit the request to the Contracting Officer. The Relocation Operations Supervisor will specify the community/location where accommodations are needed; the anticipated length of time the family will need the accommodations; the number of family members to be accommodated; all special requirements, such as storage facilities or furnished apartment; and any additional information which will help in making the arrangements. The Relocation Operations Supervisor must allow a minimum of two weeks lead time for the Contracts and Procurement Branch to make arrangements.

3. **Action of the Contracting Officer** The Contracting Officer will delegate the procurement to the Purchasing Agent. Within three days of receipt of the procurement request, the Purchasing Agent will initiate action to acquire rental accommodations and utilities, and will issue purchase orders to the vendors. Rent and utilities will be billed to the ONHIR. The Purchasing Agent will inform the Relocation Operations Supervisor of the arrangements and costs for each item.

4. **Temporary and Permanent Relocation Contract** The Relocation Operations Supervisor will issue a Notice of Benefit Determination to the client and the Relocation Specialist will prepare a Temporary and Permanent Relocation Contract. Because each temporary emergency move is unique, the content of the contract will vary according to the circumstances of the case. The contract will set forth the following agreements between the ONHIR and the client.

a. **Reason for TEM** The contract will specify the reason for the temporary emergency move and the people to be included in the move.

b. **Permanent Relocation Site** The contract will identify the client's permanent relocation site and if the ONHIR is requiring that the client take particular actions to acquire the site, the actions will be stated in the contract.

c. ONHIR Portion of Temporary Housing Costs The contract will list each of the expenses which the ONHIR will pay in connection with the temporary move. The agency will not pay for telephone or cable hookup or other nonessential features associated with temporary accommodations.

d. Client Portion of Temporary Housing Costs The contract will state the amount which the client will pay monthly toward the cost of accommodations/utilities. Check or money order payments will be received by the mail clerk and routed to the Finance Department.

e. Failure of Client to Pay Client Portion of Housing Costs The client will agree that if they fail to submit the monthly pro rata payment, this amount will be deducted from their housing benefits at the time the Construction and Payment Contracts are signed. If the client fails to make required payments after contract signing, the amounts due the ONHIR will be deducted from the moving or bonus payments. The Accountant will maintain a log of payments submitted by the client, and will notify the Relocation Operations Supervisor if the client fails to make the monthly payment.

f. Client Maintenance of Temporary Housing The client will agree to maintain the accommodations in a reasonable manner. Upon vacating the unit, the client will agree to clean and restore it to the original condition, except for normal wear and tear. The client will agree that the accommodations may be inspected by the ONHIR when the client moves out. The client will authorize the ONHIR to deduct repair costs from the client's bonus and/or moving payments, if inspection shows that there is damage resulting from intentional or negligent activity.

g. Temporary Moving Expense Pursuant to 25 CFR 700.175 (b) (4) (iv), the ONHIR will pay moving expenses for the client's move into temporary housing. Expenses will be paid in accordance with ONHIR procedures MM#1752, and will be in addition to moving expenses paid at the time of the client's move into permanent replacement housing.

h. Permanent Relocation Benefits The contract will state the benefits which the client will receive upon relocating permanently; and other conditions associated with this particular move.

i. Circumstances Under Which the Temporary and Permanent Relocation Contract shall be Void:

(1) Death of the Client In the event of the death of the client or other family member for whom the temporary emergency move was approved, before the construction contract is executed, the provisions of the contract for temporary and permanent relocation will be automatically void, and the situation will be reassessed. A provision to this effect will be inserted into the contract. The Office shall determine whether or not the surviving family members require continued temporary accommodations, and shall specify the conditions associated with the provisions of such accommodations.

(2) Removal from Temporary Quarters In the event that the client is asked to vacate the temporary quarters due to client-caused abuse, misuse, damage, or other violations of the rules and conditions of the rental agreement, the ONHIR will not arrange other temporary accommodations for the client. The contract shall contain a provision that the ONHIR may cancel the contract for cause under these circumstances.

5. Quit Claim Deed The Relocation Operations Supervisor will obtain a quit claim deed for the client's property on the partitioned lands, but shall not turn over the improvements to the Hopi Tribe, in the event that the client's need for temporary accommodations ceases and the client is able to return to the HPL homesite prior to permanent relocation.

6. Filing and Data Entry The Relocation Operations Supervisor will perform data entry of the date the contract is signed. Data entry will generate a "T" code (temporary emergency move code) in the client master file. The client will receive a copy of the contract and a copy of the contract will be routed to the Finance Branch. The original contract will be routed to the data room for the client case file.

7. Checking on Client Payment of Utility Expense When the contract documents are prepared for the pre-con, the Relocation Specialist will double check with the accountant to verify that the client has made the monthly pro-rata share of utility costs. If the client is in arrears, the amount due will be deducted from the housing benefits.

8. Notification That Accommodations Will be Vacated The Relocation Operations Supervisor will notify the Contracting Officer and the Finance Officer when emergency accommodations are no longer needed. If the client is leaving the accommodations in order to move into permanent housing, the Supervisor will issue a memo to Procurement and Finance at the time the moving expense draw is issued, giving the projected date that the client will be moving. The Purchasing Agent will notify the utility vendors of the date for disconnecting or discontinuing service to the unit.

9. Canceling Emergency Move Arrangements Usually the client will occupy the rental until they are able to move into permanent relocation housing, although changes in the client's emergency need, or circumstances set forth in the contract may result in termination of the emergency housing arrangement.

1722.7 Review of Approved Temporary Emergency Moves

The client's assigned Relocation Specialist will conduct an update contact with the client every three months while they occupy temporary emergency housing. If the client's condition changes, and the original reason for the move approval is no longer operative, the Relocation Specialist will record the situation on the Case Narrative Form.

a. If the client wishes to return to the HPL residence, the Relocation Specialist must obtain a release from the client's doctor that emergency accommodations are no longer required. The Relocation Operations Supervisor shall obtain authorization from the Deputy Director to cancel the temporary emergency move arrangements.

b. If the client wishes to remain in the temporary accommodations pending permanent relocation, the Relocation Operations Supervisor will submit the client's request to the Deputy Director for decision.

SECTION 1700 SPECIALIZED PROCEDURES/MULTI BRANCH

SUBJECT 1725 Off-Reservation Moves

AUTHORITY: 25 CFR 700.13(b), 700.53(d), 700.81.

POLICY:

The replacement house selected by the head of household must be located in an area not generally less desirable than that of the partitioned lands homesite with respect to public utilities, public and commercial facilities, and schools. In addition, the replacement house must be available at a purchase price within the ability to pay of the client. This means that anticipated monthly housing costs must not exceed 25% of the total monthly gross income of all adult members of the household. Monthly housing costs include utility bills, real property taxes, insurance, and any mortgage payments.

In order to assure that the monthly housing costs associated with an off-reservation relocation are within the client's ability to pay, a client wishing to move off-reservation must have a minimum household income of \$15,000 annually. Clients with less income may be approved for an income waiver if analysis of their circumstances demonstrates that they will be able to meet the expenses of off-reservation living without incurring debts which will jeopardize home ownership.

The minimum required income level for off-reservation moves may be adjusted by the ONHIR based upon analysis of changes in average costs at selected locations.

There is no minimum income requirement for clients moving to an on reservation location, including subdivisions. Documents verifying amount and source of income are not required for clients moving on reservation.

1726 RECORDING AND RECOMMENDING AN OFF-RESERVATION MOVE.

The counseling provided to a client who is interested in moving off-reservation shall cover the client's income and ability to pay for monthly housing costs; as well as social factors which will affect the client's ability to make a successful adjustment to the new community.

For clients wanting to move off reservation, the relocation specialist shall obtain verifying income documentation for all sources of income which are being counted towards the \$15,000 annual income computation. Documentation must cover the past two years, and may include income of all adult household members, including those whose membership is verified by adult inclusion forms. Acceptable documentation is:

- a. Income tax records.
- b. Copies of W-2s;
- c. Cumulative wage statements, year-to-date.
- d. Employer statement of earnings.

If the client is self employed, acceptable documentation is federal income tax records and/or financial statements showing profit and loss over the previous two years.

Computation of Income. The minimum income requirement shall be computed on the basis of the client having earned no less than \$15,000 in each of the two preceding calendar years. Provided, however, in the event the client's **Averaged** income for the two preceding years exceeds the \$15,000 base, upon the recommendation of the Relocation Specialist, the client may seek a waiver of the minimum income requirement.

The Relocation Specialist shall submit the recommendation for waiver to the Deputy Director for approval (following the guidelines set forth in MM#1728 of these procedures.) This recommendation shall incorporate a statement justifying the request and if the client's highest year's income is a pattern expected to continue.

Self-Employed Clients. If the client is a craftsperson and is unable to produce federal income tax returns, the Office may consider signed statements from regular craft buyers for the preceding two year period. Such statements shall not automatically qualify a client for an off-reservation move, but will be considered by the relocation specialist in assessing all factors relating to the request.

Credit Report. The relocation specialist will order a credit report on the client and will discuss the report information with the client. Clients with substantial indebtedness and poor credit history will be discouraged from pursuing an off-reservation move.

Off-Reservation Income/Expense Analysis. The specialist will obtain information from the client about average monthly expenses, including payments listed on the credit report, and will complete form MM#1725.1, Off-Reservation Income/Expense Analysis. The specialist will evaluate the client's anticipated ability to pay for off-reservation expenses and will prepare a recommendation for off-reservation move.

If more than six months goes by between the time the client is approved for an off-reservation move and the initial housing interview, the specialist will verify during the housing interview that the income has not dropped below \$15,000 and that the client is still employed.

If the client's income and employment status changes during the housing acquisition phase of case processing, the specialist will reassess the client's eligibility for an off-reservation move and the client's relocation site may have to be changed.

In addition to verifying that the client has sufficient income for an off-reservation move, the specialist will advise the client with respect to other factors which predict success or failure for an off-reservation move.

1727 SOCIAL FACTORS AND LOCATION CHOICE.

Besides evaluating the client's ability to pay costs for an off-reservation move, the specialist shall evaluate social factors and the specific community preference in relation to other reasonable alternatives. Factors which must be considered include:

1. Income/Employment.

- How many people are supported by the family income?
- What is the source of income: employment, assistance payments, etc?
- How reliable is this income?
- Is any portion of the family income contributed by a household member who might move out of the household (ie. grown son or daughter)? How stable are the family relationships? What impact would there be if one of the income earners left?
- Is the community considered an "expensive" place to live? Check into utility and property taxes in the community, particularly in cases where an income waiver is being requested.
- How long has the client/spouse been employed? How stable is their job history?
- What job skills do the client/spouse have? If he/she loses the current job, how likely is it that they can get another job in the preferred community?
- Is the client employed in the community that he/she wants to move to? If not, why do they want to move there?
- What will be the commuting distance between the home and job site? Figure out the distance and the gas mileage; can the client afford to commute?
- If commuting is required, does the client have young children?
- What provisions has the client made for day care, baby sitting? How much is this expected to cost? Can the client afford this?

2. Social and Other Factors.

- Has the client ever lived off reservation? Where? How long? What were their experiences?
- How well do the client/spouse speak English?
- Has the client tried to get a homesite lease on the existing reservation? Results?
- Has the client considered moving to the rural community? Conclusions?
- Where are the client's extended family members living now? Where do they plan to move?
- What are the family's needs for social services, schools, higher education, medical services? What does the preferred community offer?

1728 INCOME WAIVER.

A client with less than \$15,000 annual income who wants to move off-reservation must receive an income waiver approval from the Deputy Director.

In order for the Deputy Director to consider the request, it must first be recommended by the specialist and endorsed by the Relocation Team Leader and the Relocation Operations Manager. The specialist shall use a memo or Case Narrative Form to record the client's request for a waiver and justify his/her recommendation of the client's request.

REQUIREMENTS.

1. The client's annual income must be derived from steady, predictable sources: ie. permanent low-income employment or business income, support payments. Temporary occasional jobs are not acceptable. Seasonal employment may be acceptable if it lasts at least 6 months out of the year, the wage is above minimum wage, and the client has worked for the same employer every year for several years. The specialist may require the client to produce a statement from the employer that the client is a permanent seasonal employee or that the employer intends to rehire the client for seasonal employment.

2. Clients must produce documentation of their income for the past two years, and will be asked for documentation for the past five years in order to show that the income is steady and predictable.

3. Pledges of income from extended family members who are not moving as part of the household may not be included in calculations of total household income.

4. The specialist will advise clients with less than \$15,000 annual income against applying for a mortgage.

5. Clients with less than \$15,000 annual income who also have a bad credit history will not be recommended for an income waiver.

Action of the Specialist. The relocation specialist will prepare an Off-Reservation Income/Expense Analysis Form which sets forth realistic calculations of anticipated post-move utility costs, property taxes, and homeowner's insurance. The specialist will take into consideration that these costs are likely to increase rather than decrease in future years.

The specialist will analyze the amount and source of the client's annual income and figure out if it will be sufficient to cover his/her expenses after he/she has relocated. The specialist will go over the income/expense analysis with the client.

The specialist will also go over the factors listed on pp. 4-5 and consider whether an on-reservation move is a feasible alternative for the client.

The specialist must determine if the client meets the requirements for an income waiver and if the client's employment and social history predict success or failure for off-reservation home-ownership.

Recommendation for Income Waiver. If the Relocation Specialist evaluates all factors and concludes that an off-reservation move is in the best interests of the client from the standpoint of assured employment and social and family support systems, and that the reliability of the client's income as well as spending habits predict a successful move, the Specialist will recommend an income waiver. The recommendation for an income waiver shall be made by Memorandum or Case Narrative directed to the Deputy Director as previously set forth herein. The Specialist will advise the client that the ONHIR will recommend against a mortgage, and that it is unlikely that a reputable lending institution would approve a mortgage application.

Recommendation Against Income Waiver. If the specialist evaluates all factors and concludes that the client is a poor candidate for an off-reservation move because of insufficient income, unpredictable employment, poor spending habits, and inadequate social/family support systems, the specialist will tell the client that he/she will not recommend an income waiver.

Appeal to Relocation Team Leader. If the Specialist informs the client that he/she will not recommend the client for an income waiver, the client may appeal to the Relocation Team Leader.

Action of Relocation Team Leader. The Relocation Team Leader will review the case file information and the specialist's evaluation and recommendation. If the counselor's recommendation and analysis is not satisfactory, the Team Leader will disapprove it and return it to the specialist for further work.

If the specialist recommends an income waiver and the Counseling Team Leader determines that the recommendation and supporting documentation is satisfactory, he/she will recommend approval to the Relocation Operations Manager and the Deputy Director.

Action of Deputy Director. The Deputy Director will review the request and supporting documents, and approve or disapprove the Income waiver request. If the Deputy Director approves the request for a waiver he will refer the case to the ONHIR Legal Counsel for the preparation of an Affidavit (Request for Waiver and Acknowledgement of Risk) to be executed by the client.

If the request for waiver is denied, the case will be referred back to the Specialist with instructions. The Specialist will inform the client of the decision and reasons for it. If the client disagrees with the Deputy Director's decision and is unwilling to reconsider the relocation site preference, the client may request review by the Executive Director. Decisions regarding income waivers may not be formally appealed under SUBPART L, 25 CFR Sec. 700.

MANAGEMENT SECTION 1700 SPECIALIZED PROCEDURES
MANUAL SUBJECT 1725 Off-Reservation Moves

APPROVED
1/9/01

Disclaimer. A client who insists on moving off-reservation despite the ONHIR's advising against it, must sign an Affidavit (Request for Wavier and Acknowledgement of Risk.)

10/8/97

SECTION 1700 SPECIALIZED PROCEDURES

SUBJECT 1730 Existing Houses

AUTHORITY: USC 640d-14; 25 CFR 700.187; 25 CFR 700.53-55

POLICY.

If a client who is certified eligible for relocation assistance benefits already owns or is buying or building a home off the partitioned lands, and wants to acquire the existing house as his/her relocation house, the ONHIR will expend replacement housing benefits, up to the client's maximum entitlement, to remodel and repair the house or bring it up to decent, safe and sanitary standards. Benefits remaining after the house has been made decent, safe and sanitary will be expended to achieve debt-free ownership.

PROCEDURES:

Previous procedures requiring an inspection of the existing house while the client is in the social counseling phase of case processing are rescinded. When the case enters home search, the specialist will request an inspection by ICB.

Existing House Located Off-Reservation. If the existing house that the client wishes to acquire is located off-reservation, the specialist will follow the procedures described in Management Manual Section 1648, pp. 17-19.

Existing House Located On-Reservation. If the existing house that the client wishes to acquire is located on-reservation, the specialist will follow the procedures described in Management Manual Section 1640, pp.39-43.

NHA HOUSING. It is NHA policy that their clients are not entitled to receive more than one house acquired with Government funds. A relocatee who has a mutual self-help or home-ownership house provided by the Navajo Housing Authority may not obtain a relocation house and keep the NHA house, unless they have completed the NHA payments and the house has been turned over to them. A client who is receiving a relocation house may relinquish the mutual self-help or home-ownership house to NHA; or may assign the house to another family that meets NHA qualifications.

The specialist will advise clients who have NHA houses of this requirement.

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	
MANUAL	SUBJECT	1734	Selecting Clients for Subdivisions	APPROVED 03/29/96

SECTION 1700 SPECIALIZED PROCEDURES

SUBJECT 1734 Guidelines for Selecting Clients for Subdivisions

POLICY.

The ONHIR has been involved in cooperative interagency planning efforts to develop housing subdivisions in selected locations. In the event that the planned subdivision will not be able to accomodate all relocation clients who wish to move there, the ONHIR will establish a priority system for selecting clients for leases. The following criteria will be used as guidelines, but may be modified by ONHIR management officials as necessary.

(1) Clients who had approved homesite leases in the area which has been set aside for subdivision development, and who have been willing to relinquish those homesites, will receive first preference for a subdivision lot.

(2) Full-time residents of the Hopi Partitioned Lands.

(3) Elderly clients and clients with medical problems who require housing with modern facilities and/or regular and frequent treatment at the Tuba City IHS hospital or other nearby medical facility. The counselor shall obtain documentation from the client's physician stating the client's medical requirements.

Other factors which will be taken into consideration in determining a client's place on the priority list may include: employment in the vicinity; extended family support system in the vicinity; unsuccessful efforts of the client to obtain a lease assignment elsewhere.

Applications submitted by the clients for subdivision homesite leases will be retained by the ONHIR until the client has signed the relocation contract, at which time they will be submitted to ONLA for processing. A homesite may be reassigned by the ONHIR if the client who originally selected it fails to take timely action to select a contractor and sign a contract.

1735 Developing the Priority List

The counselor will record the client's preference for a subdivision homesite lease on the HRP during the initial interview; or subsequently on form MM#1734.1 or a similar form modified for the particular subdivision. The counselor will explain on the Case Narrative Form the factors which would qualify the client for priority selection.

The Team Leader will review requests for priority selection and will assure that documentation about age and medical need has been obtained. The Team Leader will develop a list of clients to be prioritized for subdivision lots. The list will include alternates in the event of openings in the original list.

The Team Leader will notify the Housing and Inspections Supervisor of the clients selected, and any subsequent changes to the list.

SECTION 1700 SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1742 Powers of Attorney

POLICY.

A certified eligible head of household shall be contacted by the Counseling Branch for the development of the household relocation plan. Following relocation plan approval and site approval and clearance, the client will be contacted by the Branch of Housing Acquisition for house selection or construction, and signing the relocation contract. A client who is not able to be physically present for one or more planning sessions may execute a Power of Attorney.

A Power of Attorney authorizes a designated individual to act in behalf of the person executing the Power of Attorney. For relocation purposes, if the client is married, the spouse will exercise the Power of Attorney unless physically unable to be present. The ONHIR has the right to review the selection of the person exercising the Power of Attorney, to assure that the individual designated will be acting in the interests of the client and household.

If the client's absence is expected to be of short duration, ie. less than six months, planning and document execution will ordinarily be deferred until the client's return. If the client's absence is expected to exceed six months or more, and the client has a household who need to be relocated, the counselor may advise the client to execute a Power of Attorney so that the relocation process may proceed.

Normal circumstances which would prevent a client from appearing at ONHIR offices or participating in a field interview may include: military service, incarceration, employment such as railroad work which requires the client to be absent from the usual place of residence for an extended period of time. Powers of Attorney may not be used solely for the convenience of the client, to avoid direct involvement in the relocation planning process. They also may not be used as a substitute for guardianship.

Powers of Attorney may also be executed by clients who are physically incapable of participating in the relocation planning process, but who are mentally competent and can communicate their instructions to an authorized representative. Legitimate circumstances may include: deafness, paralysis, long-term recuperation from an accident or illness.

PROCEDURES.

1. The counselor shall contact clients for personal interviews related to the development of the household relocation plan. Interviews are usually conducted at ONHIR offices, but may also take place at field locations or over the phone. If the counselor learns from the client that he/she cannot be physically present for required relocation activity for one of the reasons listed above, the counselor may advise the client to select a legal representative and obtain a Power of Attorney.

2. The counselor must have personal contact with the client prior to advising that a Power of Attorney be obtained. The counselor may not act solely on information provided by a spouse, family member, or other person.

3. If the counselor has reason to believe that the client is not mentally competent to pursue relocation activity, a Power of Attorney is not appropriate. In such a case, the appointment of a guardian may be necessary. The counselor will refer to Management Manual procedures MM#1746.

4. The counselor will refer the client to Navajo-Hopi Legal Services, Coconino County Legal Services or other appropriate office to obtain the Power of Attorney. The document must be notarized and must specify the authority to be exercised by the designated representative.

5. The counselor will use the Case Narrative form to explain the reasons why a client needs a Power of Attorney, and what advice the counselor provided.

6. Any questions/problems which relate to such circumstances will be referred to the agency Legal Counsel.

SECTION 1700 SPECIALIZED AND MULTI-BRANCH PROCEDURES

SUBJECT 1744 LEGAL ASSISTANCE FOR CLIENTS

AUTHORITY: 25 CFR Subpart F

POLICY:

The Office of Relocation will utilize funds available for costs incidental to the acquisition of a replacement house in order to provide a client with legal assistance to obtain a divorce, name change, or other action required to resolve situations which impede or prevent the client's relocation.

Legal assistance may also be provided in probate cases to settle the estate of a client who owned property on the partitioned lands and died before executing a relocation contract. The ONHIR will deduct the legal costs incurred from the amount of the estate payment.

Legal assistance may be provided by the ONHIR in other exceptional instances as determined on a case by case basis by the Legal Counsel and executive management officials.

CRITERIA.

The following criteria must be met in order for a client to receive legal assistance.

Problem Must be Resolved in Order for the Client to Relocate.

The client must have encountered a problem which requires a legal resolution in order for the case to go forward. Divorce and name change are the difficulties most frequently encountered. The ONHIR will not provide legal assistance solely for the convenience of the client; it must be essential to resolve the client's relocation plans.

1. Divorce. Clients who are separated from a legal spouse do not have to get a divorce in order to obtain a relocation house. However, a client who is legally married must include their spouse's name on a Navajo Nation Homesite Lease application, and the legal spouse (and children, if any) will be included in the ONHIR benefit whether or not they are living with the client. It is therefore desirable to resolve household membership issued before the relocation is processed.

2. Estranged Spouse. Legal assistance may be extended to the estranged spouse of a certified client if the estranged spouse believes he/she may be separately eligible for benefits but cannot receive an eligibility determination until a divorce is obtained.

3. Legal Name Change. A significant number of ONHIR clients have used more than one name or have changed the spelling of their name without obtaining a legal name change. The ONHIR will not require a legal name change; the client may sign relocation documents with the name shown on their Certificate of Indian Blood (CIB) and beside or below the signature the explanation, "a.k.a." (also known as) alternate name."

However, a legal name change may be required in order for the Office of Navajo Land Administration to process a client's homesite lease application. A legal name change may also be required by the Navajo Nation for issuance of a CIB, which the ONHIR requires for census number verification.

PROCEDURES:**1744.1 Actions of the Relocation Specialist**

General. The Relocation Specialist will be responsible for screening requests for legal assistance from clients who are unable to complete their relocation plans because of problems which require a legal resolution. Requests must be recommended by the Specialist and Team

Leader and approved by the ROB Manager and the Deputy Director. Following all approvals, the agency Legal Counsel will refer the cases to the ONHIR's contract attorney.

1. Explanation of the Problem. The Specialist must prepare a recommendation for legal assistance which explains the situation in detail. The recommendation shall include the following information, according to the nature of the problem.

- a. How is the problem preventing the completion of the client's relocation plans?
- b. Divorce:
 - what has the client done to obtain a divorce or otherwise resolve the problem through counseling and reconciliation?
 - how long has the client been separated?
 - are there children involved? Number of children, ages, who are the children living with, etc.
 - does the client have a live-in partner and new family that they want to include in the benefit?
 - is the legal spouse doing anything about getting a divorce? Does the spouse object to getting a divorce?
 - is there a problem locating the legal spouse?
- c. Name Change: What different names has the client used and why?

2. Agreement for Legal Assistance, Form MM#1744.1. The Relocation Specialist will prepare Form MM#1744.1 for the client's signature. The Specialist will explain to the client that if the ONHIR agrees to provide legal assistance, the client is obligated to the following:

- a. To cooperate fully with the ONHIR contract attorney; to meet with the attorney as requested, to provide information and documents which the attorney may need for the preparation of Court documents.
- b. To appear in Court if so instructed by the attorney.

c. To proceed as expeditiously as possible with the client's relocation plan as soon as the legal problems holding it up are resolved.

d. To acknowledge and consent to ONHIR's arranging and paying for legal assistance for the purpose of expediting the client's relocation.

The Relocation Specialist will assure that the client understands the agreement and signs it in the presence of a Notary. The notarized agreement will be attached to the Specialist's writeup and recommendation for legal assistance.

3. Client Expenses. The ONHIR will pay reasonable travel expenses for the client to meet with the attorney and appear in Court. If the client lacks transportation, the Specialist will provide transportation.

4. Review by ROB Team Leader. The ROB Team Leader will review all requires for client legal assistance and verify that the Specialist's recommendation addresses all criteria and all required supporting documentation is attached. The Team Leader will forward the recommendation through the ROB Manager to the Deputy Director.

1744.2 Action of Management Officials.

1. Action of the Deputy Director. The Deputy Director shall approve or disapprove the recommendation. If approved, the recommendation will be routed to the agency Legal Counsel. If disapproved, the recommendation will be returned to the Relocation Operations Branch with an explanation.

2. Action of Legal Counsel. After the request for legal assistance has been approved, agency Legal Counsel shall incorporate the request into a task order to be issued to the contract attorney pursuant to the contract for external legal services.

SECTION 1700 SPECIALIZED AND MULTI-BRANCH PROCEDURES

**SUBJECT 1746 CONSERVATORSHIPS, GUARDIANSHIPS, HANDICAP,
AND OTHER SPECIAL HANDLING CASES**

AUTHORITY: 25 CFR §720, 25 CFR §145(b); Legal Opinion issued by the Department of Justice, Civil Rights Division, dated 3/24/87; Legal Opinion issued by Agency Counsel, received by NHIRC 12/21/87

POLICY.

An applicant's eligibility for relocation assistance shall be determined in accordance with 25 CFR §700.147.

Subsequent to certification, the nature of the case may require that it receive special handling during the relocation process. Special handling cases identified by the ONHIR generally fall into the following categories:

1. Cases in which the client is deceased and the household remaining to be relocated consists of one or more minor children.
2. Cases in which the client has a mental impairment which substantially limits one of more major life activities. Such individuals may also have a physical impairment.
3. Cases in which the client has a physical impairment which limits one or more major life activities; but no mental impairment.

As each such cases presents unique factors, each case shall be evaluated and a case plan shall be developed by the ONHIR based upon the circumstances. The ONHIR shall procure the services of an independent legal counsel (contract attorney) to review the case plan and advise the ONHIR of legal action which must be taken to accomplish the plan and protect the rights of the client.

The procedures set forth in this section will serve as general guidelines but will be adapted by management officials as needed.

1.

PROCEDURES

General. At the time the case is transferred from Eligibility/Appeals to the Relocation Operations Branch, the case file may contain information about problems which require special handling. In other cases, circumstances may occur while the client is in the counseling or housing phase which require the case be given special handling designation.

As soon as a case requiring special handling is identified, the Relocation Specialist will discuss it with the Team Leader. A intra-branch team may be formed which may be comprised of the Relocation Specialist and a ICB representative, if appropriate. A specific staff member may be designated to assume responsibility for special handling cases. The specialist assigned will keep themselves apprised of actions on the case and will follow the case through completion. The procedures and special actions to be followed in each instance will depend upon the nature of the case, but will follow these general guidelines.

1746.1 Cases in Which the Client is Deceased and the Household Remaining to be Relocated Consists of One or More Minor Children.

1. Case Assignment/Individual Relocation Plan. The specialist will find out who assumed responsibility for the minor child(ren) upon the death of the certified client. The specialist will prepare a case write-up which explains the relationship between the caretaker and the child and describes the situation which exists in relation to the relocation plan. The Specialist will request the formation of an intra-branch staffing team.

2. Team Staffing. The ROB Team Leader will form the intra-branch team who will familiarize themselves with the case and assist the specialist to develop a preliminary relocation plan. Following review by the Team, the specialist will recommend that the case be referred to the contract attorney.

3. Referral to Attorney. The ROB Team Leader will review the case and assure that the information in the file is sufficiently detailed that the contract attorney can identify a potential guardian/conservator and determine the actions required to process the case. The ROB Team Leader will refer the case to ONHIR Legal Counsel through the Deputy Director, for assignment to the contract attorney.

1746.2 Clients Who Have a Mental Impairment

1. Case Assignment/Individual Relocation Plan. When the assigned specialist initiates contact with the client for the purpose of preparing or updating the household relocation plan and learns that the client appears to be incapable of participating in the development of the plan due to mental impairment, the specialist shall write a report detailing the circumstances and shall consult the ROB Team

Leader.

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2. Review of Existing Records. The ROB Team Leader will review the Specialist's Report and the case file records. The ROB Team Leader may re-assign the case to a specialist designated to work with special handling cases. The ROB Team Leader will alert the Deputy Director and ONHIR Legal Counsel that a case has surfaced that may need to be assigned to the contract attorney.

3. Team Staffing. The ROB Team Leader will form the intra-branch team which will familiarize themselves with the case and assist the specialist in identifying any issues which must be addressed at this point in case planning.

4. Current Medical/Social Evaluation Needed. If the client is institutionalized, the ONHIR will request current medical and social service evaluations from the institution housing the client. If the client is not institutionalized, the ONHIR will issue a letter to the social and/or medical provider requesting the following information:

- S statement of the client's disability and prognosis for change or recovery;
- S the client's ability to function in an independent living situation;
- S the client's need for assistance in the following areas: medical care, daily medications, personal hygiene, housekeeping and food preparation, maintenance and repair of house, execution of legal documents, receipt and disbursement of funds as required for utility payments, and other costs required for maintenance of the replacement house and daily living, and other pertinent data.

5. Background Report. The specialist will investigate the client's living situation and prepare a report with recommendations. This may require several meetings with family members and/or with representatives of service agencies working with the client or institution where the client is living. Among the factors which the specialist will examine are:

- S wishes of the client with respect to his/her relocation plan, to the extent that they can be determined;
- S identity of the client's immediate household, if any; the identity of close relatives, identity of care givers and the types of assistance which they have been providing;
- S availability and willingness of a relative to serve as caretaker for the client and conservator of the client's property;

S feasible relocation site alternatives, i.e., near family members; near medical facilities.

6. Referral to Deputy Director and Attorney. After the Relocation Operations Branch has obtained pertinent documentation and prepared a comprehensive background report, the ROB Team Leader will route the report with all relevant documentation attached to the ONHIR Legal

3.

Counsel through the Deputy Director, who will determine if the case will be referred to the contract attorney for evaluation.

1746.3 Clients Who Are Physically Handicapped.

General. A client or household member may have a physical handicap requiring modifications to the house. To the extent possible, within the amount of the client's benefit, the relocation house shall be outfitted with features required to accommodate a physically handicapped client or family member. The client may not waive the provision of handicap features determined by ONHIR technical staff to be required to accommodate the client or family member.

The type and extent of handicap features will depend upon the nature and severity of the client's handicap. Each disability limits people in different ways and must be dealt with specifically. As necessary, the specialist assigned to the case will request a professional evaluation of the client's handicap and the type of accommodations needed from the appropriate service agency; IHS, Arizona Vocational Rehabilitation Service, Arizona Services for the Blind, etc.

While cases requiring the provision of handicap accommodations will not ordinarily require intervention by the contract attorney, the case may be referred for outside legal assistance if unusual circumstances call for legal review.

1. Initial Determination of Handicap Accommodation Needs While the Client is in the Counseling Phase. A physical handicap may or may not be obvious. While the client is in counseling, the specialist will ask whether or not any member of the household is physically handicapped and requires handicap accommodations. If so, the specialist will record a "Y" indicator in the automated records. The specialist will prepare a detailed write-up describing the nature of the handicap. The specialist will obtain a Privacy Act Release from the client and will issue a letter to the social or medical services provider requesting specific information about the client's handicap and recommendations on the nature of accommodations required.

2. Coordination with ROB and ICB. After an initial determination of handicap is made the specialist will request the formation of an intra-branch team to help staff the case. The ROB Leader will arrange for staffing for the purposes of accomplishing a coordinated approach to a location and acquisition of an appropriate relocation site and determination of specific required house features.

3. Review of Handicap Accommodation Requirements. When the client enters the housing acquisition phase, the specialist will ask whether or not the client or any family member requires

handicap accommodations. (Even if the client record does not indicate the existence of a handicap, changes may have occurred in the client's family since the case completed social counseling).

If a handicap condition exists, the specialist will review the information gathered by the staffing team about the accommodations required. If there is no report in the record, or the report is outdated, the specialist and the ICB representative will request a report from the client's social

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and/or medical services provider about the client's handicap and recommendations on the nature of accommodations required. The specialist may schedule the client for an evaluation by the Arizona Department of Economic Security/Rehabilitation Services Administration to determine appropriate housing features.

After all relevant information had been gathered, the specialist/team will discuss the needed handicap features with the client, and will inform the client that the house plans must incorporate the required features.

4. Pre-Construction Worksheet. On page 3 of the Pre-Construction Worksheet, under miscellaneous options, the specialist will note that the client requires handicap facilities and will attach a specific itemized list of the required features. If the client is moving off-reservation and the Pre-Construction worksheet is not being used, the specialist will attach the list to the standard letter to the contractor or letter to the realtor.

5. House Plans. When the house plans are submitted by the contractor, the specialist will check to see that the plans incorporate the required handicap features. The ICB Plan Reviewer will conduct a detailed review of the plans, including the structural adequacy of the handicap accommodations.

6. Instruction in Use of Handicap Features. Depending upon the nature of the client's or family member's handicap, and the type of accommodations installed in the house, the client may require instruction in the operation of the handicap features. The housing specialist will arrange for instruction by the appropriate social service agency; generally the agency which has been working with the client. If the features are standard accommodations which require minimum explanation, the specialist, contractor, or ICB Construction inspector may provide the instruction.

7. Optional Handicap Features. Even though the client may not be physically impaired, the client may choose handicap features as an option in anticipation of future potential impairment resulting from age, etc. The specialist may recommend that the client consider such options, but will not require that they be included in the house plans.

1746.4 Contract Attorney.

General. The ONHIR will procure the services of an attorney, licensed to practice in both the Navajo Family Court and the Arizona State Court, to review special handling cases for legal

considerations. The contract attorney will represent the ONHIR in preparing and presenting guardianship (person and/or property {conservatorship}) cases to a court of competent jurisdiction. Cases in which guardianship proceedings may be brought will include minor heirs of deceased clients, incapacitated clients, and other situations in which the ONHIR determines that special legal assistance is required.

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In situations where no family member or friend is available to serve as a guardian or conservator, the attorney may investigate alternative legal arrangements which can be made on behalf of a client entitled to relocation assistance.

1. Referral by Agency Legal Counsel. The ONHIR Legal Counsel shall make assignments to the contract attorney, and specify the tasks to be performed pursuant to the contract. The contract attorney will consult with ONHIR legal counsel at all critical junctures about the appropriate course of action.

The ONHIR Legal Counsel shall develop a working file for each case, known as the “contract attorney working file,” which will contain draft and executed documents relating to each case assigned to the contract attorney. When the contract attorney had completed the assignment, ONHIR Legal Counsel shall review the final documents and recommendations submitted by the contract attorney (Court Order, legal opinion, other) and determine the action to be taken by the Office of Relocation to resolve the case.

2. Further Review and Investigation. Following receipt of the case assignment, the contract attorney may conduct additional investigation into the client’s circumstances, which may include meetings with the client and family members, social and medical service providers, and ONHIR representatives. The attorney will deal with any legal representatives retained by the client or family members. The attorney may also investigate non-ONHIR services which may be available to assist the client in the relocation home, including services available from the Navajo Nation, other federal agencies, state, or private agencies.

3. Case Report. The contract attorney will advise the ONHIR about the arrangements which must be made in order for the client to utilize the relocation home. Advisement may include but not be limited to:

- S need for a personal guardian for the client and/or conservator of the relocation property and any authorized payments;
- S need for modifications to the relocation house, type and extent of modifications, and potential costs;
- S need for special training for the relocatee to be able to live in the house;

- S need for live-in assistance (caretaker) for the client, and training for the caretaker.
- S need for continuing assistance from external service agencies following move of the client to relocation housing and the availability of such services.

4. Preparation and Presentation of Guardianship and Conservatorship Cases. In cases requiring the appointment of a guardian for the client and/or conservator of the property, the contract attorney will meet with the concerned parties and their legal representatives, if any, regarding the

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terms of the guardianship and conservatorship. The contract attorney will prepare the proposed agreements and petition the appropriate Court to establish the guardianship/conservatorship. The attorney will follow the process through to conclusion, informing ONHIR Legal Counsel of all actions.

1746.5 Completion of Case Action Plans.

General. If the Office of Relocation has determined that the client will be able to utilize the relocation benefit and the contract attorney has obtained a Court Order for guardianship of the person/conservatorship of the property, or other legal arrangements required to accomplish action on the case, ONHIR Legal Counsel will refer the case to the Relocation Operations Branch Manager for action. The case will be processed according to the terms of the Court Order, and associated documentation, provided that such order is not in conflict with P.L. 93-531, as amended and ONHIR regulations.

1. Actions to be taken by Legal Counsel:

a. Notification by Legal Counsel. ONHIR Legal Counsel will prepare a memo to the appropriate agency supervisor with instructions about actions to be taken on the case. The staff member who participated in the staffing team will continue the case assignment.

b. In cases where a Conservator has been appointed by the Court, and upon receipt of the Final Order of Appointment of Conservator, Legal Counsel will draft a memo to the File Clerk directing that the label on the client's file be changed to reflect that a Conservatorship is in place by adding the code (CS) between the first and last name of the client on the label.

c. Legal Counsel will also issue a memo (attaching a copy of the Final Order Appointing Conservator) to the Information Systems Team Leader, the Financial Officer, and the Relocation Operations Branch Manager, advising them of the appointment of a Conservator.

2. Data Entry: The Relocation Operations Branch Administrative Assistant will be responsible for making the appropriate data entry in the automated records, as follows:

- a. Type (CS) between the first and last name of the client to indicate that this is a

Conservatorship.

- b. If the client is deceased, record client's date of death and the code (AP) in the computer.
- c. If the client is deceased, change client from "relocate Y" in the computer to "relocate D."
- d. Enter the Conservator's name with the designation "Consrvtr" in the household membership record. (Do not enter any demographic information except the

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Conservator's Social Security number and relocate "N" code).

- e. If the Conservator is also a household member and is moving as part of the household, put the Conservator's name and demographics just like any other household member, with the "Conservator" designation.

3. Funds Disbursement. Funds which are being disbursed pursuant to the Conservatorship Agreement will be issued payable to the Conservator in his/her capacity as such. (For Example: Smith, Conservator, Jane). The ONHIR may request the contract attorney assist in the delivery and deposit of payments to a trust established for the client's benefit.

Search and Moving Expense. If the client is receiving a relocation house pursuant to the terms of the conservatorship, and the Conservator incurs moving and/or search expense, the expenses shall be reimbursed directly to the Conservator. Such payments will not ordinarily be deposited into a trust account established for the client.

4. Case File Documentation. Agency Legal Counsel will file the original executed Court Orders and related correspondence in the client case file. Copies of the executed documents as well as drafts and working notes, will remain in the contract attorney working file.

5. Contract Attorney Working File. The working file will be maintained in the Legal Department. An index of the contents of each file and summary of the nature of the case and principal actions will be maintained by the Legal Department staff. On cases wherein a conservatorship existed prior to the implementation of these procedures, a calendar of action items will be developed and maintained by staff for the purpose of assuring that annual reports are filed with the Court and provided to the ONHIR in accordance with the terms and conditions of the Conservatorship Agreement.

6. Actions of the Relocation Operations Branch. As a general rule, arrangements associated with the client's move will be set forth in detail in the legal documents for guardianships/conservatorship and associated correspondence. The Relocation Specialist will complete any remaining details of the plan and prepare the case for referral to the next phase of case processing.

Household Membership. The Relocation Specialist will carefully review the household membership. If the Conservator is being included in the benefit and the Conservator has a household of his/her own who will reside in the relocation home, their names should be added to the file with a "Relocate Y" indicator. If the Conservator has previously received a relocation home, their name may not be added to the file.

7. Tracking Form. The Relocation Branch Team Leader will verify that a "Special Handling" code has been entered into the computer for this case. The case will remain assigned to the Relocation Specialist who is familiar with the details of the case.

8.

8. Case Updates. If it is necessary for a special handling case to remain in the 'CC' phase of case processing for a period time before referral to housing acquisition (ie., homesite lease or subdivision development is pending completion), the Team Leader may request the specialist conduct more frequent updates than the standard six month contact.

9. Action by Housing Acquisition. The Relocation Specialist will be alerted to the special handling requirements through prior participation in team staffing, by the "Conservator" designation on the case file label, and by the "Special Handling" code in the computer. The specialist will be responsible to learn about special conditions which apply. The specialist will prepare a memo to agency Legal Counsel through the Relocation Operations Branch Manager requesting instructions about the way in which the title to the house must be vested (if this is an off-reservation acquisition) and the manner in which the bonus, moving, and search expenses must be disbursed; and any other special conditions required by the Court Order. Legal Counsel will inform the Relocation Operations Branch Manager and the specialist of all extraordinary actions which must be taken during case processing.

10. Tracking by the ONHIR Legal Branch. In cases where a conservatorship existed prior to the adoption of these procedures only, the Legal Department staff will calendar actions required by the Court. Typically, these will be annual reports to the Court with a copy to the ONHIR. If the report is not received by the due date, ONHIR Legal Counsel will send a reminder letter to the Conservator. If no report is received in response to the reminder, the Legal Counsel will request the client's Relocation Specialist contact the Conservator and assist the Conservator in the completion of the report. (Form MM#1746.B is an optional form which the Relocation Specialist may use for the report to the Court and ONHIR.)

In the event that the Conservator resigns prior to completion of the term of appointment, ONHIR is usually charged with petitioning the Court for appointment of a new conservator. Legal Counsel may involve the Relocation Operations Branch in identifying a suitable family member of other individual to assume the responsibility.

11. Disposition of the Case. If the ONHIR completes its statutory responsibilities and is no longer in existence prior to the time when the Conservatorship is due to expire, the case will be referred to the Navajo Nation Social Services Division or other social service agency providing services in the area where the client is living.

1746.6 Closing Special Handling Cases.

General. Special handling cases will generally be closed when the two year post-move period expires. Agency Legal Counsel will notify the Information Systems Team Leader that all action has been completed and the special handling code in the automated records should be removed to allow closure of the case.

9.

Special Handling cases will also be closed if the Commissioner has determined that the client is unable to utilize the relocation benefit, generally because the client requires full care in a nursing home or similar institution (see 1746.4 (#4)). Such cases may be re-opened upon the direction of Legal Counsel if the ONHIR is notified of changes in the client's condition which would warrant a re-evaluation of the client's capability to receive the benefit.

MANAGEMENT SECTION 1700 SPECIALIZED PROCEDURES
MANUAL SUBJECT 1750 Search Expense

APPROVED
03/29/96

SECTION 1700 SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1750 SEARCH EXPENSE

AUTHORITY: 25 USC 640-d(b)(i); 25 CFR 700.151, 700.155.

POLICY.

Certified eligible heads of household will be reimbursed for reasonable expenses incurred in the search for a replacement dwelling. Expenses may include travel, meals, and lodging, reimbursed according to schedules established by ONHIR. The staff worker processing the client's case at the time search occurs will inform the client of agency requirements and procedures for obtaining expense reimbursement.

Search expense may be reimbursed for travel undertaken by the client at the agency's request, or directly related to activities required for the acquisition of replacement housing. Travel which is undertaken by the client without prior approval must be justified by the case worker as necessary for the accomplishment of case processing.

Search expense is not a benefit and may not be appealed under 25 CFR Subpart L. Disagreements about search expense will be reviewed by the team leader and the branch supervisor and may be referred to the Executive Director if they cannot be resolved at the program level.

PROCEDURES.

1750.1 REIMBURSABLE EXPENSES

1750.11 Mileage

1. The Office may reimburse the client round trip mileage at the authorized Government rate from their current residence or other authorized location to the authorized destination, via the most direct reasonable route.

2. A client claiming mileage must supply the round trip mileage. If mileage is not recorded, the specialist authorizing the claim will utilize the standard mileage chart (attachment 1750A), allowing a + 5% deviation for clients traveling from the outskirts of the chapters.

3. Reimbursement is issued per vehicle rather than per person. Only one payment is issued per vehicle regardless of the number of clients traveling in it. Payment shall be issued only to a certified client, who is responsible for paying the driver of the vehicle.

1750.12 Meal Expense

1. The Office may reimburse meal expense for clients traveling from their residence to the authorized destination. Meals will be reimbursed at the rate of \$5.00 per person for clients traveling over 50 miles round trip and \$10.00 per person for clients traveling over 300 miles round trip.

2. Meal expense may be reimbursed for client and spouse only.

3. Receipts are not required for meal reimbursement.

1750.13 Lodging

Program staff will usually schedule client appointments for times which do not require the client to stay overnight en route. However, if overnight stay is required in order for the client to conduct approved search activity, lodging may be reimbursed under the following conditions:

1. Travel requiring overnight accommodations must be requested in advance by the case worker and recommended by the branch team leader, and approved in advance by the branch supervisor. The approval may be granted verbally upon the case worker's request unless out of state travel as described in 1750.14 is being performed.

2. The agency will pay lodging for the client as prescribed by the Federal Travel Regulations. The case worker will inform the client of the authorized lodging rate and will instruct the client about the documentation which must be submitted.

3. The client must provide the lodging receipt in order to receive

lodging reimbursement. Credit card charge slips are not acceptable receipts.

1750.14 Out of State Travel.

1. Prior authorization by the branch supervisor will be required if the client is traveling from, or to, a location outside the state of Arizona or further than 25 miles outside the boundaries of the Navajo Reservation, and requests reimbursement of mileage, per diem, or commercial transportation expense.

2. Lodging and commercial carrier receipts must be submitted with the travel claim.

1750.15 Travel to the New Lands.

The ONHIR will issue a blanket purchase order for lodging and meal accommodations for clients participating in New Lands tours arranged by the counselors with concurrence of the Counseling Team Leader. The agency will pay the following expenses for clients who have prior authorization to participate in a tour. Clients who travel to the New Lands independent of the tour shall be reimbursed mileage, meal and lodging expense according to the procedures set forth in 1750.11 through 1750.14.

In the case of group tours, the Office will pay lodging and meal expense for the client, spouse, and minor children, according to the schedule established below. Expenses exceeding these limits will be borne by the client.

1. Lodging: One room to accommodate the family.
2. Meals: Maximum amount allowable per person/meal will be specified on the blanket purchase order and adjusted annually by the Procurement Branch. The counselor will inform the clients of the meal allowance, and any charges exceeding the allowed amounts will be paid by the client.
3. Travel: By van according to pre-arranged pick up and return schedule. Clients with their own transportation may receive prior authorization for mileage reimbursement if they drive separately and join the tour at Sanders.

1750.2 NUMBER OF AUTHORIZED TRIPS

The Office has identified the trips associated with required activities during the various case processing stages. These trips are listed on the search expense reimbursement form and in the schedule below, and do not require justification. Trips exceeding those listed below must be justified by the client and the staff specialist assigned to the case, with review and recommendation by the team leader and final approval by the branch supervisor. The specialist will record the justification on the travel claim at the time it is prepared.

1. Certification.

1 trip to Flagstaff during the certification stage. This trip will be recorded on the travel claim by the counselor during the SC phase of case processing.

2. Appeals.

If the client's denial is reversed during the agency appeal process or by action of a federal court, the client may be reimbursed for 1 trip to Flagstaff. The trip will be recorded on the travel claim by the counselor during the SC stage of case processing. Clients whose denial is sustained may not be reimbursed mileage for travel during the appeal process.

a. Decertified/Recertified Clients.

A client who received mileage reimbursement for the certification stage of case processing may also receive mileage reimbursement for travel for decertification appeal, if the decertification is reversed and the case is once again referred to SC. The counselor will record this claim under "other" on the travel claim form, and write "decertification appeal" as the justification.

b. Witnesses.

Witnesses subpoenaed by the client to appear at the hearing will not be reimbursed for travel expense. Witnesses subpoenaed by ONHIR may be paid travel expense.

3. Counseling.

1 trip to Flagstaff for initial interview.

Update interviews: As a general rule, update interviews do not require the client to travel to Flagstaff. Update interviews will be conducted by phone or by counselor field visit to the client's home. Clients will not be reimbursed for routine case updates nor for submitting documents requested by the counselor, which can be returned in a postage paid pre-addressed envelope. If there are significant changes to the client case plan which require the

client to travel to Flagstaff, the counselor may approve travel reimbursement. Update interviews which require travel to Flagstaff will be recorded under "other" on the travel reimbursement form. The counselor shall attach copies of the Case Narrative report or other justification which explains the reason for the trip.

4. Homesite Lease Application.

1 trip to Flagstaff to pick up application papers. May be combined with one of the Certification/Counseling trips and not separately reimbursable.

1 trip to Flagstaff to submit completed application.

1 trip from residence to ONLA. Requires prior approval by ICB.

1 trip from residence to HSL location for feasibility study appointment.

In addition to these trips, the Housing and Inspections Supervisor may approve up to 4 trips to the prospective host community, if different from the place of residence, for the purpose of obtaining authorizing signatures on the application. Prior approval from ICB is not required.

A client who chooses to move off-reservation after submitting a homesite lease application will not be reimbursed for homesite lease search expense.

5. Housing Acquisition.

1 trip for initial housing interview.

1 trip for contract signing.

Up to 4 trips from place of residence to the construction location (new construction) or to inspect resale houses and meet with realtors (resale housing).

6. New Lands Tours.

2 trips to tour the area and receive information about New Lands planning activity (rural community and range clusters).

1 trip to select a homesite lease in the rural community or range cluster (can be entered on either the Counseling Branch or ICB claim form).

1750.3 SEARCH EXPENSE CLAIMS

1. Trips will be authorized and claims for reimbursement will be prepared and submitted according to the client's stage of case processing.

Client claim forms will be submitted by three branches of program operations: Counseling, ICB (if the client is applying for a homesite lease), and Housing Acquisition. Trips authorized for certification or appeals activity will be entered on the Counseling Branch claim form. Reimbursement for New Lands trips where the client traveled on their own will be entered on the Counseling claim form, for an introductory tour; or on the Counseling or homesite lease claim form, for homesite selection.

2. Clients in Counseling and Home Site Lease should submit claims promptly, as soon as the approved activity has been completed. Claims for clients in Housing Acquisition are generally accrued and submitted when the client completes home search.

3. The claim form can be filled out by the client, or by the specialist based upon information supplied by the client. The form will be completed as follows:

a. On the line "Client Name" enter the client's name only. The spouse's name should not appear.

b. The left side of the form is filled out by the client. The columns are largely self-explanatory. The client will enter the date next to the purpose of the trip; where they are travelling from and to; total miles (round trip), their license plate number; and if their spouse accompanied them. The client must sign and date the lower left hand corner of the form when the form is turned in.

c. The specialist will attach a justification for other trips, if applicable, and sign his/her name as authorizing staff person on the lower right side of the form.

d. For Counseling Branch updates and "other" trips, the counselor will attach a photocopy of the Case Narrative report or other justification for the client's trip to Flagstaff, and state why travel rather than mail or phone contact was necessary.

e. The specialist will fill out the right side of the form. The specialist will inform the client that if the mileage claimed deviates more than 5% from the chart, mileage will be taken from the ONHIR's standard mileage chart, or from road maps. The specialist will correct the mileage entered under "total miles" according to the chart.

If the claim includes any trips which required prior written approval of the specialist or supervisor - for example, overnight travel requiring accommodations, commercial transportation, or out of state travel, the specialist must attach copies of receipts and authorizing documentation.

f. The specialist will calculate the mileage traveled and the amount due, and will enter meal expense claim, if any.

4. The specialist will determine the validity of any trip(s) made in excess of the allowed number which did not have prior authorization, and record his/her approval or disapproval in the far right hand column under "preparer's comments". The specialist will cross out any trip claims which are disapproved, and will explain the reasons for disapproval. The specialist will delete the amount claimed for a disapproved trip from the approved totals.

The specialist will assure that any required receipts are attached to the claim form. After the specialist has determined that the claim is complete and correct, he/she will sign and date the form, and forward it to the team leader for review.

5. The team leader will review the form for completeness, accuracy, and conformance with agency procedure. The team leader will complete the review within 3 days, sign and date the form, and route it to the branch secretary.

6. The branch secretary will make a photocopy of the voucher for the client file and forward the original claim to the voucher examiner, who will process the claim according to procedures set forth in the Accounting Manual.

7. A client who calls to ask when he/she will be receiving a check will be referred to the specialist who prepared the claim. The specialist will check the client's payee history to determine if the check has been ordered. Questions which cannot be resolved by the specialist will be referred to the voucher examiner.

SEARCH EXPENSE REIMBURSEMENT: Instructions to Clients

1. Legitimate Expenses

You will be reimbursed for your travel expenses connected with your relocation. However, there is a limit to the number of trips for which you will be reimbursed. These limits are:

Certification of Appeals:	1 Trip
Counseling:	1 Trip for Initial Interview; additional trips if justified and approved in advance.
Homesite Lease:	1 Trip to Flagstaff; 1 Trip to ONLA if approved in advance; 1 Trip for feasibility study; 4 Trips to host community.
Housing Acquisition:	2 Trips to Flagstaff and either 2 Trips for a resale house or 4 Trips for new construction. 1 Trip to Insurance Agency
New Lands:	2 Tours and 1 Trip to select a lot.

Reimbursable trips exceeding the maximum number per section must be approved by the ONHIR's Deputy Director.

2. Amount of Payment

You will be paid mileage at the rate of .345 cents per mile, and you will receive a meal allowance for yourself and spouse. No meal allowance is paid for children or other family members. The meal allowance rate is \$5.00 per person for clients traveling over 50 miles round trip and \$10.00 per person for clients traveling over 300 miles round trip.

Receipts

No meal receipts are required. A motel receipt is required if you have to stay overnight in commercial lodgings (motel or hotel) or if you travel by commercial carrier, such as bus, train, or plane.

3. Prior Approval

It is necessary for you to have prior approval from the ONHIR for your trips. A letter asking you to come in for the initial Counseling or Housing interview constitutes prior approval. If you do not have prior written approval, you should call the office (1-800-321-3114) and get approval from the specialist handling your case.

Prior approval by the Deputy Director is always required for:

- Out-of state travel
- Overnight travel
- Commercial transportation

4. When you Will be Paid

You will receive your search expense check about 10 days to 2 weeks after your travel has been approved.

SECTION 1700 SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1752 MOVING EXPENSE

AUTHORITY: 25 USC 640-d(b)(i); 25 CFR 700.151, 153, 167, 169.

POLICY.

P.L. 93-531 directs the Office to reimburse each eligible head of household reasonable moving expenses consistent with those provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). The URA authorizes actual reasonable moving expenses or an in lieu fixed payment of \$500.

Moving expense is a reimbursement rather than a benefit and may not be appealed under 25 CFR Subpart L. Disagreements about moving expense will be reviewed by the team leader and branch supervisor and may be referred to the Executive Director if they cannot be resolved at the program level.

PROCEDURES.

1752.1 MOVING HOUSEHOLD AND PERSONAL PROPERTY

General. During the Social Counseling phase of case processing the counselor will inform the client of the Office's regulations and procedures regarding moving expense reimbursement. After the client has been transferred into Housing Acquisition, the housing specialist will ascertain whether the client elects the \$500 fixed payment or actual moving expense.

A client who elects actual expense rather than fixed expense must justify the choice and receive prior approval of the Housing and Inspections Supervisor. The Housing and Inspections Supervisor shall determine if actual expense will be the least costly method to the Government of accomplishing the client's move without undue hardship to the client.

A. Fixed Payment.

1. Fixed payment for moving and related expenses includes an amount not to exceed \$300 for moving expense allowance and \$200 dislocation allowance.

2. The fixed payment will be initiated by the housing specialist at the time of sheet rock inspection. The Supervisor will ensure that the disbursement is timed so that receipt of moving expense coincides with the client's need for funds to pay utility deposits and moving expenses.

B. Actual Expense.

1. If a client elects actual moving expense and the request is approved by the Housing and Inspections Supervisor, the housing acquisition specialist will submit a procurement request to the Contracts/Procurement Branch. The specialist will give the particulars of the move: the location of the client's current residence, the location of the replacement house, anticipated date of final inspection, type and quantity of personal and household possessions to be moved, any special instructions.

2. The Procurement/Property Management Specialist will obtain bids from commercial moving companies according to Federal Procurement Regulations, and will inform the housing acquisition specialist of the arrangements which have been made for moving the client's possessions. The housing acquisition specialist will coordinate contact between the client and Procurement/Property Management Specialist so that details of the move can be finalized.

3. The Office will issue payment to the commercial mover based on the terms of the purchase order. No payment for moving personal possessions will be issued to the client.

4. A client who elects actual expense reimbursement may also be paid for the following expenses. Prior approval of the housing acquisition

specialist is required.

a. Mileage, meals and lodging for the client and household members to drive from the current residence to the replacement house. Reimbursement will be based on the Federal Travel Regulations, based upon the most reasonable direct route.

b. Utility deposit and hook-up charges at the replacement house. Receipts must be submitted.

1752.2 MOVING LIVESTOCK

General. The Procurement Branch will arrange for moving livestock of relocatees to New Lands range units and other New Lands locations as approved by the Land Use Manager. The agency may also arrange and pay for temporary impoundment of stock immediately preceding or following livestock hauling, which is needed to facilitate the hauling arrangements. Livestock will include sheep, goats, cattle, horses, mules, and donkeys. The ONHIR will not make transportation arrangements for domestic pets or poultry.

The cost for moving livestock to the relocation site will not be charged against the client's moving expense entitlement.

Client requests that the agency move livestock to locations other than New Lands areas will be considered by the Deputy Director on a case by case basis.

1752.21 Making Arrangement for Livestock Hauling.

1. The New Lands Range Manager will submit a procurement request to the Procurement/Property Management Specialist 5 weeks before the anticipated moving date giving the number, type, and range destination for the livestock to be moved.

2. The range management staff shall determine pick-up and unloading points, and loading and hauling equipment needed for the move.

3. The Procurement/Property Management Specialist will contract for livestock hauling. The Specialist will ascertain if the hauler has liability insurance which will indemnify the clients for any losses sustained during shipping; or if the hauler is self-insured. If self-insured, the Specialist will obtain an acknowledgement that the hauler will assume liability for any losses which occur during shipping.

4. The Range Manager will assure that program technicians are present when the animals are picked up on the FJUA and when they are unloaded on the New Lands.

1752.22 Reimbursement for Loss Sustained During the Shipping Process.

General. If an animal dies or becomes ill or is injured as the result of the moving process, the agency may reimburse the client for the loss of the animal. In the event of a claim for reimbursement, the agency shall review the circumstances and shall determine the validity of the claim. In order for the claim to be considered, the injury, illness or death must occur within three days of livestock hauling and must be reported by the client within ten days.

1. When a client requests reimbursement because an animal has died or has become ill or injured during the moving process, the Range Manager will submit a report to the Procurement/Property Management Specialist. The report will describe the loss, when and how it occurred, and other relevant information. A written claim signed by the client must be attached, and the loss/injury must be verified by a ONHIR staff member. If practicable, the Manager shall arrange for the the animal or carcass to be examined by the Area Range Conservationist, a veterinarian, or other specialist who shall attempt to determine the nature and cause of the loss/injury.

2. The Procurement/Property Management Specialist shall evaluate the report and determine if the claim for reimbursement is valid and if the documentation is sufficient to support disbursement of funds. If valid, the Specialist will determine if the claim can be paid by the hauler or shall be reimbursed by the Office. If the claim is to be paid by the agency, the Specialist will obtain particulars about the animal (type, age, sex, approximate weight) and determine the current market value of such an animal. If the client claims that the animal was worth more than the agency offers, the client will be asked for documentation regarding the worth of the animal (ie. purchase price of a thoroughbred horse or a breeding animal).

3. If the animal is injured or ill, the agency may reimburse veterinary bills not to exceed the fair market value of the animal.

MANAGEMENT SECTION 1700 SPECIALIZED PROCEDURES _____
MANUAL SUBJECT 1754 Temporary Accommodations/ APPROVED
Initial Acquisition Remodeling__03/29/96

SECTION 1700 SPECIALIZED PROCEDURES/MULTI-BRANCH

**SUBJECT 1754 TEMPORARY ACCOMMODATION DURING REPAIR/REMODELING
OF HOUSE: INITIAL ACQUISITION**

POLICY:

Pursuant to 25 CFR 700.187, if a client owns or is buying or building a home in an area other than the area from which he/she must move, the Office may at its discretion expend replacement housing benefits to repair and remodel the house in order to bring it to decent, safe and sanitary standards. If the client must vacate the house temporarily while the repair/remodeling is in progress, the Office may assist the client in arranging temporary accommodations. Costs for temporary accommodations, including storage of furniture, will be charged to the client's housing benefit.

The decision regarding repair/remodeling of an existing house, as opposed to acquiring a new house for the client, will take into consideration the cost of temporary accommodations. In no case will the total funds expended for repair/remodeling plus temporary accommodations exceed the client's benefit entitlement.

If the total cost for repair/remodel plus temporary accommodation is less than the client's benefit entitlement, the amount remaining will be applied to achieve debt-free home ownership.

PROCEDURES.

1. The construction contractor will inform the client and the agency if the repair/remodeling work will require the client to vacate the house, and approximately how much time the work will take. The contractor's time estimate will be reviewed by the Inspections and Compliance team Leader and the Housing and Inspections Supervisor.

2. The housing acquisition specialist will ascertain the client's needs and plans for temporary accommodations. If rental or commercial accommodations are required, the specialist will obtain an estimate from the Procurement/Property Management Specialist of the cost of such accommodations for the period of time required.

3. The housing specialist will determine if the anticipated costs for repair/remodeling plus temporary accommodations will exceed more than 95% of the client's benefit entitlement. If so, the Office will acquire a new house for the client. If the anticipated combined costs do not exceed 95% of benefit, the Office will acquire the existing house.

4. The housing specialist will submit a procurement request to the Procurement/Property Management Specialist for temporary rental or commercial accommodations. The Specialist may arrange for:

a. Lodging.

1). Motel room(s), if possible with cooking facilities, to accommodate up to 4 persons in one room.

2). Rental of trailer, apartment or house for 30 days or longer (for information on the **Tuba City Trailers** owned by ONHIR and used for temporary accommodations, see Management Manual Section 1722).

3). Lodging in a house with rental rooms available. However, the agency will not pay for lodging in a house owned and occupied by a relative of the client.

b. Meals.

1). Meal allowance will be authorized only if the temporary lodging procured by the Office does not have cooking or food storage facilities. Receipts will not be required.

Adult: Up to \$25.00 per day.

Minor 12 years to 17 years old: Up to \$15.00 for each school day; up to \$18.75 non-school day.

Minor 11 years or younger: Up to \$10.00 for each school day; up to \$12.50 non-school days.

The meal allowance for the first and last days is 50% of the above amounts.

c. Furniture storage. As necessary, the Procurement/Property Management Specialist will arrange for temporary storage of furniture and personal possessions. All costs associated with storage arrangements which are paid by the Office will be charged against the client's relocation benefits. The client will be responsible for transporting items to and from the storage facility.

d. Other costs. The client shall be responsible for making arrangements and paying for any other facilities or accommodations required while the house is being repaired/remodeled.

5. The Procurement/Property Management Specialist will work directly with the client in making arrangements for temporary accommodations. The Specialist will confirm the arrangements in advance in writing, and will provide the Housing and Inspections Supervisor with a copy of the letter sent the client. The letter will reiterate that all expenses for temporary accommodations will be paid by the Office from the client's housing benefit.

6. The housing acquisition specialist will inform the Procurement/Property Management Specialist when the accommodations will need to be ready.

7. The Relocation Contract will state as specifically as possible the benefit amounts which will be spent for temporary accommodations, and the payee.

8. The Procurement Branch shall determine the method to be used in arranging temporary accommodations. Methods may include authorizing reimbursement upon receipt of a written claim by the client; issuing a purchase order to a motel or restaurant for lodging/meals; arranging for the rental of lodgings and storage unit.

A purchase order which is issued will specify, as appropriate, the names of the persons to be accommodated, maximum amounts, provisions for cancellation or extension, and receipts to be attached to the billing statement or kept by the client.

9. The contractor will notify the client and the Housing Acquisition Branch when the work requiring the client to be absent has been completed. If the work is completed in less time than anticipated; or if the contractor requires an extension, the housing specialist will contact the Procurement/Property Management Specialist, who will modify the purchase order for accommodations as necessary.

10. If the contractor fails to complete work according to the deadlines stated in the construction contract and temporary accommodations have to be extended for a period of time which will cause the client's benefit

MANAGEMENT SECTION 1700 SPECIALIZED PROCEDURES _____
MANUAL SUBJECT 1754 Temporary Accommodations/ APPROVED
_____Initial Acquisition Remodeling___03/29/96

entitlement to be exceeded, the additional costs will be deducted and paid from the contractor's final draw.

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	_____
MANUAL	SUBJECT	1756	Temporary Accommodations/ Housing Repair Program	APPROVED 03/29/96

SECTION 1700 SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1756 TEMPORARY ACCOMMODATION DURING HOUSING REPAIR

POLICY.

The ONHIR may arrange temporary accommodations for a client in order to undertake housing repairs or to replace the client's relocation house pursuant to Management Manual Section 1580. The Office shall pay any costs for temporary accommodations which exceed the client's average monthly costs for those expenses. The type of accommodations shall be selected by the Office based upon least cost to the Government while accomplishing the objective without causing undue hardship to the client.

Temporary accommodations may include lodging, meals, furniture storage, and other costs which have been authorized in writing in advance by the designated official. Only the client, spouse, and their dependents may receive lodging and meal accommodations; other residents of the house will be excluded from arrangements for lodging and meals.

PROCEDURES.

1. The construction contractor will inform the Inspections and Compliance Team Leader of the work which will require the client to vacate the house. The contractor's time estimate will be reviewed by the Team Leader and approved by the Housing and Inspections Supervisor.

2. The Inspections and Compliance Team Leader will ascertain the client's needs and plans for temporary accommodation. If the client needs rental or commercial accommodations, the Team Leader will submit a procurement request to the Procurement/Property Management Specialist. The Specialist will notify the client to contact him directly for instructions about the arrangements. Depending upon the accommodations which will be most cost-effective for the Government, the Procurement Specialist may arrange for:

a. Lodging.

1). Motel room(s), if possible with cooking facilities, to accommodate up to 4 persons in one room.

2). Rental of trailer, apartment or house for 30 days or longer. (For information on the **Tuba City Trailers** owned by ONHIR and used for temporary accommodations, see Management Manual Section 1722).

3). Lodging in a house with rental rooms available. However, the ONHIR will not pay for lodging in a house owned and occupied by a relative of the client.

b. Meals.

1). Meal allowance will be authorized only if the temporary lodging procured by the agency does not have cooking and food storage facilities. Receipts will not be required.

Adult: Up to \$25.00 per day.

Minor 12 years to 17 years old: Up to \$15.00 for each school day; up to \$18.75 non-school day.

Minor 11 years or younger: Up to \$10.00 for each school day; up to \$12.50 non-school days.

The meal allowance for the first and last days is 50% of the above amounts.

2). Groceries: The client may be reimbursed grocery expense which exceeds their average monthly cost at the relocation residence. The client must submit receipts which show higher grocery costs at the temporary accommodation site.

c. Furniture storage. As necessary, the Procurement/Property Management Specialist will arrange for temporary storage of furniture and personal possessions. The Office will not reimburse the client for storage arrangements made without the agency's prior approval; nor will the Office reimburse the client for loss or damage to items while they are stored in a facility other than the one which the agency has approved. The Office will not reimburse the client for privately owned storage facilities.

The client will be reimbursed reasonable expenses for transporting items to and from the storage facility. The client must receive prior approval of the Procurement/Property Management Specialist regarding the method of transporting items and the anticipated cost.

d. Utilities. If the temporary accommodations do not include utilities, the ONHIR will reimburse the client any utility costs which exceed the average monthly costs for their house. The client must submit documentation regarding average monthly utility costs in order to receive reimbursement for excess costs.

e. Other costs. Client requests for reimbursement for other expenses incurred while occupying temporary accommodations will be considered on a case by case basis. The client must anticipate other expenses and discuss them in advance with the Procurement/Property Management Specialist who shall make a recommendation regarding reimbursement to the Deputy Director. In order for the expense to be approved, the client must demonstrate that the expense will be incurred as a direct result of having to move out of the house to a different dwelling or to a different location. The client must further demonstrate that the expense will be necessary for the client to conduct routine daily activities. Examples might include increased mileage expense to commute to work or to tend livestock.

3. The Procurement/Property Management Specialist will prepare form MM#1756.1, Breakdown of Anticipated Costs, which details the client's plans for temporary accommodations, the anticipated costs for those accommodations, and the client's current costs for the same items. The form will be submitted to the Deputy Director for review and approval.

4. Following the Director's review and approval of accommodation costs, the Procurement/Property Management Specialist will prepare a letter to the client which states the accommodations and expenses which the Office will pay. If the client is being provided with a replacement house, a copy of the Specialist's letter will be routed to the Housing and Inspections Supervisor.

5. The Housing and Inspections Supervisor will inform the Procurement/Property Management Specialist of the date when the accommodations will need to be ready.

6. The Procurement Branch shall determine the method to be used in arranging temporary accommodations. Methods may include authorizing reimbursement upon receipt of a written claim; issuing a purchase order to a

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	_____
MANUAL	SUBJECT	1756	Temporary Accommodations/ Housing Repair Program	APPROVED 03/29/96

motel or restaurant for lodging/meals; arranging for the rental of lodgings and storage unit.

A purchase order which is issued will specify, as appropriate, the names of the persons to be accommodated, maximum amounts, provisions for cancellation or extension, and receipts to be attached to the billing statement or kept by the client.

7. The contractor will give the Procurement Branch a week's notice of the tentative completion date. The contractor will also notify the client and the Inspections and Compliance Branch when the work requiring the client to be absent has been completed. If the work is completed in less time than anticipated; or if the contractor requires an extension, the contractor will contact the Procurement/Property Management Specialist. The Specialist will modify the purchase order for accommodations as necessary.

8. If the contractor fails to complete work according to the deadlines stated in the construction contract and temporary accommodations have to be extended, the additional costs will be deducted and paid from the contractor's final draw.

SECTION 1700 SPECIALIZED PROCEDURES: MULTI-BRANCH

SUBJECT 1760 Pre- and Post-Move Location Descriptions

BACKGROUND. The Office will maintain a file of the pre- and post-move location descriptions of the residences occupied by certified clients. The pre-move location description provides directions to the client's current actual residence. During the pre-move period the location description will be updated by the counseling specialist whenever the client moves from one house to another. The post-move location description provides directions to the client's relocation house, and is not updated after the client has relocated, unless a second relocation house is provided according to terms of the housing repair program.

PROCEDURES.

PRE-MOVE LOCATION DESCRIPTION.

1. Recording the Information. The pre-move location description will be recorded on the first page of the Survey of Housing Conditions, form MM#1410.8, during the initial counseling interview. After describing how to get to the client's house, the counselor will record the current location code from code table 2. The location of the client's house must be within the geographic area encompassed by the current location code.

2. Data Entry. Data entry of the location description and the current location code will be performed by the Counseling Branch secretary. The location description may be entered independent of the housing survey.

3. Unusual Situations. If a client has more than one residence (for example, they live one place during the week and return to a family residence on weekends); or if a client is considered basically homeless, moving from home to home among friends and relatives, the location description will explain the client's situation and where he/she can generally be located.

POST-MOVE LOCATION DESCRIPTION.

1. On-Reservation Moves. The post-move location description for clients moving on-reservation will be entered by the Inspections and Compliance Branch. The initial entry will be made by the Secretary at the time the results of the initial feasibility study are entered in the automated records. The location description will be taken directly from the content of the study. The description will be reviewed and revised as necessary by the Secretary when the results of the final feasibility study are data entered.

2. Off-Reservation Moves. The post-move location description for clients moving off-reservation will be entered by the Housing Acquisition Branch. The specialists will fill out Form MM#1760.1 and attach it to the

long sheet (closing costs) when the house has passed final inspection and the final disbursement is ordered. The information recorded on Form MM#1760.1 will be taken from the appraisal or from other information presented to the housing specialist by the seller, contractor, or real estate agent.

The Housing Team Leader or Housing Secretary will enter the post-move location description in the automated records after reviewing the closing documents.

Description Provided by Contractor. If a precise description of the lot location is not available at the time of the pre-con, the housing specialist will ask the contractor to fill out form MM#1760.1 and send it in within 10 days of visiting the site. The specialist will explain that the information is needed by the construction inspectors to get to the site.

SECTION 1700 SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1770 INFRASTRUCTURE COSTS ASSOCIATED WITH
REPLACEMENT HOUSING.

AUTHORITY: 25 CFR 700 Sec. 451-479 (Discretionary Funds); Legal
Opinion dated 4/27/87; Commission Policy Paper MM#780P dated 7/30/87.

POLICY:

The Office may contribute from discretionary funds an amount not to exceed 30% of the total housing benefit plus infrastructure cost in order to pay for the infrastructure required for the replacement house. Infrastructure estimates exceeding \$20,000 for on-reservation replacement housing or \$15,000 for off-reservation replacement housing must be justified by the Relocation Operations Manager and approved by the Deputy Director.

PROCEDURES.

1770.1. On-Reservation Infrastructure Costs.

1. Covered Items. On-reservation infrastructure costs for individual homesite lease construction may include: Community or individual water system, grid electric or solar photovoltaic system, community sewer or septic system, propane tanks and associated gas lines. Other infrastructure costs may be paid if they are required for the development of lots located in subdivisions developed by agencies/entities other than the ONHIR. Such costs may include: natural gas lines, grading and retaining walls required for drainage, street, curb, gutter, sidewalk.

Subdivisions Developed by ONHIR. As a general rule, no individual infrastructure costs will be paid when a client acquires a replacement house in a subdivision developed through cooperative effort by the ONHIR and other federal and tribal entities, as infrastructure is provided through the development process.

2. On-Reservation Infrastructure Computation Form. The Relocation Operations Manager shall complete the On-Reservation Infrastructure Computation Form (form MM#1770.1) listing estimated infrastructure costs for clients moving on-reservation. The form will be completed as part of the house plan review which is requested by the relocation specialist at the time the client completes home search.

3. Updated Power Estimates. Completion of the form may require the Manager to obtain updated power estimates. In this case, the Supervisor will issue a letter to the power company servicing the location, requesting an update.

4. Other Costs. Cost estimates for the other items listed in Part A for a reservation land lease will be entered by the Manager based upon initial

estimates submitted by IHS for water/sewer; historic experience regarding the costs of propane systems; and the cost estimates submitted by a contractor for a solar photovoltaic system selected by the client, when grid electric will not be available.

5. Subdivision lot costs: In order to enter infrastructure costs for subdivision leases located on reservation, the Manager will contact the developer in order to obtain information about lot development costs, excluding any land costs associated with lot acquisition (ie. St Michael's private subdivision). As necessary, the Manager will prepare a memo to record which will be referenced in the preparation of the Comp Sheet for clients moving to the subdivision.

6. Purchase of existing house from the Tribal Housing Authority: Infrastructure costs associated with NHA homes will be handled like infrastructure allowance for off-reservation purchases. The agency will pay infrastructure costs which would otherwise be charged to the client as part of the housing cost, if the Authority can provide a statement of the amount of housing cost which represents infrastructure development. The costs will not be entered on the Comp sheet. They will be obtained by the relocation specialist during the home search phase of case processing, and will be reviewed and approved by the ROB Manager. Housing authority infrastructure costs exceeding \$15,000 will require approval of the Deputy Director as in 1770.2.5 below.

7. Computation. After entering the estimated infrastructure costs, the ROB Manager will complete the calculations in Part B which set forth the percentage required for infrastructure and the amount over \$20,000. If the estimate exceeds \$20,000 the Manager will justify the expenditure, based upon information obtained when the feasibility studies were conducted.

8. Approval by Deputy Director. If the estimate exceeds \$20,000 the Comp Sheet will be routed to the Deputy Director for review and approval. The Director will take action on the case within three days of receipt of the Comp Sheet and return the completed form to the ROB Manager.

9. Routing and Filing. The completed Comp Sheet will be placed in the client Plan Check working file in the Inspections and Compliance Branch.

1770.2. Off-Reservation Infrastructure Costs.

1. Covered Items. Off-reservation infrastructure costs may include: Community or cistern water system, grid electric, community sewer or septic system, natural gas lines or propane tanks and associated gas lines. Other infrastructure costs may be paid if they are required for the development of lots located in subdivisions, including: grading and retaining walls required for drainage, street, curb, gutter, sidewalk. Infrastructure funds can be used for special assessment levies.

Items Not Covered: Items which the Office will not fund include

telephone hookup, cable, taxes paid by the developer, and fees for the development and use of community playgrounds.

2. Advice to Client. During the initial housing interview, the relocation specialist will advise the client about costs which may be approved if submitted by the contractor/seller. If no information is submitted, the client will get the standard benefit only.

3. Itemized Breakdown. The contractor/seller shall submit documentation which provides lot assessment and development costs. If such documentation is not available, the specialist may accept a statement of infrastructure items and costs which is submitted on letterhead and signed by the contractor/seller or designated representative of the company. Lot development costs will be submitted to the specialist, who will review the documentation and assure its adequacy.

4. Review/Approval by ROB Manager. After review by the specialist, the documentation will be submitted to the ROB Manager, who will complete Form MM#1770.2, Off-Reservation Infrastructure Computation Sheet. The Manager may require the contractor/seller to provide additional information. The Manager may disapprove any or all infrastructure costs listed, if he/she determines that the costs are excessive, or that the items are not covered by the Office's policy.

5. Approval by the Deputy Director. If the estimate submitted by the contractor/seller exceeds \$15,000 and the Manager determines that the amount is justified, he/she will submit the Off-Reservation Infrastructure Computation Sheet to the Deputy Director for review and approval. The Deputy Director will take action on the case within three days of receipt of the form and will return the form with approval and any instructions to the ROB Manager. The Manager will assure that the approved amounts are incorporated into the housing contract disbursement schedule.

MANAGEMENT SECTION 1700 SPECIALIZED PROCEDURES _____
MANUAL SUBJECT 1771 Infrastructure/Individual APPROVED
_____ Wells _____ 05/12/00

SECTION 1700 SPECIALIZED PROCEDURES/MULTI-BRANCH

**SUBJECT 1771 INFRASTRUCTURE DEVELOPMENT: INDIVIDUAL WELLS
FOR OFF-RESERVATION MOVES**

AUTHORITY: 25 CFR 700.55(8); Commission Policy Document
MM#780P, dated 7/30/87: Infrastructure Costs Associated
with Replacement Housing.

POLICY.

The Relocation Operations Manager may authorize the construction of a house off reservation on a lot which cannot be connected to a regulated water supply and where there is no well on the property at the time it is selected by the client. In order for the Manager to authorize such an acquisition, one of the following conditions must apply.

1. The contractor selected by the client may drill a well on the property at his own risk and cost. If the well is successful and water is brought to the site, the Office will have the well tested for flow and quality. If the water meets the standards stated herein, the Office will agree to the acquisition. The contractor will be reimbursed reasonable costs for well-drilling on a case-by case basis. Total costs of infrastructure including well-drilling may not exceed the limits stated in Management Manual Subject 1770, Infrastructure Development.

2. If water cannot be brought to the site, or flow/quality does not meet required standards, the Office may approve a cistern system, provided the client has fully considered the costs and maintenance of such a system, and has confirmed in writing that this is his/her choice.

PROCEDURES.

1771.1 Individual Wells.

1. When the relocation specialist learns that the site selected by the client does not have water to the lot line; or that the water to the lot is not provided by a state regulated water company; the specialist will inform the contractor/seller in writing that if the contractor/seller is willing to drill a well at his/her own cost and risk, and the well is successful, the Office will acquire the site on the client's behalf.

2. If the contractor/seller elects to drill a well, and water is brought to the site, the Office will have the water tested. The specialist will contact the governmental agency exercising jurisdiction over water quality control in the area where the site is located, and determine the specific tests required for that locality.

3. The relocation specialist will request the Procurement/Property Management Specialist to contract for water testing. The relocation specialist will inform the Procurement/Property Management Specialist of any special tests which are required over and above the standard water quality tests. The Procurement Specialist will contract for flow and quality testing.

a. The well must produce a minimum of 3 gallons per minute.

b. The water must meet EPA standards for bacteriological, inorganic, and radiochemical tests. Additional tests will be conducted if recommended or required for the particular locality.

4. If the well is successful and the water meets the required test standards, the contractor/seller may be reimbursed documented actual costs from discretionary funds for infrastructure development. The request for reimbursement must conform to the procedures stated in Management Manual Section 1770, Infrastructure Development.

5. If the well is unsuccessful, the contractor/seller will not be reimbursed for expenses incurred in drilling the well. The ROB Manager shall disapprove the site acquisition, unless the client agrees to a cistern system.

1771.2 Cistern.

1. If the client wants the Office to acquire the lot on his/her behalf and install a cistern to provide water to the house, the relocation specialist will investigate the availability of commercial water, and advise the client about cost of water delivery. If the client plans to haul water him/herself, the specialist will advise the client about vehicle costs and labor associated with hauling the water personally.

2. The specialist will determine if the client's income is sufficient to meet the 25% rule, given the costs of operation of the cistern system.

MANAGEMENT SECTION 1700 SPECIALIZED PROCEDURES _____
MANUAL SUBJECT 1771 Infrastructure/Individual APPROVED
_____Wells_____ 05/12/00

3. If the average monthly housing cost, including cistern operation, exceeds 25% of the client's average monthly income, the ROB Manager will disapprove the acquisition. If the average monthly housing cost, including cistern operation, is less than 25% of the client's average monthly income, the Manager may approve the acquisition.

4. The client will be required to sign a statement that he has been fully advised of the costs and the advantages and disadvantages of acquiring a house with a cistern, and that this is his/her choice. The statement will be reviewed and approved by the Manager as part of the contract package.

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	
MANUAL	SUBJECT	1774	Infrastructure Development:	APPROVED
			IHS/NTUA Coordination	09/03/93

SECTION 1700 SPECIALIZED AND MULTI-BRANCH PROCEDURES
SUBJECT 1774 INFRASTRUCTURE DEVELOPMENT: COORDINATION WITH
IHS AND NTUA ON SCATTERED RESERVATION HOMESITES

AUTHORITY: 25 CFR 700.53 & 55; ONHIR policy memorandum #6;
Memorandum of Agreement Between ONHIR/IHS dated
March 1993.

BACKGROUND. It is the policy of the ONHIR that all replacement housing be connected to water, sewer and electricity in good working order at the time the client moves into the house. In order to assure this in cases of scattered reservation homesite leases, the ONHIR and the Indian Health Service in March 1993 entered into a Memorandum of Agreement for a Public Law 86-121 project NA-93-A38 entitled "Water Supply and Waste Disposal Facilities; ONHIR Reservation-Wide Scattered Relocation Housing". This MOA superceded an earlier agreement executed in 1988, and revised the methods of interagency cooperation to accomplish water supply and waste water facilities to relocation homes upon completion of house construction. It is intended that there will be subsequent projects based upon the NA-93-A38 design as new clients are added to the homesite lease application process.

These procedures are issued for the purpose of providing detailed instruction to agency staff to implement the provisions of the 1993 ONHIR-IHS agreement, and any subsequent agreements which contain equivalent provisions.

PROCEDURES.

1774.1 Initial Feasibility Study.

General. "Initial feasibility study" is ONHIR's term; IHS knows this activity as the "preliminary site screening." This activity is independent of the activity prescribed by the 1993 ONHIR-IHS agreement, and takes place before a relocation client is placed on the list of clients to be served by a project.

1. Purpose of the Initial Feasibility Study. The initial feasibility study is performed by the ONHIR engineering technician after the client has obtained local homesite lease approvals and has submitted a completed lease application to ONHIR for processing, and before the ONHIR sends the lease to ONLA. The purpose of the study is to assemble representatives of all agencies that will be working together to bring infrastructure and housing to the site, and make a preliminary determination as to:

- feasibility of connecting the proposed house to community water and/or community sewer;
- feasibility of installing a septic tank;
- feasibility of connecting to power lines;
- surface indicators of historic materials which may require realignment of site boundaries and/or indicate potential problems with archaeological clearance.

2. Scheduling the Initial Feasibility Study. The Engineering Technician to whom the study has been assigned will be responsible for scheduling the study. The ICB Administrative Assistant or Secretary will notify the agency representatives who have to be present, and will set a date and time. The following persons will be contacted:

- client
- ONHIR engineering technician
- ONHIR homesite lease archaeologist
- IHS service unit field engineer (notification coordinated through District Engineer)
- NTUA district representative

3. Advice from Technical Staff.

a. IHS. Technical advice will be informal at this time; no field instrument surveys, soil exploration and testing, or written documentation will be undertaken. The IHS engineer will make a rough estimate of the anticipated cost for bringing water to the site. If the anticipated cost is \$10,000 or higher, the ONHIR engineering technician will note this at the top of the written feasibility study. The IHS field engineer will provide the following information.

- whether or not the house can be connected to community

water;

- whether the proposed homesite lease is within 1500 ft. of the existing water line; - where the service line will enter the lot;

- whether or not it appears terrain is suitable for excavation and installation of water line and septic system.

b. NTUA. The NTUA representative will inform the technician whether or not the proposed homesite lease is within 1/2 mile of the nearest power line, and it appears feasible to extend power to the lot.

c. ONHIR Archaeologist. The site archaeologist will determine if there are surface indications of historic artifacts or structures on the proposed site.

4. Relocating the Homesite Based Upon Technical Advice. Depending upon the information provided by the technical staff, it may be necessary for the homesite boundaries to be realigned or the homesite to be moved within the immediate vicinity. If the homesite must be moved a considerable distance, the client may have to go back to the chapter and local users for approval of a new site.

a. Water Line. The homesite will have to be moved when: (1) the homesite is farther than 1500 ft. from the water main serving the area; (2) the homesite is at too high an elevation to allow sufficient pressure from the community water tank; or (3) there is solid rock between the homesite and the water main.

b. Power Line. If the nearest power line is farther than 1/2 mile from the site, the homesite must be moved to within 1/2 mile of the power line. The ONHIR will not build a house which cannot be connected to grid power unless the client obtains a waiver of ONHIR policy regarding location of leases.

c. Archaeological Materials. The engineering technician will move the site boundaries if the ONHIR archaeologist identifies surface artifacts or structures which will cause problems in obtaining archaeological clearance.

5. Archaeological Survey. After the site location has been clearly defined as the result of site screening by the technical staff, the ONHIR archaeologist will conduct the archaeological survey. The survey will include the water and sewer corridor to the nearby main, providing the corridor is less than or equal to 1500 feet.

6. ONHIR Follow-Up: Initial Feasibility Study and Data Entry. The technician will prepare the ICB initial feasibility study as described in MM#1521.3. The study will include the IHS engineer's rough estimate of the anticipated cost of water line construction. The ICB Administrative Assistant will perform data entry of the type of sanitation facility as defined in code

table 72:

CI - community water/individual sewer
II - individual water/sewer
CC - community water/sewer

Clients with an "II" (individual water and sewer) code will not be included in Indian Health Service projects for scattered reservation homesites. Individual water and wastewater facilities will be constructed by the ONHIR.

1774.2 Project Definition.

1. ONHIR Responsibility: Identification of Participants and Request for New Project. The ICB Supervisor will maintain a running record of all clients who have applied for scattered reservation homesite leases. After the tribal Resources Committee has approved the homesite lease application, the ICB Supervisor will enter the names of client who are not coded as "II" (individual water and sewer) on a list for referral to IHS for a new project summary.

As a general rule, the cases will be referred to the IHS District Engineer at the end of six months or when there are 50 clients on the list, whichever comes sooner. The Supervisor will prepare a list which contains:

- client name
- casefile number
- location to which the client is moving

The Supervisor will attach this list to a cover letter to the IHS Tuba City District Engineer, requesting the development of a project summary to serve these clients. The Supervisor will also request that the project include a specific number (approximately 10) of undesignated slots for clients who need to be added for emergency processing.

Exceptions. The ICB Supervisor shall refer a group of clients, regardless of how many cases there are, when he determines that there is a clearly identifiable group moving to a particular location. This is generally referred to as a "group move".

2. IHS Responsibility: Development of Project Summary. The Tuba City District Engineer will prepare a draft project summary outlining the scope of work and anticipated costs for providing clearances and water/waste disposal facilities to the clients identified in the list supplied by the ICB Supervisor. The IHS will also prepare a new MOA for the proposed project. The MOA will likely employ the basic provisions of the 1993 MOA for project NA-93-A38.

3. Review and Execution of MOA and Project Summary. The draft project

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	_____
MANUAL	SUBJECT	1774	Infrastructure Development:	APPROVED
			IHS/NTUA Coordination	09/03/93

summary will be reviewed by designated representatives of the cooperating agencies. Following discussion and any changes, the documents will be finalized and circulated for approval. Copies of the executed agreement will be distributed to the following offices within ONHIR: Deputy Director, Finance, Housing Acquisition, ICB; and appropriate offices within IHS. Work under the agreement will commence when IHS receives full payment from ONHIR.

1774.3 Work to be Performed by IHS and ONHIR Pursuant to the Terms of the MOA and Project Summary.

General. The work to be done by IHS pursuant to the terms of the MOA and project summary can be broken down into two phases: 1) acquisition of required clearances; 2) construction of facilities.

1. Information to be Provided by ICB. The ICB Supervisor will provide the Tuba City District Engineer with copies of the following documents, for all clients who will be served under the project summary:

- map showing reservation location of the lease
- topographic map with location of lease plotted on it
- homesite sketch
- initial feasibility study
- archaeology report and clearance for all sites and utility corridors within 1500' of the utility main.

2. Products to be Delivered by IHS. The IHS field engineer will take action to acquire the following for each of the sites assigned:

- a. ROW or service line agreement for grid water and/or sewer connection.
- b. Archaeological clearances for service lines exceeding 1500 ft. (exceptional circumstances only. Lease _____ locations will ordinarily be moved to within 1500' of _____ the service line at the time of the preliminary site _____ screening).
- c. Endangered species clearance for water and wastewater utility service.
- d. Tapping permit.
- e. Feasibility study which includes the cost estimate for sanitary facilities and a line drawing of the site.

Once every two weeks the Project Engineer will submit a comprehensive list entitled IHS Permitting Report to the ICB Supervisor. The report is a cumulative list of ONHIR NA-93-A38 clients for whom all permits/clearances have been obtained. The following columns will appear on the report:

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	
MANUAL	SUBJECT	1774	Infrastructure Development:	APPROVED
			IHS/NTUA Coordination	09/03/93

- client name
- location
- chapter
- CF#
- IHS permitting complete? (signified by a "Y")
- ONHIR notice to proceed date
- ONHIR projected completion date
- IHS beneficial use date

Only the names of clients with a "Y" entry in the column "IHS permitting complete?" should appear on the report. ONHIR notice to proceed and completion dates will appear on the report after the IHS permitting has been completed and IHS has received the ONHIR Notice to Proceed.

In addition to the IHS Permitting Report, the Tuba City District Engineer will submit individual feasibility reports for each client to be served by the project. The feasibility report consists of (1) cover letter stating the feasibility of providing the client with sanitary facilities; (2) cost estimate; and (3) line drawing of the site. Individual feasibility reports will not be provided if the recommended service is individual water and sewer.

The IHS Permitting Report showing a "Y" completed permitting entry plus the IHS individual feasibility report constitute the IHS clearance package. Transmittal of completed clearance packages signifies that IHS is ready to proceed with facilities construction as soon as ONHIR transmits a Notice to Proceed. The ONHIR Notice to Proceed, which is issued when the client contracts are signed, constitutes ONHIR's acceptance of the IHS clearance package, including the feasibility study and cost estimates.

"Beneficial Use Date" will be entered on the report by IHS after installation of facilities has been completed.

4. Action by ICB. The ICB Supervisor will review the packages. The ICB Supervisor will consult with the District Engineer on any problems or questions he notes upon reviewing the studies.

Infrastructure Cost Sheet. The ICB Supervisor will prepare the Infrastructure Cost Sheet in accordance with ONHIR procedures MM#1770. The Supervisor will note **"NA-93-A38 PROJECT"** or subsequent project number on the forms for all clients who are being served by the project. This will serve as an additional alert to the Housing Supervisor when the case is transferred to Housing Acquisition.

Homesite Lease File. The ICB Administrative Assistant will make copies of the IHS Permitting Report showing "Y" entry for client and the individual client feasibility report and file the copies in the client's homesite lease file.

5. Hold in ICB Till Homesite Lease Completion. For homesite leases

which are going to be served by community water, the case will be held in ICB (CC status) until both the IHS clearance package and the homesite lease completion (tribal action, archeological clearance, NTUA estimate and final feasibility study) are received. The completions probably won't come in at the same time. When both completions have been received, the Administrative Assistant will route the case tracking form to the ICB Supervisor for approval and data entry which will transfer the case to Housing Acquisition (HP status).

6. Action by Housing Specialist. No further action pursuant to the project summary will occur until the client signs the relocation contract/construction contract. At this time the housing specialist will take the following actions related to this project.

a. Information for Utility Providers. The housing specialist will fill out the short form MM#1640.8, Information for Utility Providers (see attached example). This form states whether or not the house is a NA-93-A38 (or subsequent project number) or New Lands house, to indicate whether or not an individual infrastructure payment check should be issued to IHS. This form will be routed to the ICB Supervisor.

b. Changes to Provisions of the Relocation Contract and Construction Payment Contract. Clauses contained in the relocation contract and the construction payment contract will be changed to state that the IHS infrastructure amount is included in the project agreement. The project number will be inserted. This will alert the Finance Branch that no check is to be issued, and the cost estimate needs to be recorded as a credit against the project monies paid to IHS under the MOA. This is not a computer entry but a hand-kept record.

c. T Sheet. Under the infrastructure category, after entering the total amount obligated for infrastructure, the specialist will enter the IHS payment with the description "A38 funds to IHS". No date of disbursement will be entered.

d. Client to Arrange for Utility Deposit. The specialist will remind the client that when they receive the moving money, they must go to the local NTUA office and pay the water and electric meter deposits and fill out a service agreement. Water and power will not be turned on until this is done.

7. Notice to Proceed. When he receives the Notice to Utility Providers, the ICB Supervisor will issue a Notice to Proceed (form MM#1774.1, example attached) to the District Engineer. Previously, the IHS check was attached to this cover letter. Since IHS has been paid in advance for the specific project work to be done, no check will be issued in the case of clients who are listed in the project summary.

The Notice to Proceed is a confirmation that the ONHIR has accepted the IHS feasibility report and cost estimate, and that the client relocation and construction contracts have been signed.

8. Housing Specialist Notification to IHS at the Time of Footing and Foundation. After the house has passed the footing and foundation inspections, the housing specialist will issue Notification of Passed Footing and Foundation, form MM#1774.2, to the IHS District Engineer. The District Engineer will forward the information to the appropriate service unit field engineer within 1 week of receipt of the report.

This report will alert the Engineer that the contractor's heavy equipment is off the site and IHS can proceed to install the septic tank and begin construction on the water and/or sewer lines.

9. Subsequent Notifications to IHS by Housing Specialist. As long as house construction progresses smoothly according to the terms of the construction contract, no further formal notifications to IHS are required. However, the housing specialist will inform the District Engineer by memo if construction is halted for any reason, or other unusual event occurs which will impact the construction work to be done by IHS.

10. Monitoring by ICB Inspector. At the time of interim inspection, the ICB inspector will check whether or not there appears to be activity by IHS at the construction site. If no activity is observed, the inspector write this up as a carry-over item to be checked at the next inspection. When the report reaches the Construction Supervisor, the Supervisor will issue a brief memo to the District Engineer that no activity has been observed.

Activity at the Time of Sheetrock Inspection. If at the time of sheetrock inspection there still appears to have been no construction by IHS, the inspector will again write this up as a carry-over item to be checked at the final inspection. When the report reaches the Construction Supervisor, the Supervisor will issue a brief memo to the District Engineer asking about the status of sanitary facilities construction.

ICB will schedule an inspector to visit the site prior to final inspection for the purpose of checking on IHS activity and informing the ICB Supervisor on the installation of facilities.

12. Post Move Follow-up In Cases Where Water/Power is Not Connected at the Time of Client Move-In. If the client reports after moving in that he/she does not have water/sewer or power, the staff member who receives the complaint will ask whether or not the client has gone to the NTUA district office to fill out the service agreement and pay the meter deposits. If the client confirms that he/she has done this, the complaint will be reported to the ICB Supervisor.

The ICB Supervisor will contact the District Engineer (if the problem is water or sewer service) or the NTUA district supervisor (if the problem is power) to find out about the reasons for delay. The Supervisor will also check the bi-weekly IHS Permitting Report to see if there is an entry for date of beneficial use.

If the problems cannot be resolved at the supervisors' level, the ICB Supervisor will report the matter to the ONHIR Deputy Director, and may issue a letter to the appropriate authority through the Deputy Director, requesting action to resolve the problem and service hookup as soon as possible.

1774.4 Action of the Finance Branch to Track Draws Against Project Funds Paid IHS.

The Construction Inspection Branch will route the Finance Branch a copy of the memorandum of agreement and attached list of clients to be served by the project as soon as the MOA is finalized and circulated for signature. These documents will be placed in the IHS vendor file. The Finance Branch will use the list of clients to record amounts credited to the the clients' accounts. The Tuba City District Engineer will provide the ONHIR Finance Branch with a copy of the signed MOA with its request for funds transfer, and the signed MOA and client list will replace the initial MOA in Finance files.

After the housing contract documents have been executed, the housing specialist will route a copy of the Relocation Contract to the Finance Branch (see MM#1645.3 #5). If the client is being served under the terms of the A38 or subsequent project, the housing specialist will note the IHS project number in parenthesis next to the IHS cost estimate. As a double check, the Accountant will check the name of all clients moving to on-reservation sites (excepting New Lands) with the list of project clients to assure that no separate payment is issued to IHS for clients included in project monies.

The Accountant will enter the dollar amount to be offset to the amount advanced to IHS on the client list next to the client's name (if no list is available the accountant will prepare a manual worksheet with client names and casefile numbers as the contracts are forwarded by housing). Periodically (no less frequently than semi-annually) this worksheet will be checked for accuracy by matching the entries with records maintained by the District Engineer.

1774.5 New Lands Water/Sewer Service.

Houses constructed on the New Lands are not covered by the project agreements described in this section of procedures. However, in order to assure that water service is available when New Lands houses complete construction, the Assistant Land Use Manager will issue Notice to Proceed to ICB and Housing Acquisition when IHS Beneficial Use is scheduled to be accomplished in two months. Previously, the Notice to Proceed was issued four months prior to scheduled Beneficial Use.

The Assistant Land Use Manager will send a copy of the Notice to Proceed to the IHS District Engineer, to alert him to the pending construction activity. After routing a copy of the Notice, the Assistant Land Use Manager will contact the District Engineer to confirm that Beneficial Use for water service will be completed by the date scheduled.

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	_____
MANUAL	SUBJECT	1774	Infrastructure Development:	APPROVED
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				IHS/NTUA Coordination 09/03/93

The Assistant Land Use Manager will monitor the construction activity. Any change in land use status which impacts water line construction; or change in the IHS schedule which will impact residential housing construction, will be promptly communicated to the affected offices - IHS District Engineer, ONHIR Housing and Inspections.

SECTION 1700 SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1780 DEED RESTRICTIONS

AUTHORITY: Executive Director's Memorandum of March 7,
1984

POLICY.

The ONHIR will require that house titles issued to clients moving off-reservation after March 7, 1984 contain a restriction that is recorded in the deed of their replacement property. The restriction is as follows:

"This property may not be sold, transferred, assigned or encumbered for a period of two years from the date of this conveyance without consultation by the Relocatee with the Office of Navajo and Hopi Indian Relocation.

Such consultation shall include an evaluation of the terms of the proposed transaction, the obligations to be incurred by the Relocatee, and the overall economic advisability of the transaction and shall be evidenced by a signed document from the Office of Navajo and Hopi Indian Relocation verifying such consultation.

In the event of a lender's acquisition of the property pursuant to a foreclosure or deed in lieu of foreclosure (which shall not require authorization by the Office of Navajo and Hopi Relocation) this restriction shall become null and void."

The purpose of the deed restriction is to discourage relocatees from entering into transactions, most commonly to sell their house or borrow money using the house as collateral, without careful consideration. Clients wishing to transact any business with their property within the first two years following their relocation must consult with the ONHIR. ONHIR staff will analyse the terms of the proposed transaction, evaluate the transaction for economic advisability, and inform the client of the results of the evaluation. ONHIR's written response will serve as proof to the lender/buyer that the client has consulted with the agency.

1781 PROCEDURES.

GENERAL. A client who has acquired an off-reservation relocation house may decide to borrow money using the replacement home as collateral. Less frequently, the client may decide to sell the house, or transfer the house in trade for other real or personal property. The role of agency staff is to offer advice regarding the overall economic advisability of the proposed transaction. However, the final decision about whether or not to pursue the transaction rests with the client and the other party involved in the transaction. The client may be advised to seek legal assistance and consumer credit counseling before proceeding with the transaction.

During pre-move advisement, the relocation specialist will inform the client of the deed restriction which will be recorded on the title, the purpose of the restriction, and the requirement that the client contact the ONHIR prior to selling the house or using it as collateral on a loan.

The Relocation Operations Manager is responsible for review and evaluation of a client's request for a deed restriction waiver. The ROB Manager may delegate this responsibility as appropriate.

As negotiations associated with a sale or loan require a prompt response, the ONHIR will respond to the client within 5 working days of receipt of all information needed to evaluate the proposed transaction.

1. Information Required For Evaluation.

A client who wants to enter into a transaction which requires review of the deed restriction will be referred to the Relocation Operations Branch. The ROB Manager will assure that the client supplies the information required for ONHIR to evaluate the proposed transaction. The ROB Manager or designee will give the client a copy of Form MM#1780.1, Deed Restriction Information Request, and will instruct the client on how to fill it out. These forms are frequently filled out by the lender and the client working together to define the terms of the proposed transaction.

The client must supply the following information:

- type of transaction
- amount of loan, name and address of lender
- terms of loan: duration, interest rate, balloon payment (if any), dollar amount of monthly payments.
- reasons for the transaction
- client's current income: amounts and sources
- client's financial obligations: fixed payments, including

taxes, utilities, insurance, other; as well as any outstanding loans and credit card debt, including outstanding amounts due and current monthly payments.

If the transaction is not a loan but a sale or transfer, the ROB Manager will make sure that all information has been provided: buyer or transferee, amount of sale, terms of sale, special conditions.

2. Preparation of Response.

The ROB Manager will prepare a letter for review and signature by the Deputy Director advising the client of the ONHIR's evaluation. The Manager will forward the letter and the Deed Restriction Information Request Form, if appropriate, to the Deputy Director. The letter will include the following elements:

a). It will spell out the nature and terms of the transaction and the client's reasons for wanting the loan, sale, or transfer.

b). It will state the specific financial commitment which the client is incurring (ie. amount of monthly payments, penalties for late payment, balloon amount) and the potential consequences if the client is unable to meet the commitment.

c). If the client is incurring a loss (ie. through sale or transfer of the house for less than its original or appraised value) the letter will point that out.

d). The letter will point out any incidental costs, such as processing or settlement fees, which the client may not have considered in calculating how much he/she will receive from the loan or sale.

e). The letter shall advise the client that the ONHIR has neither the authority nor funding to assist the client if he/she are unable to meet financial commitments incurred through the transaction. The letter shall advise the client to seek legal review or financial counseling.

f). The letter shall state the ONHIR's response, and will explain ONHIR's reasons for its recommendations for or against the transaction. The ONHIR will:

- 1). Approve the transaction without reservation.
- 2). Approve but with specific reservations or approve part of the transaction but not all elements.
- 3). Disapprove the transaction.

3. Action of Deputy Director.

The Deputy Director will review the draft letter and the information relating to the transaction. The Deputy Director may instruct the ROB Manager to obtain additional information or to revise the response to the client.

After all aspects of the transaction have been fully considered, the Deputy Director will sign the letter of response to the client. A copy will be placed in the client casefile.

4. Client Disagreement with Agency Determination.

A client who disagrees with the determination may request reconsideration provided he/she is able to provide new information about the transaction. The determination issued by the Deputy Director may not be formally appealed. The client may request review by the Executive Director.

SECTION 1700 SPECIALIZED PROCEDURES

SUBJECT 1790 PAYMENTS TO ESTATES

AUTHORITY: 25 CFR 700.127, 25 CFR 700.145

POLICY.

In the event of the death of an applicant with no household remaining to be relocated, the Office of Navajo and Hopi Indian Relocation shall issue relocation assistance benefits to the decedent's estate provided the decedent meets the entitlement requirements established by Office regulations.

- If the deceased applicant was either certified or denied and owned improvements, the Office may acquire the improvements and issue payment to the estate pursuant to 25 CFR 700.127 or 25 CFR 700.145; and 25 CFR 700.111 et seq. and this chapter of the Management Manual.

- If the applicant was certified and had reached a stage in the case processing during which search expenses had been incurred, the Office shall pay expense reimbursement to the estate pursuant to 25 CFR 700.151, 700.155. Cases in which search expense is the only payment to be disbursed will be handled by the Team Leader of the branch processing the client's relocation at the time of death.

- If death occurs after a certified applicant has signed the relocation contract but before construction has begun, the Office shall reimburse the contractor incurred costs from the client's relocation benefit. If house construction has begun, the ROB Supervisor will prepare a recommendation to the Deputy Director for continuing or halting house construction. The decision shall consider the feasibility of securing the partially constructed dwelling, and other circumstances peculiar to the case. The Office shall disburse the amount remaining from the client's housing benefit to the estate, or shall assign the house to the estate, pursuant to a probate order issued by a court of competent jurisdiction.

In order for the Office to issue an estate payment there must be no surviving household requiring relocation. A surviving household for these purposes is defined as the immediate household consisting of spouse and/or minor children, and/or other dependents who reside with the applicant and are included as household members on the application for relocation assistance. If there is a surviving household, cases will be processed pursuant to Management Manual §1714 or §1746 depending upon the makeup of the family remaining to be relocated.

Payment to an estate will be processed by the Office upon receipt of a properly executed Final Order of Distribution issued by a court of competent jurisdiction. The Court Order shall suffice as proof of ownership of the improvements in lieu of posting the property and obtaining an Affidavit of Ownership as is done in other cases.

PROCEDURES.

1790.1 Action Required on all cases.

1. Notification of Death of an Applicant.

When the Office learns of the death of an applicant (certified or denied) the staff member who receives the information will record it on Case Narrative Form #1410.7 (or in a memo to the file) and complete form #1714.4, "Record of Deceased Notification" and forward the file to the Team Leader. The staff member will also request from the family a copy of the death certificate, published obituary, funeral or memorial announcement, or other written documentation evidencing the client's death. After review by the Team Leader the file will be delivered to the ROB Supervisor who shall determine the appropriate program action to be taken, depending upon the client's case status and individual circumstances.

When the ROB Supervisor has determined if the case should be closed or if there exists a household remaining to be relocated, the file will be transferred to the Deputy Director for final approval of the proposed program action.

2. Decedent with Household Remaining to be Relocated

In the event a deceased client leaves a household remaining to be relocated, the procedures set forth in MM#1714 or MM#1746 shall be implemented, based upon the relationship of the surviving household to the deceased. No payment to an estate will be made by the ONHIR.

3. Decedent with No Household Remaining to be Relocated.

In the event the ROB Supervisor determines that there is no household remaining to be relocated and the Deputy Director has entered his concurrence, the case file will be closed. The file will be routed to the Information Systems Team Leader who will enter the applicable deceased code and other relevant data on the automated records.

4. Inquiries About Estate Payments in Cases With no Household to be Relocated.

Inquiries about estate payments will be routed to the Agency Legal Counsel. The Legal Counsel shall inform the person making inquiries to seek legal assistance in petitioning the Navajo Nation District Court for the appointment of an administrator/administratrix and distribution of the estate.

Legal Counsel shall provide the person with copies of the Office's regulations and procedures governing estate payments; and advise that a copy of the case file and/or appraisal file can be made available to the administrator/administratrix upon the submittal of a properly executed FOIA request.

No information from the case file or appraisal file will be released until a FOIA/Privacy Act Request has been received by the ONHIR.

5. Receipt of Orders of Distribution.

Court Orders of Distribution received by mail or delivered by hand shall be date stamped and routed to Legal Counsel, who shall review the case. Agency Legal Counsel shall consult with the Deputy Director as necessary about staff action needed in order to respond to a particular order.

Depending upon the type of benefit to be distributed, the Deputy Director will route the Order to the appropriate Team Leader for processing, upon completion of the initial review.

Distributions of payment for improvements will be routed to the ROB Supervisor for processing.

Distributions of search expense reimbursement, or distributions of benefits vested by the relocation contract will be processed on a case by case basis according to the provisions of the Court Order, Office operating procedures, and any special instructions of the Deputy Director.

1790.2 Payment for Improvements.

1. Criteria for Issuing Cash Payment for Improvements to an Estate.

In order for the ONHIR to issue payment to an estate for improvements owned by a deceased client, the following conditions must be met:

a. Application. The decedent must have submitted a completed application for relocation assistance benefits. If the decedent had submitted a completed application, and was pending an eligibility determination at the time of death, further activity regarding eligibility determination may cease. An eligibility determination shall not be required in order to process the payment of appraised improvements pursuant to a Court Order.

b. Appraisal record. The deceased applicant must be shown as the owner of improvements according to Office appraisal records as of the date of death. If the decedent did not have an appraisal record the Office may honor the findings of a court of competent jurisdiction regarding the applicant's ownership of improvements on the Hopi Partitioned Lands. The Office will conduct an original appraisal of any unappraised properties.

2. No Application on File. Agency Legal Counsel shall verify that the criteria for payment is met. If the decedent had not submitted a completed application, the Legal Counsel shall inform the decedent's legal representative that no distribution can be processed.

Refusal to issue an estate payment in the case of a person who has not submitted a completed application for relocation assistance benefits cannot be appealed under the agency administrative appeal process.

3. Review of Appraisal File and Request for Re-appraisal.

Either before or after the Order of Distribution is received, the administrator/ administratrix may contact the ROB Supervisor regarding the content of the appraisal file. The supervisor shall first verify that the Office has received a Court Order appointing this person as administrator/administratrix of the estate and has received a properly executed FOIA/Privacy Act Request. Upon the request of the administrator/administratrix the supervisor shall review the contents of the appraisal file and if necessary, order a re-appraisal of the property.

In the event that the ONHIR had not previously obtained an Affidavit of Ownership nor posted and advertized the improvements, the Court Order will suffice as proof of ownership. These activities will not be required in cases where a re-appraisal is performed for an estate.

4. Notice of Determination and Offer of Fair Market Value.

Following receipt of the Distribution Order and re-appraisal (if one is conducted) the ROB Supervisor shall prepare a Notice of Determination and Offer of Fair Market Value for improvements. The Notice shall be issued to the administrator/administratrix through the legal representative. The ROB Supervisor shall sign the Determination of Value.

The Letter of Determination of Value will list the improvements that have been identified as belonging to the decedent and the fair market value of each improvement which the Office is authorized to acquire. The letter will inform the administrator/administratrix that he/she has 30 days from the date of the letter in which to appeal the determination of value. This time period may not be waived by the administrator/administratrix or by the Office.

In preparing the Determination the supervisor shall verify that the improvements to be acquired are not excluded from payment by Office regulations or procedures. Improvements excluded from payment include, but are not limited to:

- District VI properties;
- Properties located on lands belonging to the tribe of which the applicant is a member;
- Properties for which payment has already been issued;
- Range improvement structures such as dams, artesian wells and pumps, impoundments, corrals and loading chutes, district fence lines, etc., constructed by federal or tribal entities on the decedent's traditional use area.

5. Calculating the Value of Improvements.

The value of the improvements is initially calculated as the date of the original appraisal. The *Boeckh Cost Modifier* will be applied as of the date of the death of the applicant. The ROB Supervisor

shall manually calculate this amount and enter it in the automated records.

6. Quit Claim to ONHIR.

The ROB Supervisor will prepare a Quit Claim deed listing the improvements to be turned over to the ONHIR by the estate. The Quit Claim deed will be enclosed with the Notice of Determination of Value. Both documents will be mailed, registered mail, to the legal representative, with a cover letter requesting that the administrator/administratrix sign the Quit Claim deed in the presence of a notary and have the document notarized, and return it to the Relocation Operations Branch. A pre-addressed, postage prepaid envelope will be enclosed for the return of the Quit Claim deed.

7. Request for Modification of Court Order.

If the Court Order lists a dollar amount for the value of the improvements, the ROB Supervisor shall compare it with the amount calculated by the ONHIR. If the amounts are different, the Supervisor shall write to the administrator/administratrix and request that the Court Order be modified to reflect the amount as calculated by the ONHIR. The Supervisor will explain the reason for the difference in amount and will enclose the Determination and the prepared Quit Claim Deed in the letter to the administrator/administratrix. The cover letter shall request that the signed and notarized Quit Claim deed be returned with the modified Court Order. When both documents are received, and the 30 day period for appeal of the Determination of Value has expired, the Housing Supervisor shall prepare the Disbursement Voucher Request.

8. Appeal of Notice of Determination of Value.

The administrator/administratrix disagrees with the Determination of Value, an appeal may be filed according to Office procedures (Management Manual §1330). No payment shall be issued until the appeal is withdrawn or receives final agency action.

At the end of 30 days if no written appeal of the Determination of Value has been filed, the ROB Supervisor shall prepare the Disbursement Voucher Request.

9. Disbursement Voucher Request.

The ROB Supervisor will obtain a document number and a vendor number from the Fiscal Branch and enter these numbers on the Disbursement Voucher Request.

The estate payment will be issued to the administrator/administratrix who is subsequently responsible for paying any debts of the estate and disbursing the remainder to the heirs named in the Court Order. The Office will not issue separate disbursements to the named heirs.

The Financial Officer shall order the check at the request of the ROB Supervisor. The check shall be payable to the administrator/administratrix to be sent to the ONHIR. When the check is received by the office it will be sent by certified mail, return receipt requested, to either the legal representative or the

MANAGEMENT	SECTION	1700	SPECIALIZED PROCEDURES	_____

MANUAL	SUBJECT	1790	Payments to Estates	APPROVED
				_____1/31/01

administrator/administratrix as instructed by the ROB Supervisor.

10. Property Disposal.

Property acquired in connection with an estate payment shall be turned over to the tribe of which the decedent was not a member pursuant to the Office Property disposal procedures.

SECTION: 1800 NEW LANDS PROGRAM

SUBJECT: 1810 LAND USE APPROVALS: Rights-of-Way, Leases,
and Withdrawals.

AUTHORITY: P.L. 99-190; P.L. 93-531 as amended by P.L. 96-305
and P.L. 100-666; legal opinion dated June 5, 1990

POLICY:

Public Law 100-666 transferred all powers and duties of the Secretary of Interior relating to relocation of Navajos from the Hopi Partitioned Lands, derived from P. L. 99-190, to the newly created position of Commissioner on Navajo and Hopi Relocation. The powers and duties vested in the Commissioner include the authority to issue withdrawals, leases, rights-of-way, and other land use approvals previously exercised by the Secretary of the Department of Interior.

Public Law 100-666 further vested the Commissioner with sole authority for final planning decisions regarding the development of lands acquired pursuant to P. L. 93-531, as amended, until such time as the Commissioner has discharged his statutory responsibility under the Act.

In order to develop the New Lands for resettlement, the Office of Navajo and Hopi Indian Relocation (ONHIR) will withdraw sections of land for residential use and other purposes compatible with the master plan; and shall grant appropriate requests for rights-of-way, homesite leases, business and community services facilities, and other purposes compatible with the plan. In general, the forms and documentation used by ONHIR for land use approvals will be similar to those used by the Bureau of Indian Affairs and the Navajo Nation for land use applications on the remainder of the Navajo Indian Reservation. With the exception of homesite lease processing, described in Sec. MM#1810.31, land use approvals will be processed as illustrated on Attachment MM#1810.A.

1810.1 RIGHTS-OF-WAY

1810.11 Application for Right-of-Way.

General. Applications for rights-of-way (ROW) on the New Lands shall conform to the requirements of 25 CFR 169. Applicants should refer to these regulations for comprehensive instructions regarding various types of right-of-way applications.

Utility and road rights-of-way on the New Lands are generally requested by the agencies cooperating with ONHIR in the development of the New Lands: BIA Branch of Roads, Indian Health Service, Navajo Tribal Utility Authority, and Table Top Communications.

1. An agency/organization requesting a right-of-way will submit the following documents to ONHIR:

a. Application for Right-of-Way, ONHIR form MM#1810.1.

b. Map of Definite Location: Two mylars and six blue line copies of the map for the proposed right-of-way. The map must contain an affidavit executed by the engineer or registered surveyor who made the survey and a certificate executed by the applicant, both certifying to the accuracy of the survey and maps. All submissions must have original signatures.

c. Legal Centerline Description: Narrative description of the legal centerline will be included on the map or attached to it. The description will give the total length and acreage and the width of the right-of-way.

d. Archeological Survey and Clearance: Three copies of the archeological survey and clearance document. Consultation on this document must have been completed with the Arizona State Historic Preservation Office (SHPO) and the Navajo Nation Tribal Historic Preservation Office (NNTHPO). Concurrence on the lead agency's recommendations must have been obtained from the NNTHPO.

1810.12 Initial Review by ONHIR.

The ONHIR Land Use Manager will review the completed application for content and conformity to the master development plan for the New Lands. If the Manager determines that there are problems with the submission, the document(s) in question will be returned to the applicant to be completed or corrected.

1810.13 Review by Navajo Area Office, the Nahat'a' Dzill Chapter, and the Navajo Nation.

1. After completing the initial review, the Manager will send one complete set of the ROW application documents to the Nahat'a'Dzill Chapter, BIA Navajo Area Office Branch of Real Property Management, Window Rock; and the Navajo-Hopi Land Commission Office, Window Rock.

2. The application will be sent certified mail. The BIA, Nahat'a'Dzill Chapter, and the Navajo Nation shall have 30 days to review and comment on the proposed right-of-way.

3. The Land Use Manager will request written responses from the Nahat'a'Dzill Chapter, Navajo Area Director of the BIA, and the Navajo Nation President, or designee, regarding their review of the ROW submission. The Land Use Manager will respond to any concerns of a technically valid nature which are raised by any of these parties.

1810.14 Final Approval by ONHIR.

1. After the 30 day period has expired, and/or negotiations about concerns of a technical nature have been resolved, the Land Use Manager will assign a project number and prepare the Grant of Easement for Right-of-Way, Form MM#1810.2, for the Commissioner's signature.

2. The Land Use Manager will attach MM#1810.2 Attachment A, ONHIR Land Clearing, Excavation and Reclamation Stipulations for Rights-of-Way to the grant document. This attachment sets forth stipulations developed by the Navajo Area Office for grantees constructing rights-of-way on the Navajo Reservation, and has been adopted by the ONHIR for ROW construction on the New Lands.

3. The grant award document and map will be forwarded to the Commissioner on the Navajo and Hopi Indian Relocation for approval and signature.

1810.15 Title Registration and Distribution of Approved ROW

1. Following the Commissioner's approval, the Manager will prepare U.S. GPO form 1988-576-720-85119 to register the right-of-way with the Southwest Regional Land Titles and Records Office (SWRLTRO).

2. The Manager will retain the white copy (3rd copy) of the registration form and will attach the pink and yellow copies (1st and 2nd copies) to the documents being transmitted. The ONHIR will attach one original and two copies of the right-of-way map to the registration form.

3. The documents will be sent by certified mail.

4. The SWRLTRO will process the land title registration and will retain the original map, unless ONHIR requests its return. The SWRLTRO will return the

MANAGEMENT SECTION 1800 NEW LANDS PROGRAM
MANUAL SUBJECT 1810 Land Use Approvals

APPROVED
05/31/02

yellow copy of the completed registration form to the ONHIR. When the documents are received, the Land Use Manager will make copies and file the originals with ONHIR records on the right-of-way.

5. The Land Use Manager will send complete sets of all documents and a copy of the SWRLTRO registration form to the Nahat'a'Dzill Chapter, the BIA Navajo Area Office Branch of Real Property Management; and to the Navajo-Hopi Land Commission.

1810.2 LAND WITHDRAWALS

General. Land withdrawals will be initiated by ONHIR in order to develop residential subdivisions and other New Lands areas in accordance with the master plan.

Land withdrawals may also be prepared and processed by ONHIR on behalf of New Lands residents, the Navajo Nation, or other entity requiring use of an area of the New Lands which is compatible with the master plan. In this case, the Land Use Manager will require the requesting party to submit a resolution from the Nahat'a' Dziil Chapter supporting the withdrawal, and may require the requesting party to obtain a legal survey and archaeological assessment of the area to be withdrawn.

Residential subdivisions will be the most common type of land withdrawal issued by the ONHIR. Other types of withdrawals may include land withdrawn for the construction of community service facilities, recreational facilities, commercial/industrial facilities, agricultural purposes, and religious activities.

1810.21 Preparation of Land Withdrawal Documentation.

1. Documentation required for land withdrawals will be obtained or prepared by technical staff of the New Lands Branch. The legal description will be furnished to the ONHIR by the party requesting the withdrawal. Legal descriptions will identify the perimeter boundaries of the land to be withdrawn and will show as applicable the locations of all roads, utility corridors and lease boundaries within the area.

2. The withdrawal plat will include the title of the proposed withdrawal. It will contain the following signature blocks:

a. Applicant's Certificate, setting forth the title and authority of the applicant. This block will generally be signed by the Land Use Manager.

b. Dedication and Approval (by Commissioner in lieu of Navajo Nation) to be signed by the Executive Director of ONHIR as delegated by the Commissioner.

c. Bureau of Indian Affairs Approval, to be signed by the Area Director, Navajo Area Office. Pursuant to the letter issued to the ONHIR Land Use Manager by the Acting Assistant Area Director, NAO, dated May 29, 1991, this signature is not required. However, ONHIR will request technical review and approval by the NAO prior to final approval of the withdrawal by the Commissioner on the Navajo and Hopi Indian Relocation.

3. The Land Use Manager will obtain archaeological clearance documents for the land proposed for withdrawal.

4. Pursuant to P. L. 93-531 as amended by P. L. 96-305, the ONHIR is exempt from the provisions of the National Environmental Policy Act of 1969.

5. When the withdrawal plat, archaeological documents, and all related materials have been assembled, the Land Use Manager will sign the Applicant's Certificate on the original mylar and will prepare the withdrawal for review by the BIA and the Navajo Nation.

1810.22 Review by Navajo Area Office, the Nahat'a'Dzill Chapter, and the Navajo Nation

1. The Land Use Manager will send the original mylar and three copies of the plat, plus two copies of the archaeological survey and clearance documents and any relevant related documentation to the BIA Navajo Area Office Branch of Real Property Management, Window Rock.

2. Concurrent with the review by the NAO, the Manager will provide three copies of the plat plus two copies of the archaeological survey and clearance documents and any relevant related documentation to the Nahat'a'Dzill Chapter, and the Navajo-Hopi Land Commission Office, Window Rock.

3. The withdrawal plat and documents will be sent certified mail. The BIA, Nahat'a'Dzill Chapter, and the Navajo Nation, shall have 30 days to review and comment on the proposed withdrawal.

4. The Land Use Manager will respond to any concerns of a technically valid nature which are raised by the BIA, the Chapter, or the Nation during the comment period.

5. The ONHIR will request the BIA Navajo Area Director to sign the specified approval block on the plat prior to returning it; however, approval by the Area Director is not required for title registration following ONHIR approval.

1810.23 Final Approval by ONHIR.

1. After the 30 day period has expired, and/or negotiations about concerns of a technical nature have been resolved, the Land Use Manager will assign a project number and prepare the withdrawal for the Commissioner's signature.

2. The plat will be forwarded to the Commissioner on Navajo and Hopi Relocation for approval and signature.

1810.24 Title Registration and Distribution of Approved Land Withdrawal.

1. Following the Commissioner's approval, the Manager will prepare U.S. GPO form 1988-576-720-85119 to register the withdrawal with the Southwest Regional Land Titles and Records Office.
2. The Manager will retain the white copy (3rd copy) of the registration form and will attach the pink and yellow copies (1st and 2nd copies) to the documents being transmitted. The ONHIR will attach the original and two copies of the withdrawal plat to the registration form.
3. The documents will be sent registered mail.
4. The SWRLTRO will process the land title registration and will return the original plat and the yellow copy of the completed registration form to the ONHIR. When the documents are received, the Land Use Manager will make copies and file the originals with ONHIR records on the withdrawal.
5. The Land Use Manager will send complete sets of all documents and a copy of the SWRLTRO registration form to the BIA Navajo Area Office Branch of Real Property Management; the Nahat'a'Dzill Chapter, and to the Navajo-Hopi Land Commission.
6. The Land Use Manager will also send a copy of the approved plat to the Apache County Recorder in St. Johns, Arizona, for recording in said county.

1810.3 LEASES

General. Individuals and entities wishing to lease an area of land within the boundaries of the New Lands shall apply to the Office of Navajo and Hopi Indian Relocation. The applicant shall submit the application forms and supporting documents required by ONHIR for the type of lease identified by the applicant. Types of leases which the Office may grant upon receipt of properly executed documentation include, but are not limited to: homesite leases, commercial leases, mineral leases, industrial leases, and leases to non-profit entities such as religious, educational, community service, and governmental agencies and organizations.

1810.31 Homesite Leases.

General. Guidelines for eligibility for residential homesite leases in the rural community and in the range units are set forth in MM#1820.

1. Homesite Lease Application Form. The Office of Relocation will utilize Navajo Nation Forms 200-65, revised 1993 pursuant to resolution of the Navajo Nation Council Resources Committee RCD-289-93. (ONHIR Form MM#1810.3)

2. Obtaining a Homesite Lease Application. While the clients are in the counseling phase, the Relocation Specialist will obtain a completed homesite lease application from clients who want to move to the Rural Community or one of the range units. Two forms are required: the Homesite Lease Application Form and the Eligibility Requirements form.

a. Homesite Lease Application Form. The specialist or client will fill out the top of the form with the client(s) name(s), census number(s), age(s), address, and phone number (if applicable). The New Lands Branch will complete the lower portion of the form. The names and census numbers must match exactly the names and census numbers on the clients' CIB forms.

b. Eligibility Requirements. The client(s) must sign the second page of the Eligibility Requirements form next to the "X". ONHIR staff should sign on the witness line and date the applications if they assist the client(s). Two witnesses are required for thumbprints, and each witness can sign on the lines provided. Pages with signatures or other information which has been whited out are not acceptable.

3. CIB and Money Order. A Certificate of Indian Blood (CIB) for each applicant and money order for \$15 must be attached to each application.

4. Action by ROB/Homesite Lease. The specialist will submit the completed homesite lease application to the Relocation Operations Homesite Lease Administrative Assistant (ROB/HSL) for review and data entry. Within two days of receipt of the completed lease, the Administrative Assistant will check that the

client(s) have no other leases in process; or that prior leases have been relinquished, assigned or retained according to ONHIR and Navajo Nation procedures. The Administrative Assistant will perform data entry of the actual relocation site and lot number (999 for undeveloped units). After data entry has been performed, the Administrative Assistant will route the file to the New Lands Branch.

5. Action of the Land Use Manager. Homesite lease applications will be routed to the Land Use Manager who will review the applications for accuracy and completeness. The Land Use Manager will check the automated file to verify that the location and lot number have been recorded. If approved, the Land Use Manager will deliver the Lease to the Information Systems Team Leader. The IS Team Leader will make the appropriate data entries in the automated records and return the lease to the ROB/HSL Administrative Assistant.

6. Field Clearance Certification for Homesite Lease Application. The Field Clearance Form is part of the package of forms required by the Navajo Nation. The ROB/HSL Administrative Assistant will prepare the form for the signature of the Land Use Manager, who will sign the form instead of the local grazing official or farm board member. Signature by the Land Use Manager shall constitute ONHIR's approval of the homesite lease.

Since the New Lands are not part of the traditional land use system of the Navajo Nation, names of grazing/land use permittees will not be listed. Instead, the Manager will cite P. L. 100-666, as derived from P. L. 99-190; which is the statutory authority vesting responsibility for New Lands development in the ONHIR Commissioner.

7. Submittal to ONLA. Upon the return of the documents from the IS Team Leader, the ROB/HSL Administrative Assistant will forward the Application for New Lands Homesite Lease and the New Lands Homesite Lease to the Office of Navajo Land Administration in Window Rock, Arizona. The ONLA will review the documents and prepare a survey plat which will be stamped by a Registered Land Surveyor. When the homesite lease has been approved by the ONLA the original lease, along with the survey plat, will be returned to the ROB/HSL Administrative Assistant.

8. Approval by ONHIR. The ROB/HSL Administrative Assistant will review the lease documents for completeness and forward them to the Land Use Manager for final review prior to delivery to the Executive Director for signature. When the lease has been signed by the Executive Director, the ROB/HSL Administrative Assistant will forward the original homesite lease to the Southwest Regional Land Title and Records Office for recording. After processing and recording, the SWRLTRO will return the originals to the ONHIR.

Upon receipt, the ROB/HSL Administrative Assistant will distribute the original and copies of the approved homesite lease as follows:

a. Navajo Area Office. One copy with original signatures will be retained by the NAO Branch of Real Estate Services.

b. Office of Navajo Land Administration (ONLA). One copy with original signatures and a copy of the survey plat will be routed to ONLA.

c. Client. One copy with original signatures will be issued to the client for their records.

d. ONHIR Records. One copy of the lease with original signatures, and the original survey plat, will be retained by the ONHIR for agency records.

1810.32 Business, Commercial, Industrial, Mineral and Non-Profit Leases

1810.321 Preliminary Letter of Application.

1. An individual or entity wishing to obtain a lease in order to conduct a profit or non-profit enterprise on the New Lands shall submit a letter of application to the Land Use Manager.

2. The letter shall contain the following information:

(1) Identification of applicant: name, address, business location and phone, name under which applicant conducts the enterprise.

(2) Description of the business or activity proposed: profit or non-profit, type of business or service, anticipated clientele, anticipated type and number of employees, anticipated hours of operation, and anticipated revenues.

(3) Proposed location of business or activity, approximate amount of acreage required, including description of road, rail, or air access to the lease site.

(4) Applicant's prior experience with such enterprise.

(5) Requested duration of lease, proposed start date for construction (if applicable) and proposed start date of enterprise.

(6) The reasons why the applicant wishes to establish the enterprise on the New Lands, and projected benefits to the residents of the New Lands and vicinity.

3. Upon receipt of a letter of application the Land Use Manager will review the request in terms of the comprehensive development plans for the New Lands and the qualifications of the individual or organization requesting the lease. The Manager may require the applicant to submit additional information prior to making a decision on the request.

4. The Land Use Manager will inform the applicant in writing of the agency's decision. If the application is denied, the Manager will inform the applicant of the reasons.

1810.322 Terms and Conditions of the Lease.

1. After approving the preliminary lease application, the Land Use Manager will negotiate the specific terms of the lease with the applicant.

2. The applicant will be required to submit additional documentation as appropriate for the nature of the enterprise. Documentation may include:

(1) Identification of lease site:

- Vicinity map
- Legal description
- Total acres of site

(2) Site plan:

- Access to site
- Traffic circulation within site
- Parking (parking spaces/square foot of building area)
- Location of building on site
- Landscaping
- Location and size of signage

(3) Building plan:

- Architectural drawing of building
- Total square footage of building
- Statement that building will meet all applicable building and safety codes
- Statement of proposed insurance coverage, including liability coverage.

(4) Operational plan:

- Description of the activities that will take place on lease site
- Total number of employees or personnel
- Hours of operation
- Warehousing requirements
- Anticipated level and type of vehicular traffic
- Anticipated utility requirements
- Liquid waste type, amount and disposal plan
- Solid waste type, amount and disposal plan

(5) Demonstration of financial capabilities, for commercial and industrial enterprises:

- Outline of capital investment needs
- Working capital needs
- Verification of loans or savings available for investment
- Articles of Incorporation
- Surety bond
- Evidence of authority to execute documents

(6) For Tribal, State and Federal governmental branch offices and service agencies:

- Inter-agency memorandum of understanding
- Articles of Incorporation
- IRS determination of non-profit status

3. If the lease requires land to be withdrawn for the location of the enterprise, the ONHIR will undertake land withdrawal according to the procedures in MM#1810.2.

4. If the enterprise requires new construction or remodel and renovation of an existing facility, the lessee may be required to obtain and/or pay the costs for an environmental impact assessment and a cultural resources assessment.

5. The lessee may not sub-lease the business or activity, nor sub-lease the facilities which it occupies, without prior approval of ONHIR. Buildings and related facilities constructed pursuant to the terms of the lease shall become the property of the lessor.

6. The Land Use Manager may require the lessee to obtain a resolution from the Nahat'a' Dziil Chapter or other community component, demonstrating the community's support of the proposed activity.

7. The Land Use Manager will determine the duration of the lease and lease fee, royalty, or percentage of gross or net revenue to be paid by the lessee. The lessee will be required to make the records of the enterprise available to ONHIR for inspection upon request; and may be required to have an annual audit performed on the accounts of the enterprise.

Mineral Leases. Applications for mineral leases and for prospecting permits shall meet additional requirements as specified in 25 CFR Part 211.

1810.323 Executing the Lease.

1. The ONHIR Legal Counsel will draft the lease agreement with technical assistance as needed from the New Lands Branch. The lease will include terms for cancellation and for renewal of the lease.

2. Prior to final approval by the Commissioner, the Land Use Manager will send copies of the lease with related documents to:

- a. The BIA Navajo Area Office Branch of Real Property Management, Window Rock.
- b. The Navajo-Hopi Land Commission Office, Window Rock.
- c. The Nahat'a'Dzill Chapter, or
- d. Any additional interested party who may be so designated by the Land Use Manager.

3. The lease and related documents will be sent by certified mail. The noticed parties (a thru d above) will have 30 days within which to review and comment on the proposed lease.

4. The Land Use Manager will consider comments received from the BIA, Chapter, the Nation, or designated interested party, during this period, and may modify the agreement accordingly.

5. After the review period has expired, the Land Use Manager will finalize the lease agreement (four original copies) and forward it to the Lessee for Signature.

6. When the executed lease (four original copies) has been returned to the ONHIR by the Lessee, the Land Use Manager will submit the lease to the Commissioner on the Office of Navajo and Hopi Indian Relocation for approval and signature.

1810.324 Title Registration and Distribution of Approved Lease.

1. Following the Commissioner's approval and signature, the Manager will prepare U.S. GPO form 1988-576-720-85119 to register the lease with the Southwest Regional Land Titles and Records Office.

2. The Manager will retain the white copy (3rd copy) of the registration form and will attach the pink and yellow copies (1st and 2nd copies) to a copy of the lease. The documents will be sent certified mail.

3. The SWRLTRO will process the lease registration and return the original documents and the yellow copy of the completed registration form to the ONHIR. When it is received, the Land Use Manager will make copies and file the original copy with ONHIR records on the lease.

4. The Land Use Manager will send complete sets of the lease documents and a copy of the SWRLTRO registration form to the BIA Navajo Area Office Branch of Real Property Management; the Nahat'a'Dzill Chapter, and to the Navajo-Hopi Land Commission.

5. The Land Use Manager will also send a copy of the approved lease to the Apache County Recorder, St. Johns, Arizona, for recording in said county.

SECTION: 1800 NEW LANDS PROGRAM

SUBJECT: 1820 PRE-MOVE COUNSELING, HOMESITE SELECTION
AND HOUSING ACQUISITION

AUTHORITY: P.L. 93-531 as amended by P.L. 96-305 and P.L.
100-666; P.L. 99-190; legal opinion dated June 5,
1990; Policy Memorandum #2, dated October 30, 1991.

POLICY.

The Office of Navajo and Hopi Indian Relocation shall develop and administer the New Lands acquired pursuant to P.L. 93-531, as amended, until relocation under the Office's plan is complete; at which time political and administrative authority shall be transferred to the Navajo Nation in accordance with the agreements developed to accomplish that transfer.

REQUIREMENTS ASSOCIATED WITH NEW LANDS RELOCATION.

1. Rural Community. Any certified eligible head of household who is awaiting relocation is eligible to select a homesite lease in the rural community.

2. Range Unit.

a. Carrying Capacity. Settlement on a range management unit is governed by the number of grazing permits which can be issued for the unit. Prior to settlement of the range units, the ONHIR determined the maximum number of permittees which each unit could support, based upon minimum carrying capacity of 80 SUYL per permit.

b. Identification of Eligible Permittees. The ONHIR will maintain a list of clients who are eligible for a New Lands grazing permit according to the criteria set forth in 25 CFR 700.709 and 700.711. All eligible individuals have been notified of their eligibility (hand delivery of notices to all eligible persons October, 1990 and subsequent interviews with clients and non-applicants). These individuals shall be awarded a grazing permit in their preferred range unit (provided space is still available) upon submitting an application for grazing permit and application for homesite lease in the unit. A permittee must live in the residential subdivision of the range management unit where they want to graze.

Clients who are not on the ONHIR list of eligible permittees who believe they should be included, will be referred to the Land Use Manager. The Manager shall investigate and respond to the claim according to MM#1846.

c. Sponsorships. Permittees may sponsor other individuals who

MM#1820

Reissued 5/31/2002; Reissued 3/07/01
Issued 12/13/96

are certified eligible heads of household awaiting relocation to move to the same range unit. The permittee must sign the relocation contract before sponsored family members may sign relocation contracts.

d. Discretionary Permits. Individuals eligible for New Lands grazing permits have exclusive right to the award of a grazing permit for a specific period of time. The ONHIR will determine when the period for award of preferential permits will close and will publish the date. After this period, the ONHIR may issue discretionary permits on the New Lands in order to facilitate relocation. At that time, individuals whose names are on the list of eligible permittees may compete for available permits on a first-come, first-served basis with applicants who meet eligibility criteria for discretionary permits. **Discretionary Grazing Permit Procedures can be found at MMS1860.**

MM#1820

Reissued 5/31/2002; Reissued 3/07/01
Issued 12/13/96

PROCEDURES.

1821. INFORMATION ABOUT NEW LANDS DEVELOPMENT.

General. Staff of the New Lands Branch will keep other ONHIR offices informed of development activities as they impact client case processing. The Relocation Specialist will provide the clients with information about the New Lands and procedures for selecting a rural community or range unit homesite lease and applying for a grazing permit. Relocation Specialists who are working with permittees moving to range units will coordinate closely with range staff on client involvement in range management plans, issuance of grazing permits, and livestock hauling.

1. New Lands Branch. The Land Use Manager, and other New Lands staff as appropriate, will provide periodic briefings to other branches of the agency regarding development activity. Staff of the New Lands Branch will perform data entry in the automated files of grazing permit approvals in order to assure that permittee information available through the computer is up-to-date. New Lands staff will coordinate/cooperate with the Relocation Operations Branch in arranging and conducting client tours of the New Lands.

The Land Use Manager will keep the other branches of the agency informed of the anticipated development schedule for the range units; and for initial and expansion residential subdivisions. The Land Use Manager will provide periodic updates of maps of the residential subdivisions showing homesites assigned and available. The maps will also show street names and lot numbers, utilities, and access routes.

New Lands staff will prepare briefing papers on the subjects which are presented to clients during the New Lands tours. The briefing papers cover the following subjects:

- (1) Community Development
- (2) Counseling/Advocacy Services
- (3) Range Management
- (4) Homesite Lease Requirements and Processing

2. Relocation Operations Branch. Each Relocation Specialist will familiarize him/herself with information contained in the briefing papers and recorded in the automated records. If the specialist is unable to answer a client's questions regarding the New Lands, the specialist will contact a New Lands staff member responsible for that function to get the information requested. Information which the specialist is expected to know includes:

- 25 CFR Part 700 Subpart Q (New Lands Grazing Regulations), and basic information about the range management system and moving livestock to the New Lands.

MM#1820

Reissued 5/31/2002; Reissued 3/07/01
Issued 12/13/96

- eligibility requirements for a grazing permit and a homesite lease, and the process for selecting and applying for a New Lands grazing permit and homesite lease.
- information in the automated files which is available client file inquiry (New Lands Range/Permit Inquiry) and reports (New Lands Query Reports).
- the most recent maps of the rural community and range units distributed by the Land Use Manager.
- information about the school system and vocational education opportunities on the New Lands; health, social service, police, and fire services on the New Lands.
- printed information available about the New Lands, including the Resource Directory and the bimonthly newsletter.

3. Information Systems. The following information on actual and potential New Lands clients is available in the automated records.

a. Client File Data. The Client/Member Master file provides information about a client's eligibility for a New Lands grazing permit. Information is also available about a client's preferred and actual relocation site; and if a client selects a New Lands lot or applies for a grazing permit, this information is entered in the Client Master file.

b. Reports. Reports available include Range Availability Status, showing the number of permits and leases granted and available in each range unit and leases granted and available in the rural community; and the New Lands Settlement reports, listing all clients who have moved to the New Lands by relocation site.

c. Inquiry. In addition to the Client/Member Master File inquiry, the New Lands Range/Permit Inquiry lists all clients who have moved to a range unit, and the number of lots and permits still available in the unit.

4. Printed and Audio-Visual Material. The New Lands Branch has produced an illustrated brochure on the New Lands, and publishes a bimonthly newsletter about New Lands activities. The ONHIR has produced a video tape about the New Lands which focuses on range unit information. The Nahat'a'dziil Resource Directory is updated annually. Other published material may be issued from time to time. The specialists will provide clients with written materials and arrange for them to view the video tape. They will inform clients of any information which is out-of-date and new developments which have occurred since the material was prepared.

MM#1820

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Issued 12/13/96

1822. NEW LANDS TOURS.

General. The ONHIR will sponsor tours of the New Lands for clients in SC status who are interested in moving there. Tours may be arranged for large groups or for individual clients (see Search Expense procedures, MM#1750). The content of the tours will be tailored to the interests of the clients who are participating. Clients will be asked to evaluate the tour after it has concluded.

The procedures for arranging and conducting New Lands tours described in this section were developed by the New Lands and Counseling Branch 8/95 and issued originally as guidelines 9/12/95.

1822.1 Actions of the Relocation Operations Branch.

1. Request for Tour. The request for a New Lands tour originates in the Relocation Operations Branch. The specialist will inform the Relocation Operations Team Leader verbally or via memo that client(s) want to go on a New Lands Tour.

2. Relocation Operations Branch Coordination Issues. The Specialist and Team Leader will discuss any Relocation Branch coordination issues (coordinating with another specialist who has clients wanting a tour; motel/meal accommodations; work schedule conflicts). All issues requiring coordination of Relocation Branch staff will be identified and resolved before the New Lands staff are contacted about tour arrangements.

3. Client Requirements. The specialist will find out when the client wants to take the tour and if there are possible alternate dates. The specialist will find out what family members will participate in the tour, and what they want to see and learn about. After working out details of the tour with the clients, the specialist will fill out the Client Profile for New Lands Tour, Form MM#1820D.

4. Arranging the Tour With New Lands Staff. The specialist will print the Client Profile for New Lands Tour on P4, which is located in the office of the Information/Referral Assistant in Sanders. The specialist will also phone the New Lands Information/Referral Assistant to discuss tour arrangements. The specialist will let the Information/Referral Assistant know if the client wants the full tour presentation or just written or verbal information on a particular subject.

a. The specialist will provide the New Lands staff with 2-3 weeks notice. If the client requests a tour on short notice, staff will endeavor to arrange the tour the client wants, but the specialist will inform the client that they may not get their first choice on Profile menu items.

MM#1820

Reissued 5/31/2002; Reissued 3/07/01
Issued 12/13/96

- b. The specialist will let the Information/Referral Assistant know if alternate dates are possible.
- c. The specialist may request the presence of specific New Lands staff members on the tour, but if the requested staff person isn't available, another staff person who is knowledgeable about the subject is acceptable as a substitute.
- d. If the client wants to cover more subjects than time and/or staff availability allow, the specialist will plan for an additional day or a second tour.

1822.2 Actions of the New Lands Branch.

1. Arranging the Tour. The New Lands Information/Referral Assistant will arrange the tour with other New Lands offices and/or cooperating agencies, and prepare an agenda based upon what the clients want to see and do on the tour. New Lands staff will be responsible for presenting any talks which are scheduled and presenting information during tours of the residential sites, range units, and other locations.

If the client is interested in visiting/learning about the Sanders school system, the Information/Referral Assistant will contact the Community Relations Coordinator for the Sanders Unified School District. The Coordinator will arrange the school tour and/or have a packet of material available for the client.

2. Agenda. Within three days of receiving a request for a tour, the Information/Referral Assistant will prepare a written agenda which states:

- (1) subject/activity to be presented
- (2) location of presentation
- (3) time of presentation
- (4) names of the New Lands presenter(s), with alternate in the event the presenter is not able to be present at the last moment.

When the agenda is ready, the Information/Referral Assistant will fax it to the ROB Administrative Assistant who will deliver it to the specialist.

a. Evening Meetings. The Information/Referral Assistant will find out if there are any evening meetings or other activities taking place on the New Lands that the client can attend while on the tour, and let the specialist know about them. The specialist will find out if the client is interested and will let the Assistant know.

MM#1820

Reissued 5/31/2002; Reissued 3/07/01
Issued 12/13/96

- b. Last Minute Changes. If there are any last minute changes on either the Specialist's end or the New Lands end, they must be brought to the branch's attention immediately.

1822.3 Other Issues.

1. Clients Who Want to Select a Site Without Taking Tour. A client may want to apply for a New Lands homesite lease and select a site without taking a tour. The specialist will encourage the client to take a tour, even though they may be familiar with the New Lands. If the client declines to take a tour, the specialist will document the client's reasons in a memo to the file and proceed with the lease application and site selection appointment.

2. Clients With HPL Grazing Permits. The Relocation Specialists who are working with clients who hold HPL grazing permits must make it clear to the clients that the HPL permit lapses when they relocate. If they move to a New Lands range unit, they will receive a new grazing permit. If they move to the NPL or elsewhere on the reservation, their grazing rights cease. The old HPL permit cannot be transferred to another person or another location.

1822.4 Activities on the Tour.

1. Responsibilities of the Specialist. The specialist will bring the clients to the pre-determined location on the New Lands at the designated time. The specialist will be responsible for transporting the clients from one activity to the next, and staying with the clients during the activity. If the schedule changes and the specialist and clients aren't able to get to an activity on time, the specialist will try to let the Information/Referral Assistant and the New Lands presenter know.

2. Presence of Staff Members. Both the specialist and the New Lands staff member conducting the presentation should be present during the activity even if they don't have a lead role.

3. Radio Communications. The radios in the vehicles can be set on channel 2 and used as an intercom system. If more than one vehicle is being used, the specialist will make sure that the information being provided by the New Lands staff member riding in one vehicle can be heard in the other vehicle.

4. Cellular Phones. Cellular phones are available for checkout by staff. In order for a specialist to be contacted by phone during the tour, the specialist must provide the New Lands office with the phone number, activate the phone, and set it to the New Lands frequency (channel 1).

5. Children on Tours. If there are young children present, particularly

MM#1820

Reissued 5/31/2002; Reissued 3/07/01
Issued 12/13/96

during a lecture-type session, the specialist will make sure there are toys to keep them occupied and/or someone watching the children. Toy packages acquired for use of children on tours will be kept at the Sanders office.

6. Written Information. The Land Use Manager or designee will put together packets of information for distribution to tour participants. Materials provided will depend upon the interests of the group.

1822.5 Evaluation and Follow-Up.

1. Client Evaluation Form. At the end of the tour, the specialist will ask the client to fill out the New Lands Tour Evaluation Sheet, Form 1820E. The specialist will collect the forms and will make copies for the Land Use Manager and the Relocation Operations Supervisor.

2. Follow-up Visit to Client's Home. At the end of the tour, the specialist will ask the client if they would like a New Lands staff person to make a follow-up visit to their house on the HPL or reservation. If so, the specialist will contact the New Lands staff member and will set up the meeting. The specialist will notify the client about the date and time. The specialist will be present at the follow-up meeting.

3. Client Decision About Moving to the New Lands. If the clients decide not to move to the New Lands after they have been on a tour, the specialist will ask the client about the reasons for their decision, and will provide feedback to New Lands staff about the client's reasons.

4. Resolving Inter-Branch Problems. If problems occur during the tour due to staff failure to follow these procedures, or problems in communication or follow-through, the specialist or New Lands staff member who is aware of the problem(s) will bring them to the attention of the Relocation Operations Supervisor or Land Use Manager as appropriate, within three days of the completion of the tour. The Relocation Operations Supervisor or Land Use Manager will bring the problem(s) to the attention of the leader of the other branch for prompt resolution.

MM#1820

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Issued 12/13/96

1822.6 Accomodations.

1. Responsibility for Making Lodging/Meal Accomodations. If a client is in 'SC' status, the client's specialist will be responsible for making arrangements for overnight and meal accommodations. If a client is in 'CC' status, ROB/HSL Administrative Assistant will be responsible for making arrangements for overnight and meal accommodations.

2. Lot Selection. If a client is going to the New Lands to pick a lot either on a tour or on their own, the ROB/HSL Administrative Assistant will make arrangements for the Engineering Technician to meet the client. If the specialist is not going out to the New Lands with the client, the Engineering Technician will sign the meal receipts.

3. Expense Reimbursement. If a client shows up at the New Lands and wants travel and accomodation reimbursement without prior approval, the team leader or branch supervisor of the branch where the case is located will have to determine if the trip was justified.

MM#1820

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Issued 12/13/96

1823 PROCESSING RANGE UNIT MOVES.

General. Clients who want to move to a New Lands range unit will be processed as extended family groups with the permittee being the critical member of the group. Permittees will be asked to identify other eligible family members whom they want to sponsor to move to the range unit. Extended family members may develop their relocation plans in coordination with those of the permittee and move at about the same time, or they may move to the range unit after the permittee has moved. The permittee must sign the relocation contract before any sponsored family member signs a contract.

In order to facilitate extended family group moves, the specialists will hold pre-move meetings with family groups and will encourage family group participation in tours and in the decision-making process.

1823.1 Actions of the Relocation Operations.

1. Specialist Assignment. Permittees and sponsored family members will be assigned to the same specialist to the extent feasible. If different specialists are working with groups of related families, they will coordinate on pre-move meetings and tours.

2. Required Documents. The documents required for a range unit move will be obtained by the specialist while the clients are in the social counseling process. These documents are: Homesite Lease Application (MM#1810.3), Application for Grazing Permit (MM#1820A), and Range Unit Request by Sponsored Family Member (MM#1820C).

a. Homesite Lease Application. The specialist will fill in the client's name, census number and date of birth exactly as it appears on the Certificate of Indian Blood and attach a copy of the CIB to the application. The specialist or the client will fill in the name of the range unit where the client wants to move. The client(s) will sign the signature pages.

b. Lot Selection. The client will usually select a lot during a tour. The specialist or the client will write the lot number on the lease application. If the client does not select a lot at the time the homesite lease application is filled out, the space on the application for the lot number will be left blank, and the records will be amended after the lot selection takes place.

c. Application for Grazing Permit. A client who is identified on the master list of people eligible for a New Lands permit will fill out the ONHIR application form, MM#1820A.

d. Sponsorship forms. If the permittee is sponsoring other family members, the Specialist will get a Range Unit Request for Sponsored

MM#1820

Reissued 5/31/2002; Reissued 3/07/01
Issued 12/13/96

Family Members (form MM#1820C) signed by both the permittee and sponsored person; and a completed homesite lease application for each client being sponsored.

3. Existing Homesite Leases. Before the New Lands homesite lease application is obtained, the specialist will check the actual relocation site entry in the Master Client File or Homesite Lease File. If any range unit applicant has a homesite lease in process elsewhere, the client(s) will be referred to the ROB Homesite Lease Administrative Assistant to relinquish, assign or retain the current lease before they can submit a New Lands lease application.

4. Data Entry. The ROB Administrative Assistant will perform data entry of the preferred range unit relocation site and case number for the permittee and sponsored family members.

5. Routing the Forms. After the ROB Administrative Assistant has completed data entry, the assistant will route the forms as follows:

Homesite lease applications go to the ROB/HSL Administrative Assistant.

Grazing permit applications and copies of the Sponsored Family Member forms go to the Land Use Manager.

The original Sponsored Family Member forms will be routed to the client casefile.

1823.2 Homesite Lease Check and Data Entry by ICB.

1. Checking for Prior Leases. Upon receipt of the completed homesite lease application, the ROB/HSL Administrative Assistant will double check that the client(s) have no other leases in process; or that prior leases have been relinquished, assigned or retained according to ONHIR procedures.

2. Data Entry. The Administrative Assistant will perform data entry of the actual relocation site code and lot number, date of lease application, and "S" lease status. If the client has not yet selected a lot, the Administrative Assistant will enter a '999' code. After data entry has been performed, the Administrative Assistant will route the application to the New Lands Land Use Manager.

MM#1820

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Issued 12/13/96

1823.3 Processing and Approvals of the New Lands Branch.

1. Range Office. The Range Office will perform the following functions.

a. Review of Grazing Permit Application. The Land Use Manager, or designee, will verify the applicant's eligibility and approve the permit. If the applicant is not eligible for a grazing permit, the Land Use Manager will notify the Relocation Operations Supervisor and the client's specialist immediately. Clients who disagree with the determination can request reconsideration according to the procedures in MM#1846.

b. Data Entry. The Land Use Manager or designee will perform data entry in the range unit file of: "E" eligibility code, date application signed by client, date application approved by the Land Use Manager range unit, and brand.

c. Notification to Range Technician. The Land use Manager or designee will notify the Range Technician of the permittee's eligibility, so the Technician can begin working with the permittee(s) on the range management plan for that range unit.

d. Pre-Move Advisement by Range Technician. If the permittee is moving to an already developed unit, the Technician will provide information about the Range Management Plan (RMP), and will give the permittee a copy to review. The permittee will be asked to sign the RMP when they sign the relocation contract. The technician will inform the permittee of the schedule for range meetings on the unit, and recommend that the permittee attend the meetings.

If the permittee is moving to a new unit, the Technician will schedule one or more meetings on the HPL with permittees who are moving to the unit, for the purpose of developing a draft Range Management Plan. The specialists who are working with the permittees should be present.

e. Sponsorship Forms. As sponsored family members frequently share responsibility for the permittee's livestock, the Land Use Manager will inform the Range Technician of the family members who are moving to the unit, and will file the copies of sponsorship forms with records of the range unit.

2. Land Use Manager. Homesite lease applications will be routed to the Land Use Manager, (or designee) who will review the applications for accuracy and completeness. If the lease application(s) is not correctly filled out, the Land Use Manager will notify the Relocation Operations Supervisor and the specialist immediately of the problems(s) and will route the application back to the Relocation Operations Branch for corrections.

MM#1820

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a. Review of Homesite Lease Application. The Manager will verify that the lot selected is available. He will check the automated range unit file to verify that the range unit, lot #, sponsorship information and permit eligibility has been entered.

b. Data Entry. The Manager or designee will perform data entry of "F" homesite lease status and date lot selected (if applicable) for all applications which are verified correct and ready for the Commissioner's signature.

1823.4 Site Selection and Final Action by ICB.

General. The client must have filled out a homesite lease application in order to select a homesite. The client will not be allowed to make a tentative selection or put a 'hold' on a site. The client must intend the selection to be the first and final choice.

The specialist will inform ICB when a tour is scheduled, as the client(s) will frequently want to select a homesite during the tour. The ROB/HSL Administrative Assistant will inform the Site Technician of the tour, so that the Technician will be present and available for site selection.

Site selection for range unit and rural community homesites follows the same process.

1. Site Selection. Site selection can take place when the homesite lease application is filled out, or afterwards. Regardless of the point in time when the selection is made, the specialist will inform the ROB/HSL Administrative Assistant that the client needs an appointment with the Engineering Technician for lot selection. If the client is going to the New Lands independent of a tour for the sole purpose of selecting a lot, the specialist may instruct the client to call the Administrative Assistant directly to set an appointment. It is not necessary for the specialist to travel to the New Lands to meet the client and Engineering Technician if lot selection is the only activity scheduled.

2. Site Plan. The client will meet the Technician in the field, select the lot, and identify the preferred house siting and direction the front door will face. Within 3 days of the meeting, the Technician will prepare the site plan and transmit it to the ROB/HSL Administrative Assistant. Within 2 days of receipt, the assistant will send a copy to the Indian Health Service for preparation of the plot plan. The original will be forwarded to the client file.

3. Data Entry of Lot Number. If lot selection takes place after the lease application has been processed, the Technician will inform the Administrative Assistant by phone of the lot number. The Assistant will

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perform data entry of the lot number in 'actual relocation site', replacing the '999' entry.

4. Plot Plan and Homesite Lease Completion. When the IHS plot plan is received, the Administrative Assistant will data enter a "C" lease status code. The original plan will be routed to the client casefile, and a copy of the plot plan will be routed to the Land Use Manager.

5. Tracking Form. The case will be entered as Housing Ready and referred to Housing Acquisition when the Tracking Form is received from Relocation Operations. In most cases the Tracking Form will have been routed to ROB/HSL assistant about the same time as the homesite lease application. However, it is possible that a case will complete homesite lease acquisition and permit approval before referral from the counseling stage of the relocation process.

6. Clients Who Change Their Mind About the Lot Selected. A client may change his/her mind about the lot selection. If the client is in Counseling, the specialist will notify the ROB/HSL Administrative Assistant that the client wants to cancel the original selection and pick a different lot. The assistant will delete the original lease entry from the computer and will notify the Engineering Technician that the client wants to select a different lot. The specialist will obtain a new homesite lease application from the client and arrange for a site selection appointment with the Engineering Technician.

If the client is in Home Search when he/she decides to select a different lot, the client will be referred to the ROB/HSL Administrative Assistant. The assistant will make the changes in the automated records and refer the client to the Engineering Technician for a new homesite lease application and for site selection.

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1824 HOUSING ACQUISITION

General. Clients moving to a range unit require special handling by Housing Acquisition. Clients moving to the rural community do not require special handling. In summary, the special conditions which must be accomodated by housing acquisition staff for range unit moves are:

(1). A permittee shall sign the term grazing permit and range management plan at the time of contract signing.

(2). The permittee must sign the relocation contract before any family members whom he/she is sponsoring can sign their contracts.

(3). A client who is eligible for a grazing permit but who is not moving to a New Lands range unit shall be advised that their eligibility for a New Lands grazing permit ends when they sign the relocation contract.

1824.1 Activities in Housing Acquisition.

1. Client Information Summary. When the case has progressed to the housing acquisition phase, a copy of the automated Client Information Summary will be generated. The Summary will provide the following information:

- whether the client is a permittee or sponsored family member
- if a permittee, the status of the permit
- if a permittee, Range Office should be advised to include the permittee in range meetings.

2. Special Instructions During the Initial Housing Interview. The specialist will include information about the special conditions applicable to range unit moves in the interview with the client. If the client is a permittee, the specialist will inform the client that he/she will sign the term permit and range management plan at the time of contract signing. The specialist will advise the client to contact the Range Technician to make arrangements for livestock hauling.

3. Pre-Con Activities. The household member who is eligible for the grazing permit (this may be the spouse rather than the client) must be present at the contract signing. The specialist will notify the Land Use Manager of the date and time set for the contract signing. The Manager or designee will be present at the contract signing to obtain the permittee's signature on the range documents, and answer related questions.

If no range staff member is available, the specialist will obtain the permittee's signature on the range documents and will inform the clients that range staff members will meet with them to arrange livestock hauling.

MM#1820

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4. Range Documents Obtained at the Time of Contract Signing. The following range documents will be obtained.

a. Permit. The Land Use Manager or designee will provide a term permit, typed up, for the permittee to sign. The signed permit will be routed to the Range Office for further processing after the contract signing session is over.

b. Range Management Plan. The Manager will provide the RMP for the unit to which the permittee is moving. The signed RMP will be routed to the Range Office for further processing after the contract signing session is over.

(1). Clients who are moving to a unit which has an existing cooperatively developed comprehensive plan will add their signature to the original plan. They will receive a copy of the RMP at the time they receive their grazing permit signed by the Commissioner. This will be at the time of livestock haul to the range unit.

(2). Clients who are moving to a unit which does not yet have a comprehensive plan will be requested to sign a Preliminary Range Management Plan. They will receive a copy of the Preliminary RMP at the time they receive their grazing permit signed by the Commissioner. This will be at the time of livestock haul to the range unit.

5. Moving In. The contractor will give the keys to the house to the client when the house is finished, and walk the client through the house. If the client is not around, or the contractor leaves the area, the keys will be left at the New Lands office for the client to pick up.

1824.2 Activities of the Range Office While the Client's House is Being Built and Immediately Afterward.

1. HPL Meetings. The range technician and the specialist will set up meetings on the HPL with the permittees. At the meetings the technician will:

a. issue the Term Grazing Permit signed by the Commissioner, and issue the Temporary Grazing Permit, as applicable, according to the terms of the RMP.

b. provide up-to-date information on recent range development activities which the permittees need to be aware of.

c. explain procedure for pre-move livestock tally on the HPL.

MM#1820

Reissued 5/31/2002; Reissued 3/07/01
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- d. reach agreement on livestock loading location and chute needs.
- e. explain HPL assistance for livestock inspection.
- f. explain branding of cattle and horses, and paint marking for sheep.
- g. explain costs to livestock owners for brand inspection.
- h. explain unloading and pens for livestock on the New Lands.
- i. get agreement on tentative livestock move dates and method of transportation.

2. Livestock Hauling. At the time the permittee moves into the relocation house, or shortly thereafter, the New Lands range staff will arrange for the livestock move. The staff will arrange for livestock inspection on the HPL. The staff will arrange for the hauling, and will assist in unloading animals when they get to the range unit.

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SECTION: 1800 NEW LANDS PROGRAM

SUBJECT:
1825 CLIENT SERVICES SCHOLARSHIP PROGRAM

BACKGROUND.

As a service to relocation clients moving to the New Lands, and as an incentive to clients considering a move to the New Lands, the Office of Navajo-Hopi Indian Relocation funded the Vocational Building Skills Program from 1990 through 1999. In 1994 an office skills training component was added to the program. Over the 10 year period that the program operated, over 200 relocatees and other local residents participated in the training programs, and 194 students graduated, for a success ratio exceeding 80%. The job placement ratio was even more impressive, as nearly 90% of the program graduates found employment based upon their training.

As the need for group training has been satisfied and enrollment in the programs has declined, the ONHIR is transforming its support for client training to a scholarship program.

POLICY.

Effective June, 1999, the ONHIR will fund and manage a scholarship program for New Lands relocatees and their immediate family members who are seeking additional vocational training or higher education. Scholarship awards will be needs based and will not exceed unmet needs as stated on the Free Applications for Federal Student Aid (FAFSA) eligibility determination.

An initial allocation of \$100,000 will be budgeted for individual scholarships. While this allocation is intended to cover a two year span, the program will be evaluated after a year of operation and the budget allocation may be increase or reduced based upon conclusions of the evaluation.

SCHOLARSHIP PROGRAM.

1. Requirements.

Scholarships will be awarded to relocatees and/or family members of relocatees who have moved to the New Lands and who meet the following criteria:

- a. Applicants must be a certified New Lands relocation client or an immediate relative of a New Lands relocatee who is residing permanently on the New Lands. An immediate relative is defined as a husband, wife, son, daughter, stepson or stepdaughter, or long-term foster child who is related to the relocatee.
- b. Applicants must be registered to vote with Nahata Dziil Chapter.
- c. Applicants must be at least 18 years old and have completed high school.
- d. Applicants must submit documentation that they have been accepted as a full or part time student into an accredited trade school, community college, or university; or have enrolled for one or two classes at an area school.
- e. Continuing students must submit proof of successful completion of the previous term and proof of admission for the next school term.

2. Application Process. The scholarship application deadlines will be established by the Community Development Team Leader and published through local media informing New Lands residents of the scholarship opportunity. Applicants must complete the following process:

- a. The applicant must fill out the ONHIR Scholarship Application Form (see attached example). Continuing students must reapply by filling out the Scholarship Application Form each school year.
- b. Applicants must apply and receive a determination for the Free Applications for Federal Student Aid (FAFSA), the financial aid request form used for all colleges and universities. The Community Development Team Leader may waive this requirement for applicants enrolling for one or two courses at area schools/colleges.
- c. Applicants must attach a copy of the FAFSA eligibility determination, stating their federal financial awards and unmet needs, to their ONHIR Scholarship Application Form and turn the application into the Community Development Team Leader.
- d. Applicants must provide the Community Development Team Leader with information regarding any other scholarships or financial aid they have been awarded, such as a Navajo Nation or Chapter scholarship.

3. Review and Verification.

The Community Development Team Leader will review the completed scholarship application forms and all attachments for accuracy and completeness. The Team Leader may request additional information if it would help in assessing the applicant's suitability for financial aid.

The Community Development Team Leader will research the applicant's relocation status, and/or relationship to a New Lands relocatee and claim to permanent residence on the New Lands. Upon verifying that the applicant is eligible for financial support, the Community Development Team Leader will convene the Selection Committee.

4. Selection of Candidates. The Selection Committee will be comprised of the Community Development Team Leader, the ONHIR Personnel Director and the Land Use Manager. The Selection Committee will conduct a final review of the applications and prepare a written recommendation to the Executive Director, for final approval and award.

5. Program Evaluation.

The Community Development Team Leader shall prepare and submit a written evaluation of the New Lands Scholarship Program six weeks prior to the end of the first year of operation. The evaluation will be submitted to the New Lands Manager, Deputy Director, and Executive Director. The evaluation will include:

- * number of persons participating in the program
- * number of persons successfully completing the courses for which they enrolled
- * amount of money expended for full and part-time scholarships
- * recommendation for continuing, modifying, or discontinuing the program.

6. Continuing Financial Support.

A student who receives financial support from ONHIR but who drops out of school or fails to satisfactorily complete courses will be ineligible for continued financial support.

The Community Development Team Leader will counsel all applicants about the consequences of failing or dropping out of the approved course of study.

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Section 1800 New Lands Program

Subject 1830 Assignment of Homesite Lease, Homesite Lease Modification or Mutual Termination of New Lands Homesite Leases

POLICY: Homesite leases issued to relocation clients in connection with their move to the New Lands Rural Community or to a New Lands Range Unit may be transferred/assigned in accordance with the following procedures.

PROCEDURE:

1830.1 Assignment of New Lands Homesite Lease

A. Rural Community:

1. If a relocated client wishes to assign/transfer his/her interest in a New Lands Homesite Lease and the relocation home situated in the Rural Community, the client shall telephone the Relocation Operations Homesite Lease Administrative Assistant (ROB/HSL), or the employee designated by the New Lands Manager, and make an appointment to meet with the assistant at the Relocation Office in Flagstaff. The client will be asked to bring to this appointment the original New Lands Homesite Lease issued to him/her at the time of relocation.

2. The party (assignee[s] who is assuming the relocatee's interest in the New Lands Homesite Lease and the relocation home in the Rural Community, shall also contact the ROB/HSL Administrative Assistant and schedule an appointment to meet at the Flagstaff Office. The assistant will schedule the appointment and obtain the names and Navajo Census numbers of the proposed assignee(s). The assignee[s] will also be asked to bring with them to this appointment his/her Certificate of Indian Blood (CIB) along with a Money Order payable to the Navajo Nation in the sum of \$15.00 representing the application fee. It is preferable that both parties (the client as well as the proposed assignee[s]) make an appointment to meet with the Administrative Assistant on the same day.

3. Utilizing the information provided at the telephonic scheduling interview, prior to the scheduled appointment the Administrative Assistant will prepare the Assignment of Homesite Lease No. XXX, (Navajo Nation Form assigned ONHIR form MM#1830.2), as well as an Application for New Lands Homesite Lease, Form MM#1810.3; and a New Lands Homesite Lease, (Navajo Nation Form #200NL [10-30-2001]), in the names of the proposed Assignee(s).

4. At the scheduled appointment, upon delivery of the original New Lands Homesite Lease, the client (Assignor) will be asked to sign the Assignment of Homesite Lease No. XXX. The Assignee(s) will sign the Assumption of Lease and Lease Obligations on the lower half of the Assignment

Form; an Application for a New Lands Homesite Lease, and the New Lands Homesite Lease. The signatures of all parties must be witnessed in the presence of two ONHIR employees. At this appointment the Administrative Assistant will give the Assignee(s) a copy of the Interim Land Use Policy for the Rural Community area of the Nahat'a' Dzill Chapter and answer any questions the assignee[s] may have concerning the policy.

If the Assignee(s) requests additional information concerning the policy the Administrative Assistant will refer them to the Community Development Specialist at the New Lands Office.

5. The ROB/HSL Administrative Assistant will review the Assignment, Application, and New Homesite Lease for accuracy and completeness and will prepare Form MM#1830.1, Assignment, Modification or Termination of New Lands Homesite Lease Tracking Form. These documents, along with the original New Lands Homesite Lease, shall then be packaged, with the Tracking Form on top, and routed to the Land Use Manager for his inspection and review. The Manager shall review the documents and, if in order, indicate his approval on the Tracking Form and forward the package on to the Deputy Director. If approved by the Deputy Director, he will also indicate his approval on the Tracking Form and deliver the package to the Information Systems Team Leader.

6. The Information Systems Team Leader will make the appropriate data entries in the automated records, indicate on the form that the entry has been completed, and return the package to the ROB/HSL Administrative Assistant.

7. Upon receipt of the documents from the IS Team Leader, the Assistant will forward the Assignment, Application, and New Lands Homesite Lease to the Office of Navajo Land Department (ONLA) in Window Rock, Arizona. The ONLA will review the documents and prepare a new survey plat which will be stamped by a Registered Land Surveyor. Upon approval by the ONLA, the originals of the Assignment and Homesite Lease, along with the survey plat will be returned to the ROB/HSL Administrative Assistant.

The Assistant will review the lease documents for completeness and forward them to the Land Use Manager for final review prior to delivery to the Executive Director for signature. When the lease has been signed by the Executive Director, the Administrative Assistant will forward the original Assignment and Homesite Lease to the Southwest Regional Land Titles and Records Office (SWRLTRO).

After processing and recording the lease documents the SWRLTRO will return the originals to the ONHIR. Upon receipt, the Administrative Assistant will mail the original New Lands Homesite Lease to the Assignee(s). Copies will be sent to the ONLA and the BIA Regional Office in Gallup, New Mexico. Copies

of the lease documents will also be placed in the client case file, if applicable, as well as the New Lands working file.

B. Range Units:

A homesite lease and relocation home in any of the New Lands Range Units may be transferred/assigned in accordance with the same procedures for the assignment of a homesite lease in the Rural Community as set forth in 1830.1(A)(1-7) above. Provided, however, there are circumstances in which (in addition to the requirements for transfer of a lease in the Rural Community) the assignee[s] must be sponsored by a Relocated Resident Permittee of said Range Unit, in compliance with MM§1823, "Processing Range Unit Moves." The sponsoring permittee, as well as the assignee[s] must execute Form MM#1820(c), Range Unit Request by Sponsored Family Member, in the presence of the Administrative Assistant and/or the Land Use Manager's designee.

The Administrative Assistant will inform the assignee(s) that several of the Range Units have established land use plans (policies.) The client may be referred to the Land Use Manager or designee to answer more detailed questions regarding these policies.

1830.2 Homesite Lease Modifications

Generally

There may be situations in which a client wishes to modify his/her Homesite Lease on the New Lands. Modifications may be necessary at the completion of a joint tenancy. (Upon the death of one of the joint tenants, the remaining joint tenant may ask that the Homesite Lease be reissued in their name only.) Modifications can also be necessary upon a change of legal name, marriage, divorce, Decree of Distribution entered in the Navajo Tribal Court in a probate proceeding, or for other reasons. Also, there may be situations in which other elements of the lease require modification, ie. the survey of the lease or a change in the lease boundaries.

1. The client(s)/lessee(s), who wants a Modification of their homesite lease on the New Lands (in either the Rural Community or one of the Range Units) must first call the ROB/HSL Administrative Assistant to schedule an appointment to meet at the Flagstaff Relocation Office. During this telephone interview the Administrative Assistant will obtain all the necessary information required to process the Modification. The client(s)/lessee(s) will be instructed to bring to the appointment their original New Lands Homesite Lease, the Certificates of Indian Blood of any individual whose name the client wishes to add to the lease, and/or a certified copy of the death certificate of the joint tenant whose name the client wishes removed from the lease. The client(s) will be instructed that the surviving joint tenant or anyone else who is presently named on the lease

must be present at the meeting. The client will also be instructed to bring with them a Money Order payable to the Navajo Nation in the sum of \$15.00, which represents the Nation's fee for processing the modification.

2. The Administrative Assistant will prepare all the required documents prior to the scheduled appointment, which will include the Homesite Lease Modification, (Navajo Nation Form assigned ONHIR Form #1830.3); the modified New Lands Homesite Lease (NNForm 200NL, ONHIR Assigned Form #MM#1810.4) and the Tracking Form. At the meeting the client(s)/lessee(s) will be asked to sign the Navajo Nation Homesite Lease Modification form and an Application for a New Lands Homesite Lease. The client(s) lessee(s) signature(s) must be witnessed in the presence of two ONHIR employees.

3. When the Administrative Assistant has collected all the required signatures and documents she will review all the instruments for accuracy and completeness, package the documents with the Tracking Form top, and deliver them to the Land Use Manager for review. If approved, the Land Use Manager will indicate his approval on the Tracking Form and deliver the package to the Deputy Director. If the Deputy Director concurs with the approval he will sign the Tracking form and forward the documents to the Information Systems Team Leader who make the appropriate data entry in the automated records. Upon completion of the data entry the package will be returned to the Administrative Assistant for further action.

4. Upon receipt of the lease package from the IS Team Leader, the Administrative Assistant will follow the processing procedures set forth in 1830.1(A)(7) above, substituting the Modification of Lease for the Assignment of Lease.

1830.3 Mutual Termination of Homesite Lease

Generally

It is understood that there are situations in which a client/relocatee may wish to terminate his/her New Lands Homesite Lease with the Navajo Nation. The most probable being that the client wishes to obtain another homesite lease on the Navajo Reservation either on the New Lands or elsewhere.

1. In the event the client(s)/lessee(s) wishes to terminate their interest in a New Lands Homesite Lease (in either the Rural Community or one of the Range Units) they should first call the ROB/HSL Administrative Assistant at the Flagstaff Relocation Office and schedule an appointment. The Administrative Assistant will instruct the lessee/client to bring to the appointment the original homesite lease. The client will also be informed that all those individuals named on the original homesite lease must also attend the appointment.

2. Prior to the appointment date, the Administrative Assistant will

prepare the (Navajo Nation's Mutual Termination of Homesite Lease Form Assigned ONHIR Form #1830.4) utilizing the information furnished during the telephone conference with the client. On the date of the appointment all those individuals whose names appear on the lease will execute the Mutual Termination of Homesite Lease in the presence of two witnesses/employees of the ONHIR. The Administrative Assistant will package the original New Lands Homesite Lease, Mutual Termination of the Homesite Lease and deliver them to the Land Use Manager with the Tracking Form on top. The Land Use Manager will review the documents and indicate his approval on the Tracking Form. The package will then be forwarded to the Deputy Director for Review and Approval. If the Deputy Director concurs, he will indicate his approval on the Tracking Form and forward the package to the IS Team Leader who will make the appropriate data entry in the automated records. The IS Team Leader will indicate on the Tracking Form that the data entry is complete and return the entire package to the ROB/HSL Administrative Assistant.

3. Upon receipt of the lease package from the IS Team Leader, the Administrative Assistant will follow the processing procedures set forth in 1830.1(A)(7) above, substituting the Termination of Lease for the Assignment of Lease.

SECTION: 1800 NEW LANDS PROGRAM

SUBJECT:

PROCEDURES FOR ISSUANCE AND REVOCATION OF GRAZING

PERMITS

AUTHORITY: 25 CFR 700.711

POLICY.

In accordance with the New lands Grazing Regulations 25 CFR Part 700.711 Grazing Permits, "{a} All livestock grazing on the New Lands must be covered by a permit authorized and issued by the Commissioner on Navajo and Hopi Indian Relocation."

The 1991 revision of the 1986 New Lands Grazing Regulations instituted incentive grazing with the creation of three kinds of grazing permits:

1. Term Grazing Permits
2. Temporary Grazing Permits
3. Association Temporary Grazing Permits.

Actions associated with each type of permit are set forth in separate sections below.

BACKGROUND.

These procedures have been developed in response to the need for concise guidelines to assist ONHIR staff in administering the New Lands Grazing Regulations. Additional instructions may be issued as needed by the Supervisory Range Conservationist or designee.

The revision of the regulations in 1991 nearly doubled the average permit size for permittees. Since 1991 most permittees have gradually increased their herds to fill the new permit size. However, livestock counts conducted by range staff have shown increased trespass as some permittees neglect to reduce natural stock increases.

These procedures will assist Range Office staff to control abuses by a few permittees to protect the benefits derived by all permittees from coordinated incentive grazing practices.

1841. TERM GRAZING PERMITS

1841.1 Issuance of Term Grazing Permits.

1. **Coverage.** Term permits are issued for 80 Sheep Units Year Long (SUYL), but may be issued for additional increments of 80 if a permittee receives a permit transfer from another permittee.

2. **Eligibility.** Term grazing permits are issued to persons eligible according to Part 700.709, 700.711, and 700.713 of the grazing regulation. A permit holder must:

- a. Be an enrolled member of the Navajo Tribe;
- b. Be a permanent resident of the range unit of permit issue;
- c. Own livestock which graze on the range unit of permit issue.

3. **Application for Grazing Permit.** ONHIR relocation specialists are responsible for preparing individual and group moves to the New Lands range units. This includes obtaining completed range unit Homesite Lease Applications and applications for New Lands Grazing Permit for Persons Eligible Pursuant to 25 CFR 700.709.

4. **Claim for New Lands Grazing Permit Eligibility.** A client who is informed that he/she is not eligible for a grazing permit but who disagrees with this determination may fill out form 112a Claim for New Lands Grazing Permit Eligibility which will be reviewed and researched by the Supervisory Range Conservationist. The Supervisory Range Conservationist will issue the client a determination in writing on form 112b. The client may appeal an adverse determination in writing to the Commissioner within 30 days pursuant to Management Manual #1846. The Commissioner will issue a written response within 60 days.

5. **Process for Issuing the Term Permit.** The Range Office will prepare a green Term Grazing Permit (Form 107) for the new permittee and a witness to sign when the relocation contract is signed. The client must also sign a copy of the Range Management Plan. The signed Permit will be submitted to the Commissioner for approval.

The original permit and a copy of the management plan will be given to the permittee. A copy of the permit is filed in the Range Office permittee folder, and a copy of the signed range management plan is filed in the range unit folder.

Range Office staff will inform other permittees on the range unit of the new permittee and coordinate group meetings as needed.

1841.2 Reissuance of Term Grazing Permits.

The term grazing permit expires on October 31st of the fifth year following the date of original issue. The permit is automatically reissued effective November 1 provided the permittee is not in violation of the grazing regulations.

The Range Office will prepare new green permits (Form 107) shortly before the 5 year expiration date, for all permittees. The completed permits will be routed to the Commissioner for signature. The permittee will sign the original and a copy, and the expired permit will be stamped CANCELLED by the Range Office.

The permittee will keep the original permit and a copy will be filed in the Range Office permittee folder.

1841.3 Transfer of Term Grazing Permits.

Term grazing permits may be transferred to another resident of the range unit of permit issue following the procedures in Part 700.715, provided the transferee meets permit eligibility requirements and both the transferee and the transferor sign and notarize an agreement. The procedures for processing a permit transfer are as follows:

1. **Assignment of Grazing Permit.** Both the permittee (transferor) and transferee will meet with the ONHIR grazing official and fill out Form 111 Assignment of Grazing Permit which must be notarized. The grazing official will explain to the transferor that he/she has no further rights to graze on the range unit. The ONHIR grazing official will validate Form 111 by signing it.
2. **Range Management Plan.** The ONHIR grazing official will orient the transferee on the range management plan, and the responsibilities he/she will have under common grazing. The transferee will sign the management plan agreeing to cooperate with other permittees.
3. **Signature by Commissioner.** A new term grazing permit will be filled out and signed by the transferee and sent to the ONHIR Commissioner, along with the signed Form 111, for signature. The ONHIR grazing official will stamp CANCELLED on the old term permit of the transferor.
4. **Follow Up.** Range Office staff will inform the other permittees on the range unit of the permit transfer and will include the new permittee in all meetings.

1841.4 Revocation of Term Grazing Permits.

Pursuant to 25 CFR 700.715(e), "The Commissioner may revoke or withdraw all or any part of a grazing permit by cancellation or modification on a 30 day written notice for violation of the permit or of the management plan, non-

payment of grazing fees, violation of these regulations, or because of the termination of trust status of the permitted lands." Violations of the regulations which are grounds for revocation of the term permit include:

- * repeated cancellation of the temporary grazing permit;
- * stated refusal by the permittee to abide by the grazing regulations;
- * gross criminal activity which affects land resources management or livestock.

Written notification of revocation or withdrawal of any part of a grazing permit will be issued by special letter to the permittee from the Commissioner.

1841.41 Revocation Procedure.

1. **History of Violations.** The ONHIR grazing official will coordinate with the Supervisory Range Conservationist in compiling documentation of the history of violations.

2. **Recommendation for Action.** The Supervisory Range Conservationist will prepare a written recommendation for review and approval by the Commissioner, with appropriate attached documentation. The Supervisory Range Conservationist will recommend the appropriate action: revocation (cancellation) of permit, withdrawal (temporary suspension) of permit, or modification of permit.

3. **Action Following Commissioner's Decision.** The Supervisory Range Conservationist will prepare a letter incorporating the Commissioner's decision for his signature. Range office staff will stamp CANCELLED on the office copy of the term grazing permit. If the decision was to modify the permit, the range office staff will prepare a new permit stating the terms of the modification.

When there are livestock under the permit, a 10 day Notice of Livestock Trespass (Form 117a) will be filled out stating all stock must be removed.

An original copy of the Commissioner's letter, the 10 day Notice of Livestock Trespass, and a copy of the cancelled Term Grazing Permit (and the original modified permit, if applicable) will be hand delivered or sent certified mail to the permittee. The old original permit does not have to be retrieved from the permittee.

Copies of the documents will be filed in the permittee file in the Chambers Office and in the permittee file in the Flagstaff Office.

4. **Follow Up.** Range staff will follow up to ensure compliance. Range staff will also inform the other permittees of the status change of the

permit.

5. **Permit Availability.** Term grazing permits which are cancelled return to the pool of available permits on the range unit, to be issued under the same terms as new permits.

1841.5 Reissuing a Cancelled or Modified Term Grazing Permit.

If the grazer requests renewal/reissuance of the grazing permit, the request must be submitted in writing to the Commissioner for review and determination. At least 90 days must have passed since the date of permit cancellation or modification. Based upon information submitted by the Supervisory Range Conservationist with the grazer's request, the Commissioner will determine if the grazer has remedied the violations which caused the revocation or modification, and has demonstrated willingness to comply with the terms of the range management plan.

1842. TEMPORARY GRAZING PERMITS

Temporary Grazing Permits are incentive permits to reward good cooperative land management with additional livestock for the permittee. Part 700.711 of the regulations states "(d)(1) Temporary seasonal grazing permits for periods not to exceed one year may be issued to permittees: (I) to use extra forage made available under rotation grazing management as regulated by a range unit management plan." and "{D} These temporary permits may be reissued prior to termination provided: {I} the permittee is managing grazing in compliance with grazing regulations, {ii} livestock grazing is in compliance with the cooperative range unit management plan, {iii} forage is available on the range to sustain the livestock authorized under the temporary permit".

Temporary grazing permit holders must already be holders of term grazing permits. Term permits are issued for 80 Sheep Units Year Long based on a conservative 65% stocking under yearlong grazing. Because permittees sign range management plans and practice conservation management, the full 100% stocking can be attained by issuance of an additional 40 SUYL to each permittee under a temporary grazing permit which is reviewed by the ONHIR grazing official and renewed annually to assure continued compliance with good range management practices.

1842.1 Initial Issuance of the Temporary Grazing Permit.

The Range Office will fill out a temporary grazing permit for the permittee to sign at the contract signing, along with the term permit and the range management plan. The Supervisory Range Conservationist will sign the permit and give the original to the permittee when the term grazing permit is signed by the Commissioner. The permittee can stock the range to 120 SUYL total at the time of moving onto the range unit.

1842.2 Transfer of Temporary Grazing Permits.

Since temporary permits are based on term permits, when a term permit is transferred the temporary permit is transferred also. A new temporary grazing permit is issued to the permittee who receives the transferred permit.

1842.3 Reissuance of Temporary Grazing Permits.

Temporary grazing permits are renewed annually provided there is sufficient forage to allow 100% stocking, and provided the permittee is grazing in compliance with ONHIR grazing regulations and the range management plan.

1. **Determination by Range Office.** Prior to the October 31st annual expiration date, the Range Office will determine that there is sufficient forage to reissue temporary permits; and will determine which permittees are managing in compliance with the grazing regulations and range management plan.

2. **New Permit.** The Range Office will fill out a new temporary grazing permit for each permittee who is in compliance. The Supervisory Range Conservationist and the permittee will sign the permit and the permittee will keep the original. A copy will be filed in the Range Office files.

1842.4 Revocation of Temporary Grazing Permits.

A temporary grazing permit may be revoked prior to the October 31 expiration for violations of the regulations. Such violations include:

- * trespass of livestock on rangeland that is not covered by a grazing permit,
- * trespass of livestock on areas rested under the Range Management Plan grazing schedule or withdrawal,
- * trespass grazing within a housing subdivision withdrawn from grazing,
- * trespass of livestock in excess of authorized numbers,
- * trespass of livestock with the wrong or unregistered brand.

Written notification to a permittee of any of these violations on three (3) occasions within a twelve (12) month period will result in the revocation of the Temporary Grazing Permit. These notifications will take the form of **Notice of Livestock Trespass (10 day notice)**. Notices will be dated and signed by the ONHIR authorized grazing official.

1842.41 Procedures for Revoking Temporary Grazing Permits.

The ONHIR grazing official will take the following actions to revoke a temporary grazing permit.

1. **Record of Notices.** The ONHIR grazing official will keep a copy of each written notice issued to the permittee in the permittee's range office file folder. These notices may be either or both of the following:

- a. **Notice of Livestock Trespass** Form 117a.
- b. **Navajo New Lands Livestock Tally** Form 130a, which includes a 10 day trespass notice for overstocking.

2. **Warning of Violation.** A note at the bottom of each notice will state "NOTE: This is your ___ trespass violation within the past 12 months. Three violations within a 12 month period is grounds for revocation of your Temporary Grazing Permit."

3. **Resolution of Violations.** The ONHIR grazing official will keep notes on the resolution of each violation, attaching sales receipts or other documentation from permittees. Form 116b **Livestock Trespass Roster** may be

used to keep track of all trespass actions.

4. **Revocation of Permit.** Upon the third trespass violation within 12 months, the grazing official will:

* Prepare a Notice of Revocation of Temporary Grazing Permit which must be approved by the Supervisory Range Conservationist;

* When there are livestock under the temporary permit, the ONHIR grazing official will prepare a 10 day Notice of Livestock Trespass instructing the permittee that all stock in excess of the 80 SUYL Term Permit must be removed;

* The grazing official will stamp CANCELLED on the office copy of the temporary grazing permit.

The grazing official will hand deliver or send certified mail to the permittee an original copy of the Notice of Revocation of Temporary Grazing Permit, the 10 day Notice of Livestock Trespass, and a copy of the cancelled Temporary Grazing Permit. Copies of the documents will be filed in the Range Office and Flagstaff Office files.

Range staff will follow up to assure compliance, and to inform other permittees of the new status of one of the permittees being limited to 80 SUYL.

1842.5 Non-Renewal of Temporary Permit. Each year the ONHIR grazing officials will meet with permittees at a fall planning meeting and review permittee cooperation under common grazing. ONHIR grazing officials will review documented violations to determine if temporary grazing permits should be reissued.

If it is determined not to reissue a temporary permit, a written statement will be given the permit holder explaining the reason, the remedy and time frame, along with notice to reduce stock to the term permit level.

The management plan for each unit lists the significant actions of non-cooperation which will be considered in determining if a temporary grazing permit should not be reissued.

1842.51 Documentation Required for Non-Renewal of Temporary Grazing Permits.

During the year the ONHIR authorized grazing official will keep records of non-cooperation that significantly affects cooperative management. The records will be reviewed at the fall planning meeting. The ONHIR authorized grazing official will document incidents, receive formal complaints, and take verifying statements and will issue written notice to the alleged non-cooperating permit holder requesting compliance.

The record will be kept in the alleged offending permittee's Range Office file folder. These records may be any of the following:

- a. Range Unit Management Plan Non-Cooperation Report Form 116c.
- b. Ranger or police reports.
- c. Written complaints from other permittees submitted on a complaint form which are signed and dated.
- d. Other official records of violations and non-cooperation.

Copies of notices issued to the alleged non-cooperating permit holder as well as notes on the permittee's actions to achieve compliance will be placed in the file. Form 116D Request for Range Unit Management Plan Cooperation may be used in resolving cooperation issues.

1842.6 Reinstating a Cancelled or Non-Reissued Temporary Grazing Permit.

In order for a permittee's privilege for a Temporary Grazing Permit to be reinstated, the following conditions must be met.

1. **Time Frame.** At least 90 days must have passed since the date of permit revocation or non-reissuance.
2. **Request by Permittee.** A letter of request must be received from the permittee agreeing to abide by the regulations.
3. **Concurrence by Grazing Official.** The ONHIR grazing official must write a memorandum to the Supervisory Range Conservationist stating why the permit should be reissued, including how issues of cooperation with other permittees have been resolved, in cases where lack of cooperation with other permittees was a factor in the cancellation.
4. **Issuance of Permit.** A new Temporary Grazing Permit will be filled out and signed by the Supervisory Range Conservationist, and issued to the permittee.
5. **Follow Up.** Range staff will follow up by informing other permittees of the restored permit.

1842.7 Procedures for Emergency Modification of Temporary Permits.

In the rare event that there is insufficient forage (from drought or fire) to carry 100% capacity stocking for the coming year, the following

procedure will take effect.

1. **Forage Survey**. A forage survey of the range unit will be conducted by the ONHIR, and based upon biological planning, a determination of the maximum stocking will be made.

2. **Permittee Meeting**. ONHIR will hold a group meeting with permittees to obtain a consensus on the best action to take. Permittees will be encouraged to make voluntary reductions. Failing to get a consensus the following procedure will be used:

a. Voluntary reductions will be accepted from those in agreement, and temporary grazing permits will be issued to those permittees accordingly. The new reduced level permits will be issued with a copy of the former temporary grazing permit with CANCELLED stamped on it.

b. If there is a livestock association, a notice will be issued to reduce association livestock to achieve the balance of reduction needed.

c. If there is no association, or if further reductions are needed, then the deficit in forage will be divided among all permits and temporary permits will be issued, along with a copy of the former permit stamped CANCELLED, for the balance of forage prorated as an equal percentage of each permittee's term permit size.

Permits may be restored as soon as forage growth returns and long term conditions stabilize.

1843. ASSOCIATION TEMPORARY GRAZING PERMITS.

The association temporary grazing permit is an annual permit issued as an incentive to reward good cooperative land management with additional livestock for the business association. Association temporary permits are issued according to 25 CFR Part 700.722 which states "{a} The Commissioner may recognize, cooperate with, and assist range unit livestock associations in the management of livestock and range resources." Also, Part {e} states "A recognized association may hold a grazing permit to benefit its members according to the rules of the association constitution and bylaws."

With the 1986 New Lands forage inventory, all carrying capacity was allocated to individual grazing permits and wildlife, with no carrying capacity reserved for grazing associations. However, since forage production varies over 100% from dry years to wet years, and since the Soil Conservation Service method for determining carrying capacity is based on dry year capacity, there is room for incentive based additional stocking when biological planning is practiced in combination with the business flexibility of a grazing association.

1843.1 General Conditions.

All permits will be issued with an expiration date of March 31st, so that Range Office staff have the opportunity to assess annual grazing reports of the past year, and develop a new summer biological plan before the growing season begins. This also gives a common date for livestock leasing contracts entered into by the associations.

Initially temporary association permits are issued for 80 SUYL (20 cattle) to give the association experience in cooperatively managing livestock and association finances. As the association gains experience and demonstrates effective management, it may request larger permits in subsequent years. The Supervisory Range Conservationist will determine the size limit of the annual permit based the following information:

- * stated goals of the association,
- * available forage,
- * condition and trend monitoring study data,
- * current weather cycles,
- * water availability,
- * livestock management skills of the range boss,
- * forage reserves needed for permits not yet issued for the unit,

* overall cooperation of all parties grazing on the unit.

1843.2 Procedures for Issuing Temporary Grazing Association Permits.

1. **Request by Livestock Association.** An organized range unit livestock association, which is operating under bylaws approved by a majority of grazing permittees on the unit, may request the Range Office to issue a temporary grazing permit to the association. There must be a range unit management plan in effect.

2. **Biological Planning.** To qualify for a permit, association officers, range boss, and members must attend a day long biological planning training to learn how they can use time-controlled grazing to improve production and land conditions. A 6 month to 1 year biological plan must be developed by the association in coordination with the Range Office.

3. **Association Temporary Permit.** The Range Office will fill out an Association Temporary Permit Form 109a which will be signed by the grazing permittees belonging to the association and the Supervisory Range Conservationist. The association president will keep the original permit and a copy will be filed in the Range Office association file for the range unit.

4. **Follow Up.** Range Office staff will focus on working with the range boss as the designated livestock manager. Since all association livestock are grazed in common, the range boss will be authorized to coordinate common management of the whole herd, even if some of the permittees are not association members.

1843.3 Reissuance of Temporary Grazing Association Permits.

Temporary Grazing Association Permits expire annually and are not automatically renewed. At the request of the association they may be reissued as follows.

1. **Request by Association.** The association will make a request to the Range Office to renew the association permit, at which time the ONHIR grazing official will meet with the association or representative officers and fill out Form 109b Prerequisites for Association Permit Issuance to document the current functioning of the association and the stocking rate being requested. This request should be submitted by the association and processed by the Range Office prior to the March 31st annual expiration date.

2. **Verification by Range Office.** The Range Office will verify the information on Form 109b and will determine whether or not the number of SUYL requested is appropriate according to criteria listed under the Issuance section above. The Supervisory Range Conservationist will approve the completed Form 109b.

3. **Issuance of New Permit.** A new Form 109a Association Temporary Grazing Permit will be filled out by the Range Office and signed by the

association president and the Supervisory Range Conservationist. The association president will keep the original permit and a copy will be filed at the Range Office.

If a determination is made by the Range Office not to reissue a permit upon expiration, the procedures listed below under Modification/Revocation will be followed to assure proper documentation and removal of association livestock.

1843.4 Modification/Revocation of Association Temporary Grazing Permits .

During the term of the permit association temporary grazing permits may be cancelled or modified and reissued for a smaller capacity by the ONHIR when range monitoring shows a lack of forage to carry all livestock on the range unit through the end of the permit period. If there is a lack of consensus among permittees on voluntary reductions due to insufficient forage, then the Range Office will automatically reduce the association permit before any reductions are made to individual permits.

Association temporary grazing permits may also be revoked for violations to the regulations. Violations which are grounds for revocation and/or non-reissuance include:

- * trespass of livestock on areas rested under the range management plan,
- * trespass of livestock in excess of authorized numbers,
- * trespass of livestock with the wrong or unregistered brand,
- * association members failure to sign the range management plan or to cooperate in range management planning,
- * failure to follow approved association bylaws,
- * failure to allow willing and cooperative permittees to join the association,
- * the association represents the interests of a minority of the membership,
- * not enough members willing to serve as officers to carry out responsibilities,
- * failure to hold annual and regular meetings to democratically involve members,
- * failure to carry out a fair share of commonly agreed on management obligations,
- * failure to follow the time controlled grazing which is the basis for

permit issuance,

* failure to have representative participation in livestock roundups after receiving notice,

* willful destruction of livestock developments (corrals, fences, gates, water systems),

* criminal acts against livestock managed by other permittees,

* gross criminal mismanagement of association funds or property.

Written notification to the association president of any of these violations on three (3) occasions within a twelve (12) month period will result in the revocation of the association temporary grazing permit. These notifications may take the form of:

* Form 117 Notice of Livestock Trespass (10 day notice)

* Form 130a Navajo New Lands Livestock Tally (which includes a 10 day notice)

* other official records of violations and non-cooperation.

Notices will be dated and signed by the ONHIR authorized grazing official and issued to the association president.

1843.41 Procedures for Revoking Association Temporary Grazing Permits.

1. **Record of Notices.** The ONHIR grazing official will keep record of each written notice in the association's Range Office file folder.

2. **Warning Notices.** At the bottom of each notice will be printed the statement: "NOTE: This is your ___ trespass violation within the past twelve months. Three violations within a 12 month period is grounds for revocation of your Association Temporary Grazing Permit."

3. **Resolution of Violations.** The ONHIR grazing official will keep notes on the resolution of each violation, including sales receipts or other documentation from the association.

4. **Issuance of Revocation Notice.** Upon the third violation within 12 months, the grazing official will:

a. Write up a Notice of Revocation of Temporary Grazing Permit which must be approved by the Supervisory Range Conservationist.

b. When there are livestock under the temporary association permit, a 10 day Notice of Livestock Trespass will be filled out instructing that all stock must be removed.

c. The copy of the association temporary grazing permit in the Office file will be stamped CANCELLED.

d. An original copy of the Notice of Revocation of Temporary Grazing Association Permit will be hand delivered or sent certified mail to the association president. Two copies of the documents will be made, one to be filed in the association file at the Chambers office, and one to be filed at the Flagstaff office.

5. **Follow Up.** Range staff will follow up to assure compliance, and to inform other permittees that the association no longer has a permit.

6. **Reissuing a Cancelled Association Temporary Grazing Permit.**
In order to reissued a cancelled or revoked association temporary grazing permit,

a. The association must have held a membership meeting, with a full quorum, and agreed to abide by their bylaws and the grazing regulations in requesting a new permit.

b. The association president and a majority of the permittees must meet with and ONHIR authorized grazing official and complete the Prerequisites for Association Permit Issuance Form 109b, and sign the new association temporary grazing permit. The permit will be signed by the Supervisory Range Conservationist. The original will be given to the association president.

c. Range staff will follow up by informing other permittees of the restored permit.

that all stock must be removed.

c. The copy of the association temporary grazing permit in the Office file will be stamped CANCELLED.

d. An original copy of the Notice of Revocation of Temporary Grazing Association Permit will be hand delivered or sent certified mail to the association president. Two copies of the documents will be made, one to be filed in the association file at the Chambers office, and one to be filed at the Flagstaff office.

5. **Follow Up.** Range staff will follow up to assure compliance, and to inform other permittees that the association no longer has a permit.

6. **Reissuing a Cancelled Association Temporary Grazing Permit.**
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a. The association must have held a membership meeting, with a full quorum, and agreed to abide by their bylaws and the grazing regulations in requesting a new permit.

b. The association president and a majority of the permittees must meet with and ONHIR authorized grazing official and complete the Prerequisites for Association Permit Issuance Form 109b, and sign the new association temporary grazing permit. The permit will be signed by the Supervisory Range Conservationist. The original will be given to the association president.

c. Range staff will follow up by informing other permittees of the restored permit.

SECTION: 1800 NEW LANDS PROGRAM

SUBJECT: 1846 AWARDED NEW LANDS GRAZING PERMITS

AUTHORITY: 25 CFR 700 Subpart Q.

POLICY:

New Lands Development Objectives. The New Lands were acquired for relocation purposes to enable traditional Navajo families to maintain a grazing lifestyle. A primary objective of range unit development is the relocation of traditional grazers who are physically residing on the HPL.

Applying for a Grazing Permit. A relocatee who wants to graze on the New Lands must meet the qualifications under 25 CFR 700.709. An eligible individual must apply for a grazing permit before moving to the New Lands; no original permits will be granted after a client has relocated to a range unit. However, after the permittee has received a permit and moved, he or she may transfer or assign the permit according to 25 CFR 700.715.

An eligible individual who wants to graze on the New Lands must submit an application for a grazing permit and a range unit homesite lease application at the same time. After receiving a commitment from the Office of Relocation for a grazing permit and homesite lease, the commitment may be withdrawn by the ONHIR if the individual refuses or fails to make timely arrangements to relocate.

Grazing Permit in More Than One Name. A New Lands grazing permit will be issued in one name only. If the HPL grazing permit is in the name of both the husband and wife, only one of them may submit an application. The couple shall decide which of them shall apply for the New Lands grazing permit.

Eligibility Criteria. An application for a grazing permit must be approved by the Range Supervisor. In order for a person to be eligible for a permit, the individual must meet all of the following criteria:

(1) must have a current HPL grazing permit or have had an HPL permit issued since 1980; or be a current HPL resident and show documentation of a past grazing permit issued in their name for grazing on an area now on the HPL;

(2) must be certified for relocation assistance benefits but have not yet received such benefits;

(3) must relocate from the HPL to a New Lands range unit.

The Office of Navajo and Hopi Indian Relocation maintains a list of persons who meet these criteria and are eligible to receive a grazing permit on the New Lands.

DISCRETIONARY PERMITS.

Persons on the list described above have priority for award of a New Lands grazing permit. The Commissioner of the Office of Navajo and Hopi Indian Relocation will determine when the application period for priority permits will close. After the close of the period, the Commissioner, in his/her sole discretion, may issue permits to individuals in order to facilitate relocation.

As of the date of these procedures, the application period for priority permits has not closed, and criteria and procedures for award of discretionary permits have not been defined.

PROCEDURES. Cross reference MM#1820.

1846.1 Application for Grazing Permit.

General. Until the criteria for discretionary permits are issued, the counselors will accept grazing applications only from individuals who are on the list of eligible permittees which is maintained by the Range Management Office.

1. Action of Counselors. The counselors will inform their clients who are on the list of eligible permittees of their eligibility for a New Lands grazing permit. The counselors will obtain completed grazing application forms and homesite lease applications while their clients are in 'SC' status.

2. Action of the Range Supervisor. The grazing permit application will be routed to the Range Supervisor while the client is in SC status. The Range Supervisor will review the application and verify that the applicant has been determined eligible for a grazing permit under the published criteria. The Supervisor will recommend approval and award of the permit to the Commissioner. The Range Office will perform data entry of an "E" indicator for permit eligibility.

3. Award of Permit by Commissioner. The permittee will sign the permit at the housing pre-con. The permit will be forwarded to the Commissioner for signature and award. The permit will be given to the client when they move their livestock to the range unit in conjunction with the move into their relocation house after it passes final inspection.

1846.2 Denial of Claim for Grazing Permit.

General. The list of eligible permittees was developed through review of BIA grazing records and review of records of certified clients. The list contains the names of all individuals who are known to be eligible for a permit based upon grazing/permitting history and HPL residence, and distinguishes between those who have been certified for relocation assistance and have not yet moved, and those who have not yet applied.

1. Persons Who Claim Eligibility for a New Lands Grazing Permit But Are not on the List. Until the criteria for discretionary permits are issued, the counselors will accept grazing applications only from individuals who are on the list of eligible permittees. If a person claims that his/her name was incorrectly omitted from the list, the counselor will inform them that they must resolve this issue before moving to the New Lands. The counselor will provide the client with Form MM#1846.1 Claim for New Lands Grazing Permit Eligibility (attached) and instruct the client to fill out the top portion and attach all documentation they have which will support their claim to eligibility. The claim form may be mailed in or presented in person to the Range Supervisor or Range Technician.

In addition to submitting the written claim, the client may request an appointment with the Range Supervisor or Range Technician to explain the basis for the claim. If a meeting takes place, the Range Supervisor or Range Technician will document the information presented.

2. Action by Range Office. If the client has not yet received relocation benefits, and has presented documentation which appears to demonstrate that he/she meets the eligibility criteria set forth in 25 CFR 700.709, the Range Office shall conduct research to corroborate the client's claim to eligibility. This may include research of BIA records in Keams Canyon or Phoenix.

a. Insufficient Documentation: The following types of documents are insufficient to warrant further research by the Range Office:

- sales receipts
- permit held in someone else's name
- permit issued for area not within the HPL
- permit issued for grazing on the HPL by office other than BIA/Keams Canyon
- no supporting documentation

3. Decision by Range Supervisor. Within 30 days of receiving a claim for grazing permit eligibility, the Range Supervisor will review the information submitted by the claimant and any additional information gathered by the Range Office, and will render a written decision. The 30 day time frame may be extended another 30 days if more time is needed for research into BIA grazing records.

4. Documentation of the Decision. The Range Supervisor will record the decision on the bottom of form MM#1846.1 and will issue a letter to the client which states the decision (see sample letter MM#1846.A). If the claim is denied, the Supervisor will state the reasons(s) for denial, and will inform the client of the right to appeal to the Commissioner. The letter will be sent certified mail, return receipt requested, or will be personally delivered by ONHIR staff who will secure a signed receipt.

The original Claim for New Lands Grazing Permit Eligibility will be routed to the client file; copies as needed will be kept in the Range Office files. A copy of the decision letter will be routed to the client casefile and copies as needed retained for Range Office files.

1846.3 Appeal of Grazing Permit Denial.

General. A client whose claim for grazing permit eligibility has been denied by the Range Supervisor may appeal to the Commissioner, as provided in 25 CFR 700.731.

1. Form of Appeal. The client or the client's legal representative

must submit a written appeal within 30 days of the date of the Supervisor's decision. The appeal must be addressed to the Commissioner and headed "APPEAL OF GRAZING PERMIT DENIAL" and must state why the claimant believes the decision was wrong. If the claimant has additional documentation which was not previously considered by the Range Supervisor, the documentation must be enclosed with the appeal.

If the claimant wishes to present supporting information, the information must be reduced to writing, notarized, and submitted with the appeal.

2. Receipt of Appeal. The appeal will be received and logged by the Administrative Assistant in the Commissioner's office. A copy of the appeal will be routed to the Range Office. The Commissioner may request a written recommendation from the Range Supervisor. If the claimant has submitted documentation which was not available at the time of initial decision, the Commissioner may request the Range Supervisor to evaluate the information in writing before making the final decision.

The Administrative Assistant will suspense the action to be taken and assure that action is completed within 60 days of the receipt of the appeal.

3. Decision of the Commissioner. The Commissioner shall review the case and shall render a decision based upon the record within 60 days of the receipt of the appeal. The Commissioner shall inform the client in writing of the final decision and reason(s) for the decision. The decision will be issued certified mail, return receipt requested.

4. Final Agency Action. The Commissioner's decision shall constitute final agency action on appeals of denial of grazing permit eligibility.

SECTION: 1800 NEW LANDS PROGRAM

SUBJECT: 1850 GRAZING PERMIT TRANSFERS

AUTHORITY: 25 CFR 700.715

POLICY.

Grazing permits issued to New Lands permittees may be assigned or transferred with the written consent of the contracting parties. The Commissioner may issue a new permit provided the transferee meets the following qualifications, as set forth in 25 CFR 700.711:

Permit holders must meet all of the following requirements:

- (1) Be enrolled Navajo Tribal members.
- (2) Be over 18 years of age.
- (3) Maintain a permanent residency on the New Lands range unit of permit issue.
- (4) Own livestock which graze on the range unit of permit issue.

Permanent Residence. A "permanent resident" is defined as follows:

- (1) A person who has a homesite lease on a New Lands Range Unit in their name,

OR
- (2) A person who:
 - (a) has physically resided on the New Lands range unit of permit issue for not less than one year; and
 - (b) has been a registered member of the Nahat'a'Dziil Chapter for not less than one year and has relinquished their membership in any other chapter; and
 - (c) has provided a sworn statement about where he/she has resided on the New Lands and their relationship to the homesite lease owner.

PROCEDURES

1. Assignment of Grazing Permit Form. The permittee who wants to transfer the permit must initiate the request by filling out the top portion of the Assignment of Grazing Permit form, which is available from the Range Office. The bottom portion of this form must be filled out by the person receiving the permit.

2. Attachments. If the assignee does not have a homesite lease in the range unit, he/she must submit the following in addition to the completed application:

(1) Copy of voter registration card showing membership in the Nahata'Dziil chapter for at least one year;

(2) Copy of the Arizona Driver's License showing a New Lands mailing address. If the assignee does not have a driver's license or the license shows a non-New Lands mailing address, the assignee must submit other documentation which proves residency on the range unit. This may include their most current tax return and W-2 forms showing place of employment, and/or school enrollment records of the assignees' children.

(3) Notarized statements by the assignee and by another person from the range unit stating that he/she has lived on the range unit of permit issue for at least one year; where they live on the range unit; and their relationship to the transferor.

3. Review by Range Manager. The Range Manager will review the completed Assignment of Grazing Permit.

If the assignee has a homesite lease (or is the spouse of a lease holder) the Range Manager will verify this through a check of ONHIR records.

If the assignee does not have a homesite lease, the Range Manager will verify that the required attachments have been provided and contain the information needed. The Range Manager will request a review of the assignment by the range field technicians and other ONHIR staff who have personal knowledge of the assignee's residence on the range unit. The Range Manager will determine:

(1) If the assignee is an enrolled member of the Navajo Tribe and at least 18 years old.

(2) If the assignee is registered to vote with the Nahata' Dziil Chapter.

(3) If the assignee's driver's license or other acceptable documentation shows a New Lands mailing address.

(4) ONHIR staff know the assignee; ONHIR staff have personal knowledge from their work in the community that the assignee lives in the range unit and has lived there at least a year.

If there is information that the assignee has lived on the range unit less than one year, or is not a permanent resident of the range unit, the Range Manager will request additional information, such as the assignee's most current tax return or W-2, place of employment and mailing address, children's school enrollment records, etc. in order to prove or disprove residency on the range unit. The Range Manager may contact the Navajo Electoral Board to confirm the validity of the assignee's Nahata Dziil voter registration.

4. Determination of Range Manager. The Range Manager will determine if the assignee meets the eligibility requirements for a permit assignment and will validate the Assignment of Grazing Permit. The Range Manager will prepare the grazing permit for approval and issuance by the Commissioner.

5. Disagreement with Determination. If the assignee disagrees with the decision of the Range Manager, he/she may appeal the decision following the procedures set forth in Management Manual Subject 1846, p. 5 (1846.3 Appeal of Grazing Permit Denial).

Permits

SECTION: 1800 NEW LANDS PROGRAM

SUBJECT: NEW LANDS DISCRETIONARY GRAZING PERMITS
Policy Memorandum No. 11

AUTHORITY: 25 CFR §709

POLICY.

On March 1, 2001, the Executive Director of the Office of Navajo and Hopi Indian Relocation issued Policy Memorandum No. 11, which stated that the O.N.H.I.R. would notify, by personal service or certified mail, those fifteen (15) individuals remaining unrelocated who are eligible to receive a New Lands Grazing Permit [as identified in 25 CFR §709(a)] that they must make application for a New Lands Grazing Permit within 60 days of the date they received said notice.

Further, the ONHIR, in accordance with 25 CFR §700.13(b), waived the requirements of its regulations to publish the date which closes the period for application for a New Lands Grazing Permit. The Office has now determined that those 15 individuals identified as eligible to receive a New Lands Grazing permit have been properly notified, and pursuant to 25 CFR §709(d), effective immediately the Office will proceed to issue Discretionary New Lands Grazing Permits in such a manner as will best facilitate the relocation process.

Permits

PROCEDURE.

1860.1 Identification of Prospective Applicants

The Relocation Operations Branch Specialists shall research their caseloads for the purpose of identifying those clients who would be suitable candidates for the receipt of a New Lands Discretionary Grazing Permit. The Specialist shall consider whether or not the issuance of a discretionary grazing permit to this client would be in the best interests of the client as well as the government and if it would facilitate the relocation process. Factors which may be considered by the Specialist in conducting this review are:

1. Has the client engaged in a traditional lifestyle? Does he/she have a history as a grazer, possessing the knowledge, background, and skills necessary to be successful?
2. Has the client previously expressed an interest in moving to one of the New Lands Range Units or has the client been unsuccessful in finding a suitable relocation site on the reservation?
3. Is the client an Accommodation Agreement relinquisher?
4. Does the client have close family members who have previously relocated to the New Lands?
5. Does the client have other family members, who are certified clients, who might be interested in moving to the New Lands? Could the granting of this permit result in a multi-family move?
6. Any other factors which the Specialist believes support the granting of a permit to this client.

After the Relocation Specialist has completed the review and identified those clients who in the Specialist's opinion the receipt of a New Lands Discretionary Grazing Permit would benefit the client and the government, the Specialist shall meet with the Team Leader to discuss the case history and the factors which the Specialist has identified. If the Team Leader concurs with the Specialist's recommendation, thereafter during the routine counseling process, the Specialist will inform the clients so identified that Discretionary New Lands Grazing Permits are now being issued.

The issuance of New Lands Grazing Permits shall not be limited to those individuals identified by the ONHIR as possible candidates for the award of a permit. The ONHIR will also entertain requests from certified eligible clients who come forward and request the issuance of a New Lands Grazing Permit. In such event the Relocation Specialist will conduct the analysis set forth above and proceed with processing the request in accordance with these procedures.

1860.2 Advice to Client

At such time as the certified head of household expresses an interest in acquiring a discretionary grazing permit, the Relocation Specialist will advise the client of the following:

MM#1860

Permits

1. Eligibility for a New Lands Discretionary Grazing Permit is not automatic.
2. Issuance of the permit by the Executive Director is not automatic nor will permits be issued on a "first come -- first serve basis."
3. The Executive Director will consider each request on its own merits, on a case-by- case basis, and the decision to grant or deny the request will be based upon those factors which, in the opinion of the Executive Director, will best facilitate the relocation process.
4. The requirement to abide by New Lands Grazing Regulations.
5. That Grazing Permit Fees are being considered.

The Relocation Specialist will also inform the client that sponsorship for a move to one of the New Lands Range Units, as set forth in MM§1820, is not required if the move to a New Lands Range Unit is contemplated in conjunction with the receipt of a discretionary grazing permit.

1860.3 **New Lands Tour**

The Office has determined that the client's participation in a New Lands Tour is in the best interests of the client, the New Lands Community, and the Government. Therefore, the Relocation Specialist will inform the client that his/her participation is mandatory. The client's household members will also be encouraged to attend. The purpose of the tour is to provide the client an opportunity to view the New Lands as well as those Range Units in which homesite leases and discretionary grazing permits are available and to gain information about the range management system. The tour shall be scheduled and conducted in accordance with the procedures set forth in MM§1822.

In the event the client does not wish to initially participate in a New Lands Tour but first requests more information regarding New Lands grazing, an orientation may be presented by the New Lands staff at the O.N.H.I.R. office in Flagstaff or at an outside location as requested by the client. The Relocation Specialist shall contact the appropriate New Lands staff member (following the procedures outlined in MM§1820) to schedule the orientation. The New Lands staff shall be provided a minimum of two weeks advance notice of the scheduling of a New Lands orientation presentation. The client's participation in the orientation will not waive the requirement that he/she participate in a New Lands Tour prior to the submission of their request for a Discretionary Grazing Permit.

1860.4 **Referral to the Executive Director and Recommendation for Approval**

If after the client has attended a New Lands Tour and New Lands Orientation, the client indicates his/his intent to relocate to a New Lands Range Unit, the Relocation Specialist shall complete Form 1860a, "Request for Issuance of New Lands Discretionary Grazing Permit." The Specialist shall detail in the narrative portion of the form not only the client's reasons for requesting the issuance of a permit but also the Specialist's reasons for supporting the request and why the Specialist believes the granting of the permit to be appropriate, ie., the client's prior experience and knowledge of livestock and grazing, the client has family members who have relocated to the New Lands, and/or any other factors which the Specialist believes will enhance the client's prospects for success as a livestock grazer on the New Lands. The Specialist shall also

Permits

state in the narrative why the granting of a Discretionary New Lands Grazing Permit to this client would be in the best interests of the government.

After completion of the "Request for Issuance of a New Lands Discretionary Permit" form by the Relocation Specialist, it shall be routed first to the Relocation Branch Team Leader and then to the Relocation Operations Supervisor for review and approval. If approved by the Relocation Operations Supervisor, the request shall be delivered to the Land Use Manager for his review and approval. Upon approval by the Land Use Manager it shall then be forwarded to the Deputy Director for his approval prior to submission to the Executive Director who shall make the final decision as to whether or not the client's request for a New Lands Discretionary Grazing Permit should be granted.

1860.5 Decision of the Executive Director

The Executive Director shall review the request and decide whether or not the issuance of a New Lands Discretionary Grazing Permit to this client is in the best interest of the client and the government. The Executive Director shall indicate his decision on Form MM#1860a and return it to the Land Use Manager. The Office of the Land Use Manager shall deliver copies of the Executive Director's decision to the Relocation Operations Supervisor who in turn will notify the ROB Team Leader and the Relocation Specialist of the decision. The Relocation Specialist shall then inform the client, in writing, of the Executive Director's decision.

In the event the request is denied, the client shall have no right of appeal therefrom.

If the client's request is approved by the Executive Director, the client's application for a discretionary grazing permit shall be submitted and processed in accordance with the procedures set forth in MM§1841.

1860.6 Requirement to Proceed with Timely Relocation

The client shall take all appropriate action to proceed with his/her relocation to the New Lands. If the client should fail to enter into a contract for relocation within six months from the date the Executive Director has entered his approval for issuance of the discretionary grazing permit, the Executive Director, at his sole discretion may revoke his approval.

The New Lands Discretionary Grazing Permit shall be issued to the client in accordance with the procedures set forth in MM§1841.1(5).

MANAGEMENT	SECTION	1800	NEW LANDS OPERATIONS	
MANUAL	SUBJECT	1885	Employee Housing Assignment	APPROVED
				10/26/95

SECTION: 1800 NEW LANDS OPERATIONS

SUBJECT: 1885 HOUSING ASSIGNMENTS

AUTHORITY: OMB Circular A-45, as amended; Bureau of Reclamation
Regional Quarters Rental Survey dated 2/7/93.

POLICY.

In response to the need for living quarters for employees, contractors, and staff of cooperating agencies, the Office of Navajo and Hopi Relocation will identify buildings on the New Lands which can be used as housing units. Housing units will be assigned based upon the criteria contained herein.

Pursuant to the requirements of OMB Circular A-45, as amended, the Office of Navajo and Hopi Relocation will establish rent and utility rates to be charged housing unit occupants. The ONHIR will utilize the rental survey and rental charts issued February 1993 by the Bureau of Reclamation to determine equitable rental payment for the units. Metered utilities will be put in the name of the occupant. A flat rate will be charged for unmetered utilities.

Rent and utility payments due to ONHIR will be collected through payroll deductions, for employees of the ONHIR. Contractors will be responsible for paying rent at the beginning of each month and paying utility bills within 10 days of being invoiced by ONHIR.

Housing units will be assigned by the Executive Director, following review and recommendation by the Land Use Manager. Units will be assigned based upon availability and identified need of the ONHIR to station individuals with specific skills/functions on the New Lands for official purposes. After identified agency need has been met, units will be assigned according the following priority system:

1. ONHIR permanent employees.
2. Contractors working for the ONHIR.
3. Other governmental entities or agencies working directly with ONHIR on the New Lands project, including the Navajo Nation, IHS, BIA, State of Arizona, or Apache County.
4. ONHIR Temporary and Seasonal Employees.

Revenue received from rental payments shall be deposited in the New Lands Revenue account.

PROCEDURES.

1. Rental Rates. Rental rates have been established in accordance with the survey of comparable rental rates for the general area, conducted and published by the Bureau of Reclamation in 1993. The Arizona/Nevada Quarters

Monthly Base Rate Chart for 3 bedroom houses (p. 18) and Chart for 1 bedroom apartments (p. 25) has been used to establish the rental rates listed below and on the attached chart.

The ONHIR will review the rental rates annually to determine if rate adjustments are necessary. Review will be undertaken by the Assistant Land Use Manager, the Finance Officer and the Personnel Officer, and will take into consideration any changes in the condition of the units as well as changes in local market rental rates, to the extent known.

The square footage measurements of the housing units are taken from the **New Lands Resources with Potential Use as Community Facilities** report prepared by CH2MHill dated May 1987. If the report does not contain information on square footage, the square footage has been determined by the exterior measurements of the building.

2. Designated Housing Units. The following quarters are available for housing:

<u>Unit</u>	<u>Sq. Ft.</u>	<u>Rent/Mo.</u>
Burntwater house (3 bedroom)	2,391	\$295
Navajo ranch house (3 bedroom)	2,347	\$303
Nichol house (3 bedroom)	1,762	\$225
Sanders bunk house (3 bedroom)	1,860	\$234
Range office quarters (1 bedroom)	330	\$126
Ted's house (bedroom and communal kitchen/laundry):		
Large bedroom/bathroom suite		\$200
Small bedroom/bathroom suite		\$150
Per night rates:		\$ 10

3. Utilities. Occupants of bunkhouse accommodations (Ted's house) will not be required to pay utilities. Other renters will pay utility costs according to the following schedule:

a. Electricity. Occupants of the Navajo Ranch House and the Range Office quarters will pay a flat rate determined by the Finance Branch and collected through payroll withholding. Occupants of the other units will be required to put the electric meters in their own names, and will be billed directly for electric use.

b. Water. ONHIR employees will be charged a flat rate determined by the Finance Branch and collected through payroll withholding. Other occupants will be billed monthly by the ONHIR Finance Branch.

c. Propane. The ONHIR will fill the tank before a tenant moves in. Thereafter the occupant will fill the tank and pay for propane as needed, and will be required to fill the tank when he/she vacates the unit.

d. Solid Waste Disposal. Occupants shall arrange for weekly

trash pickup by the Nahat'a' Dziil Solid Waste Program.

e. Other Utilities. Occupants must arrange for cable and phone hookups on their own.

4. Payroll Deductions. ONHIR employees who occupy a housing unit shall authorize payroll deductions for rent and utility charges. Contractors and other individuals who are not ONHIR employees shall pay rent at the beginning of each month, and shall pay utilities within 10 days of receipt of an invoice from the ONHIR. Failure to pay rent and utilities timely shall result in the occupant's eviction.

5. Space Assignments. Once a unit has been assigned, the occupant will not be requested to vacate except for: 1) identified agency need; 2) cause, as provided in the rental agreement; 3) termination of employment, contract, or interagency work assignment.

a. Three Bedroom Houses: Preference will be given to a family of three or more persons, or three male or three female employees/contractors (without dependents).

If a three bedroom house is set aside for use by two or more single individuals, the rent and any flat rate utility charges for the unit will be divided by the number of unit occupants, with each occupant paying their portion. If a vacancy occurs, the remaining occupants will not be responsible for that portion of the rent and utility costs.

b. Range Office Quarters and Bunkhouse Accomodations: Preference will be given to two-person families or single male or single female employees.

6. Request for Housing. The employee or other individual requesting housing must submit a written request to the Land Use Manager. The request must include the names and relationship of family members who will live in the unit. If the unit is needed for a specific period of time, this information should be provided.

7. Assignment by Executive Director. The Land Use Manager will review the request and determine the requestor's eligibility and the availability of a unit. The Land Use Manager will submit the request, along with his recommendation, to the Executive Director for final decision. The Executive Director's decision will be communicated to the requestor by the Land Use Manager.

8. Inspection of Unit.

a. Inspection Prior to Move In. The ONHIR will assure that the units are safe, decent and sanitary and equipped with a range and refrigerator. The Assistant Land Use Manager will arrange for an inspection of each unit by the Inspection Section before an employee moves in. The Assistant Land Use Manager will accompany the inspector. The inspector will

make notes on the condition of each of the rooms and the exterior of the house. The inspector will videotape or photograph the rooms and features of the house. After the inspection, the inspector will prepare a report listing items which show defects or damage.

The Construction Inspection Team Leader will determine if repairs or maintenance must be performed prior to the tenant moving in, and the source for maintenance/repair work: contract, Inspections Section staff, VBS, and/or range crew employees. The Assistant Land Use Manager and Construction Inspection Team Leader will coordinate in accomplishing the repair/maintenance work.

b. Inspection When Tenant Moves Out. The Assistant Land Use Manager will notify the Inspections Section and arrange for an inspection when a tenant moves out of a unit. The inspection must be performed before the Personnel Office issues the clearance papers. The inspector will inspect each room of the unit and will note and photograph any damaged items. The inspector will compare results of the move-out inspection with the reports and photographs taken at the time of the move-in inspection. If damage over and above normal wear and tear has occurred, the inspector will note this in the report.

The Construction Inspection Team Leader will review the report within two days of the inspection. If damage is noted, the Team Leader will develop an estimate of costs for repair. The report will be submitted to the Personnel Officer. If damages are due the agency, the Personnel Officer will consult with the Finance Officer and the Executive Director to initiate salary offset to cover the cost of damages.

9. Repair and Maintenance During Occupancy. The tenant shall perform routine maintenance of the unit. Items requiring repair shall be reported to the Construction Inspection Team Leader, who shall arrange for an inspection if necessary. The Construction Inspection Team Leader and the Assistant Land Use Manager will coordinate on repairs and any remodeling undertaken on the units.

10. Rental Agreement. The employee or other individual to whom the unit is assigned must sign a Rental Agreement (example attached) before keys will be issued. After signing the Rental Agreement, the employee will have two weeks to move into the unit.

11. Files. The Assistant Land Use Manager will establish and maintain a file for each rental unit. The file will contain the original signed rental agreement, the occupant's written request for housing, the inspection reports and photographs taken by the ONHIR inspectors, and related correspondence and information. Copies of the executed rental agreements will be routed to the Personnel Office and the Finance Branch.

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2100 Introduction

AUTHORITY

POLICY.

The goal of the Accounting Branch is to provide the program and management components of the Office of Navajo and Hopi Indian Relocation (ONHIR) with support in the areas of:

- Recording appropriations and obligations.
- Voucher examination and disbursement for goods and services.
- Assistance with procurement.
- Travel advances and voucher approval.
- Handing of receipts for deposit.
- Budget preparation.

The Accounting Branch maintains a full set of financial records in order to provide reports as required by external users such as the U. S. Treasury and the Office of Management and Budget, and to ONHIR management. Within this broad framework, the detailed objectives can be stated as follows:

Systems Operations. Financial data shall be gathered and processed only where necessary to meet specific internal needs or external requirements. Only useful data will be processed. Financial data shall be available on a timely basis to management and in time to meet external reporting requirements. Financial data shall be reasonably complete and accurate, and shall also be verifiable. It shall be recorded and reported in a consistent manner. The financial system shall be designed and operated to promote the principles of efficiency and economy.

Systems Integrity. The system shall feature controls which are reasonable and efficient.

Budget Support. Financial data shall be recorded to facilitate budget preparation and execution. Presidential and Congressional decisions shall be recorded precisely.

Management Support. Data shall be recorded and reported in a manner which facilitates effective and efficient management in both the program and administrative areas. Accrual accounting information shall be developed only as needed to meet the needs of management or the Congress.

MANAGEMENT SECTION 2000 ACCOUNTING PROCEDURES
MANUAL SUBJECT 2100 Introduction

APPROVED
03/13/92

Full Financial Disclosure. Financial data shall be recorded and reported as required by external users to provide for full financial disclosure and accountability. Financial data shall be recovered in such a way as to promote integration with the central accounting and reporting systems.

2110 PURPOSE AND USE OF CHAPTER.

This chapter is being authored in an on-going effort to illustrate the structure of duties and the standards to which they should be performed within the Accounting Branch. It will serve as a reference to assist in the assignment of duties and to document the procedures in use.

Through distribution of this chapter to staff members, they are notified of the various tasks assigned to them, their interface with others, and the manner in which the tasks should be completed. This chapter can therefore be used as a guide for the individual performing the task.

This chapter also serves to summarize the requirements set forth by the U.S. Treasury and OMB in their own publications as they apply to ONHIR.

Examples of forms and worksheets are included at the end of each chapter.

1. Authority Under Which This Function Operates.

Original legislation establishing the Navajo and Hopi Indian Relocation Commission was enacted in Public Law 93-531 which stated, in part:

- Section 12 (g) subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to--
 - a. appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary...;
 - and
 - b. procure temporary and intermittent services to the same extent as is authorized by Section 3109 of Title 5...Section 12(h) of the Department of the Interior shall furnish, on a non-reimbursable basis, necessary administrative and housekeeping services for the Commission.

Public Law 96-305 dated July 8, 1980 amended Public Law 531 to read: Section 12(g) subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to (1) appoint and fix the compensation of an Executive Director, an independent legal counsel, and such additional staff personnel as he deems necessary... Section 12(h) the Commission is authorized to provide for its own administrative, fiscal and housekeeping services.

On September 22, 1982, Commission Chairman, Hawley Atkinson, officially delegated the authority to designate certifying officers and to sign "any and all official governmental documents bearing on the obligation of funds, the

accomplishment of payments, personnel actions, budget documents and any other necessary official communications" to the Executive Director.

On July 15, 1982, Commission Chairman, Hawley Atkinson, officially delegated authority to sign documents requesting the obligation and expenditure of funds to the Administrative Officer.

The documentation for these delegations is located in the Personnel Officer's file entitled "Delegations of Authority".

P.L 100-666 changed the name of the organization to "Office of Navajo and Hopi Indian Relocation".

2. Procedures/Forms Clearance

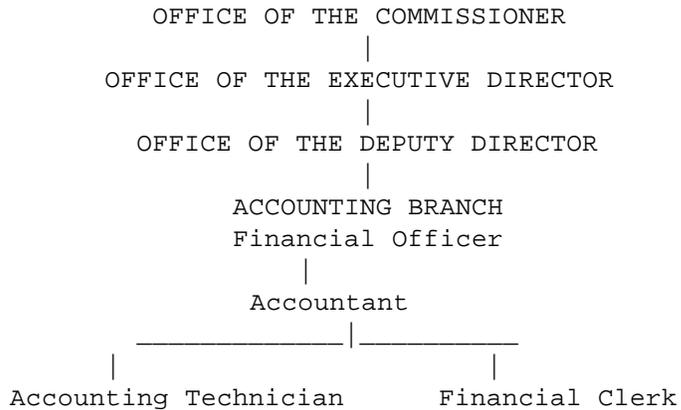
The position holding the responsibility for the drafting of procedures and related forms is the Financial Officer, who will coordinate development with the Management Analyst and those office/staff members implementing the procedures. Draft forms and procedures are to be cleared through the Deputy Director and the Management Analyst who will review for:

- Conformance with law and policy.
- Adequacy and internal consistency.
- Integration with computer analysis and programming priorities and constraints.

After review, copies of the procedures will be issued to the Executive Director for final approval. They may then be included in the Accounting Procedures Manual and circulated for staff use.

2120 STRUCTURE - ORGANIZATION CHART OF FINANCIAL OPERATIONS

Office of Navajo and Hopi Indian Relocation
 Organization Chart of Financial Operations



For a complete organizational chart of ONHIR operations, see Volume I of the Management Manual.

Other key personnel mentioned in this chapter are as follows;

- Authorized Certifying Officers
- ADP Supervisor
- Administrative Coordinator
- Clerk-Typist
- Contracting Officer
- Contracting Specialist
- Purchasing Agent
- Supply and Fleet Management Technician
- Housing Supervisor

2130 ACCOUNTING DESCRIPTIONS

This section provides a reference for the user of these procedures by describing commonly used terms and the chart of Accounts and Accounting Codes.

1. Terminology.

Accrued Expenditure.

Under the accrual accounting concept, an expenditure accrues at the time goods and services are received, regardless of when payment is made or resources are used.

Allotments.

Authority delegated by the Executive Director to agency personnel to incur obligations within a specified amount pursuant to an apportionment or reapportionment. Budgeted amounts are reflected in the Account Summary File.

Apportionments.

A distribution by the Office of Management and Budget of budget authority or balances available in an appropriation. The amounts apportioned limit the obligations that may be incurred.

Assets.

Economic resources of an agency that are recognized and measured in conformity with generally accepted accounting principles. Examples are: funds with Treasury, furniture and equipment and supplies.

Authorized Certifying Officer.

An employee who certifies vouchers for payment as authorized by the head of the agency, and is responsible for the correctness of the facts and computations supporting the payment and the legality of the payment.

Batch.

Similar transactions which have been grouped together. In batch processing, these items will be run on the computer at the same time with the same program.

Cashier (Class-A).

One who receives and maintains an advance for an imprest fund, is accountable in his own name for the fund and has not been authorized to advance an imprest fund to another cashier, except an alternate.

Commitments.

Agreements for the exchange of resources at some point in the future which at present are unfulfilled on both sides.

Expenditures.

Gross payments less any reimbursements or refunds received.

Fiscal Section.

Term used to refer to the Accounting Branch.

Fiscal Year.

The fiscal year for the Federal Government commences on October 1st and ends on September 30th.

Fund Balance.

An amount in excess of an agency's assets over its liabilities.

GOALS System.

Stands for Government On-line Accounting System, a system maintained by the U.S. Treasury to communicate financial information to the various agencies, and to receive their financial reports. Currently, the Financial Officer performs the function of establishing the telephone link with Treasury on the ONHIR's IBM personal computer and sending and receiving reports.

Imprest Fund.

A petty cash fund in the form of currency, coin or check which has been advanced to an authorized cashier from agency funds for cash payment or other cash requirements as specified. The imprest fund held by the ONHIR is of the revolving type, replenished to the fixed amount as used.

Liabilities.

Economic obligations of an agency that are recognized and measured in conformance with generally accepted accounting principles. Liabilities can be differentiated from encumbrances or obligations in that a liability arises only when goods and services have been delivered, while an obligation is a commitment to purchase.

Maintenance.

The ongoing activity of establishing new file records on the computerized accounting system, also updating and adding to these records.

Materiality.

Financial reporting is concerned only with information that is significant enough to affect evaluations and decisions. Issues of material importance arise from dollar value and also from questions of adequacy of control over agency monies and property.

Menu.

On the computerized accounting system, a guide to the various reports and functions available which displays on the screen.

OCR.

Stands for Optical Character Recognition, referring to the capability of computer system equipment to scan and "read" documents prepared in this format.

Obligations.

Contracts, purchase orders, or any other binding commitments made by authorized agency employees to disburse immediately, or at some time in the future, money for products and services.

Recoveries.

For a "no-year" appropriation, the difference between the obligated balance at the end of the prior year and current gross obligations against the prior years funds, whether or not they have been liquidated during the current fiscal year.

Unliquidated Obligations.

Obligations for which disbursements have not yet been made.

Unobligated Balances.

The balance of budget authority which has not been obligated, and so is available for obligation.

Voucher (SF-1166).

The document used by the agency to request payment by check processed by the Treasury Financial Center.

Warrant.

The document used by the Treasury to inform the agencies of amounts transferred into their accounts which are available for disbursement.

2. Descriptive Chart of Standard General Ledger Accounts.

The computerized general ledger system is composed of the 6-digit account numbers derived from the U.S. Government Standard General Ledger published by the Financial Management Service, Department of the Treasury. As a supplement to the Treasury Financial Manual, the U.S. Government Standard General Ledger (S.G.L.) is periodically updated. A file on the S.G.L. is maintained by the Financial Officer.

The first digit of the account number indicates the type of appropriation, whether annual or no-year. The second digit refers to the fiscal year in which the appropriation originated. The last four digits are the S.G.L. number.

3. Descriptive Chart of Detail Accounting Codes.

The computerized document number system, designed to track each accounting event for obligation and payment, is tied to the chart of accounting codes. Each document number is assigned one accounting code which indicates the nature of the obligation and resulting expenditure.

The accounting code consists of nine digits. The first four digits correspond with the type of appropriation as follows:

- X82 - 1982 No-Year Fund
- X83 - 1983 No-Year Fund
- X84 - 1984 No-Year Fund
- X85 - 1985 No-Year Fund
- X86 - 1986 No-Year Fund
- X87 - 1987 No-Year Fund
- X88 - 1988 No-Year Fund
- X89 - 1989 No-Year Fund
- X90 - 1990 No-Year Fund

The next two digits of the accounting code indicate the organization within ONHIR as follows:

- 11 - Office of the Commissioner
- 12 - Office of the Executive Director
- 15 - Division of Administration
- 17 - Relocation Costs
- 20 - Former BIA Funds
- 21 - Office of Relocation Operations (Certification, Counseling, Lease Acquisition and Inspection, Housing)
- 23 - Bonus Payments
- 26 - New Lands Administration

The last three digits of the accounting code, the object class, indicate the nature of the obligation and expenditure as follows:

100 - Personnel Services

- 110 - Salaries and Wages
 - 111 - Permanent Full-Time Employees
 - 114 - Temporary Full-Time Employees
 - 115 - Permanent Part-Time Employees
 - 117 - Intermittent Employees
- 130 - Other Compensation
 - 133 - Reimbursable Detail Employees
- 140 - Retirement and Insurance/Government Share
 - 141 - Civil Service Retirement
 - 142 - Health Insurance
 - 143 - Group Life Insurance
 - 144 - FICA
 - 146 - Unemployment Insurance

150 - Other Benefits

151 - Incentive Awards

160 - Benefits for Former Personnel

161 - Benefits for Former Personnel

200 - Services and Supplies

210 - Travel and Transportation

211 - Employee Travel

212 - Travel/GSA Motorpool

214 - Blanket Travel Advances

220 - Transportation of Things

221 - Transportation/General

230 - Rent, Utilities and Communications

231 - Space Rental/Commercial

232 - Utilities/Commercial

235 - Telephone Services

236 - Postage and Fees, U.S.P.S.

237 - Other Postage

238 - Radio Communications

240 - Printing and Publications

241 - Publications

242 - Forms

243 - Solicitations

246 - Copier Reproduction

248 - Federal Register and CFR

249 - Other Federal Printing

250 - Other Services

251 - Miscellaneous Payments to Commercial Contractors

252 - Payments to Consultants and Experts

253 - Maintenance Contracts

254 - Employee Training Advances

255 - Payments to GSA

256 - Payments to Other Federal Agencies

257 - Training/Commercial

258 - Training/Federal

259 - Training/Other - College Courses

260 - Supplies and Materials

- 261 - Office Supplies/Commercial Purchases
- 262 - Office Supplies/Purchased f/ Other Government Agencies
- 265 - Fuel
- 266 - Other

300 - Land, Structures and Equipment

310 - Equipment Acquisition

- 311 - Equipment/Commercial Purchases
- 312 - Equipment/Purchased from Other Government Agencies

320 - Lands and Structures

- 326 - Relocation Costs/Housing Benefits
- 327 - Relocation Costs/Other

400 - Grants and Fixed Charges

410 - Incentive Bonuses

- 412 - Incentive Bonuses

420 - Discretionary Funds

- 421 - Discretionary Funds

Allotments are recorded by accounting code and are not tied to specific document number. See Section 2740 "Preparation of the Allotment Detail Input Document".

2140 OVERVIEW OF THE COMPUTERIZED ACCOUNTING SYSTEM.

What follows is a brief description of the files which comprise the computerized accounting system. Documentation for each of these files is maintained by the ADP Branch.

Vendor Master.

This file identifies vendors by name, provides client case number, street and mailing address and tax identification information as applicable. The vendor number is used in the document master to identify the individual or organization associated with a particular transaction and in the check master to identify the payee name and address used in the preparation of vouchers for submission to the Treasury Financial Center.

Client case numbers are used to pull the home mailing address information from the client data base file (which is not maintained by the Accounting Branch) for use in addressing client checks. In this way, the Accounting Branch always has access to the most recent client address information when processing payments.

This file is accessed by the vendor number and shows the date of last activity associated with the vendor as well as the information mentioned above.

General Ledger Summary.

This file is accessed by general ledger number and stores the general ledger information through the last posted month. It shows whether the account is normal credit or debit, the title of the account, the current year's debit and credit amount as of the last posted month, and prior years' debit and credit amounts, last posted FY and month.

Document Summary (MASTER).

This file contains information for each accounting transaction organized by document number. The first two digits of the document number indicates the fiscal year of the activity and the last four digits are assigned sequentially. Information contained in the document summary file includes accounting code, document description, date record was initiated, vendor number, client number, amount obligated through the last fiscal year posted and during the current fiscal year, amount paid through the current fiscal year, renewal code and date of last activity.

Transaction History.

This file contains all batch information posted since the last fiscal year closed, and so contains batch number, document number, transaction type and amount, transaction date, voucher number, etc. This file is not keyed, and has not been set up for inquiry on a screen or listing, so may only be accessed with the assistance of the ADP Branch.

Daily Transaction.

This file is the same as the the Transaction History, but is only a daily holding file used until the end of the month posting.

Account Title.

This file is accessed by entering one of the three parts of the accounting code preceded by the the appropriate level number:

- 1 = Fund
- 2 = Organization
- 3 = Object Class

This file contains a description for each of the parts of the accounting code and provides the descriptions appearing on the Allotment Status and Summary Reports.

Account Summary (Detail Account Balance).

This file is accessed by accounting code and contains the date the record was last maintained, the date of last activity, the last month posted, last fiscal year posted, and the allotted, obligated, and expended amounts through the last fiscal year closed, and in the current fiscal year.

Check Master.

This file is accessed via the entry of the voucher number associated with a specific payment followed by the sequence number of the payment on the voucher (one through six). It provides information regarding the payment including the batch number in which it was processed, date originated, payee number, document number, check amount, check number and date, status of payment, whether issued, paid or void, and face-of-check comment.

This file is used to generate the printing of automated vouchers.

Two other files, the Constants File and the Batch Total File are used in processing accounting information, but not directly in inquiry or reporting. Questions regarding these files should be directed to the ADP Branch.

1. Control and System Security.

In general, the agency is protected from data loss by a system of daily and weekly backup of all files, libraries, etc. onto diskettes. Password and Menu security systems are in place to provide restricted access to file maintenance and other sensitive procedures. The Deputy Director serves as the agency's security officer.

Functions within the accounting system can be broken down into data entry, maintenance, posting, reporting and year-end close. With the exception of the Financial Officer, access entry (daily batching) and maintenance (creating and updating master file records) is divided among staff members. The person who does data entry of the batch does not post the batch.

The maintenance function is further protected by a front-end password. Month and year-end closing is performed only by the Financial Officer.

When a fiscal batch is initiated, a manually calculated batch total is entered into the system. The entry program accumulates the transactions and when the program is ended, this total is compared to the total entered previously. If the amounts do not agree, a password must be entered if a change to the original batch total is to be made. A message is sent to the Financial Officer's terminal reporting a batch balance error, and a print out is generated which shows the amounts entered.

The Financial Officer maintains a manual log of batch total debits and credits and compares the log total to the system totals on the Summary Trial Balance on a monthly basis ensuring that no batches are posted without the knowledge of the Financial Officer.

Original vouchers are approved and signed by one of the agency's three Authorized Certifying Officers, designated by the head of the agency. These ACOs are not involved in batch entry or posting, or the generation of the original vouchers. The Treasury Disbursing Office will not issue payments from a voucher unless the ACO signature is proper.

When accomplished (paid) vouchers are received back from the Treasury Disbursing Office, the check number and date of issue are entered into the check file.

Further manual checks are performed by the Financial Officer to ensure that the account master is in agreement with the document and account summary masters. For more information see Section 2540 "Verification and Integration of Accounting Results."

2. Non-Computer System Components.

One of the most important non-computer components of the accounting system are the fiscal files located in the area of the Accounting Technician's desk. These files are maintained in vendor number order, with separate areas for those which are labeled "complete" (no further action required or anticipated) and those which are considered active. The fiscal files contain:

1) a recap sheet of dollar activity; 2) the yellow duplicate of all fiscal activity document input sheets which have been batched and posted, along with any attached documentation; 3) the contract, purchase order, or other authorizing documents and any modifications; and 4) any related correspondence, reports, comments logged by staff members. These files are maintained primarily by the Finance Clerk under the supervision of the Accounting Technician and the Financial Officer.

From time to time, and as necessary in the daily work of recording transactions and responding to inquiries, the Accounting Technician and the Financial Officer verify that the totals obligated, paid and liquidated on the fiscal file recap sheets agree with the information on the document Master on the System 36. Discrepancies are investigated and corrected, and the file is not refiled until all discrepancies are corrected. The individual performing the audit notes the date and his or her initials on the recap sheet. Fiscal files must be audited prior to being labeled "complete".

The various financial reports are maintained along with the related worksheets in the Financial Officer's office, as are the payroll workpapers.

All financial documents and fiscal files which are rotated out of the main office area are placed in file boxes, labeled and sent to storage.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2200	Disbursing	APPROVED
				03/13/92

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2200 Disbursing

AUTHORITY

POLICY.

The generation of vouchers which request the preparation and distribution of government checks in payment to vendors, clients and contractors is the top priority function of the Fiscal Section. This activity, though automated, relies on the completion of a variety of tasks, as outlined in this section.

2210 CHECK ISSUE PROCEDURES - PAYMENT BATCHING.

Information which is processed to maintain the general ledger and accounting code balances is also used to create the files needed to produce vouchers. The input documents are prepared prior to the actual disbursement except in the case of certain payments, such as the Imprest replenishment and the payment to the agency's travel agent. The processing of these exception batches is addressed in Section 2210.7 "Variations From Normal Processing of Payments".

Preparation of input documents prior to the actual disbursement is more efficient and less subject to error because information is handled and entered only once.

1. Preparation of the Fiscal Activity Document Input Form.

The Fiscal Activity Document Input Form is the primary vehicle used to enter obligation, payment and deposit information into the computerized accounting system. These forms are prepared by the Accounting Technician and the Financial Officer as is outlined in the following procedures, and are processed in batches.

a. Vendor and Document Number Input.

Before an obligation or payment can be made for an expenditure that is not already represented by an existing document number, a document number must be assigned and a new record created on the Document Master File. The AccountANT has the primary responsibility for assigning new document and vendor numbers, however, the Financial Officer may do so when necessary.

Each document number represents a distinct and separate accounting event and these numbers are assigned sequentially with the first two digits representing the fiscal year of the obligation. Also see Section 2620 "Obligations and Obligating Documents".

Vendor numbers may be assigned independently of document numbers, but each document number must refer to a valid vendor number.

The following steps are taken in the assignment of a new document number:

- Secure vendor information to include name and mailing address in the case of a business entity or name and case number in the case of a relocation client.

- Determine, through the use of the Alpha Search on Menu B7 "Inquiry", if a vendor/payee number has been assigned. If so, ensure that the record to be used contains the proper mailing address as well as the vendor name.

- In the case of a new vendor/payee number for a client, the Vendor Master by Client Case Number on Menu B7 must be consulted to avoid duplicate numbers for the same clients. Due to name changes, inconsistencies in spelling, and similar difficulties, an Alpha Search alone does not always prevent the issuance of duplicate numbers.
- If the desired vendor/payee record already exists, enter the number and name only onto the New Vendor/Document Input Sheet. Only the new document number record will be created when the maintenance is entered.
- If the desired vendor/payee record does not exist, a sequential vendor number is assigned and logged onto the list of vendor number assignments kept by the Accountant. The vendor name, case file number if applicable, and address are entered onto the New Vendor/Document Input Sheet.
- The Document Number Assignment Log shows the next available document number for the current year. A current year document number is used.
- The document number assigned is entered to the right of the pertinent vendor information on the New Vendor/Document Input Sheet. The accounting code is entered after being determined by reference to the obligating documents or the Descriptive Chart of Accounting Codes. A brief description of the type of obligation is also entered onto the input sheet. Questions should be referred to the Financial Officer. An entry is made to the Document Number Assignment Log.

The completed input sheets are forwarded to the Accountant for file maintenance, or to the Financial Officer in the Accountant's absence. When the maintenance is entered, the input sheets are stamped "data entered" and returned to the Accountant for retention in his/her files.

The Housing Acquisition Branch uses the Vendor/Payee File Maintenance Request Form to initiate records on the Vendor/Payee Master.

The following steps are taken when the Housing Acquisition Specialists or their Supervisor anticipates that a payment will be made to a vendor not yet identified on the system, and to revise existing information.

- The date is entered onto the Vendor/Payee File Maintenance Request Form and a check made to indicate if the request is for a new record or to revise an existing record.

- The name is entered onto the form as it will appear on the check and in the order the Specialist wishes it to be alphabetized. For example, last name first or insurance company name first, agent's name second. All individual's names are entered last name first.
- The street address is entered onto address line 1, the P. Box (if any) on address line 2 and the mailing city, state and zip code on address line 3.
- The Specialist should also attempt to provide Federal Income Tax identifying number information on the Tax I.D. line. The Federal I.D. number or social security number may be used. This information is not needed for corporations or escrow holding firms.
- The first approval line on the form must be initialed by the Specialist, and the second line by his/her supervisor. The form is forwarded to the Financial Officer for entry into the system.
- When maintenance is completed, the yellow copy is routed to the Accountant for retention in his/her files and the white original is returned to the Housing Acquisition Branch for their use.

The vendor/payee and document number information is used to identify the transaction being processed whenever a Fiscal Activity Document Input Sheet is completed.

b. General Ledger Account Number.

The computerized general ledger system is updated during the batching process. Standard entries are booked as follows in order for the Document Master to correspond with the general ledger:

- Option A (increase obligation)
Debit 4610

Credit 4800

- Option B (decrease obligation)
Debit 4800
Credit 4610

- Option C (increase payment)
Debit 6100
Credit 1013

Credits to the 1013 account create an automatic entry which debits 4800 and credits 4900.

These accounting entries are routinely made by the Accounting Technician, Accountant, and the Financial Officer. For information on accounting entries to correspond with Option D see Section 2240 "Cancellation of Checks".

c. Batch Identification.

Batch numbers consist of four digits, the first two of which correspond to the accounting month. A new fiscal year begins with batch 1001 (month 10, or October, begins the fiscal year). The last two digits in the batch number progress by the number of batches each month.

All batch numbers are assigned by the Accountant, most recurring batch numbers are assigned prior to the beginning of the month. A batch total log is maintained by the Accountant which contains a running total of debit and credit entries into the system by the fund and voucher identification numbers used in each batch. The first five batch numbers each month are reserved for payment batches due to edits that are keyed to those numbers.

The batch total log is used to ensure that no entries are booked without the approval and knowledge of the Financial Officer. The Accountant compares the total debits and credits per the log to the system totals on the Summary Trial Balance report prior to closing each month and any discrepancies are researched and corrected immediately.

When assigning numbers for regular payment batches it is important to anticipate which month the payments will be processed by Treasury and properly reflect this in the batch number. This is because the batch identification is used within the system to post the batch to the accounting period indicated. If necessary, the Accountant may enclose a note with the vouchers being mailed to Treasury to request they not be processed until the next month.

d. Payee Number.

The payee number entered onto the Fiscal Activity Document Input form, when accompanied by the choice of option "C" and a voucher identification number, serves to create a Check Master record. This record will cause a payment to be requested from the Treasury Disbursing Office and the resulting check will be made out to the name and address indicated by the payee number.

Careful selection of the payee number will ensure that it is correct. In some instances, the Vendor/Payee Master contains several records under the same name, all with different addresses. Any valid payee number may be used, regardless of the vendor number. For instance, although the relocation client is the vendor, the payee might be a building contractor, title company, or insurance agent.

Control totals of the payee numbers in each batch are calculated by hand and compared with a system generated total which appears on the edit list. Errors are investigated and corrected before the batch is posted. If, despite the edit list safeguard, an incorrect payee number is spotted during voucher printing or signing, it may be corrected through Check Master Maintenance by the Financial Officer or Accountant, or the ADP Supervisor in their absence. After the maintenance correction is completed, the voucher can be reprinted.

e. Voucher Identification.

The voucher identification number is determined by the Accounting Technician or Accountant for all payments except those originating in the Housing Acquisition Branch and by the Housing Supervisor for all payments originating in his section. A maximum of six payments per voucher (SF-1166) is allowed in the Check Master. A log is maintained by the Accounting Technician for voucher identification numbers in the E series and by the Housing Supervisor for voucher identification numbers in the A series. Voucher numbers are assigned sequentially.

The SF-1166's are prenumbered according to Treasury regulation, and the Financial Clerk also maintains a log of which voucher numbers correspond with each SF-1166.

Manually prepared vouchers are used to make payments to a payee when the payment will be to several documents. A separate batch is prepared for those vouchers. Examples are payments for the imprest account replenishment and payment to travel agents.

f. Face-Of-Check Comment.

The face-of-check comment is a notation entered by the preparer of the Fiscal Activity Document Input form, and this information resides in the Check Master and is printed on the tape which is forwarded to the Treasury Disbursing Office for payment. This comment will be inserted onto the face of the check, as its name implies, and is valuable in the communication of identifying numbers and instructions to the recipient of the payment.

The Check Master allows for two lines of 40 characters each for this comment. The space is most frequently used to describe what the payment is for, to indicate invoice numbers and dates, or to state on whose behalf the payment is made.

Almost any type of comment, numeric or alpha, with punctuation, is allowed except the # (number or pound sign) which may not be used because the spinwriter element cannot translate this sign in a way that is recognized by the OCR scanning equipment at the Treasury Disbursing Office.

It is useful to refer to prior Fiscal Activity Document Input forms in the vendor files to determine the type of face-of-check comment to use. In the case of housing payments, the case file number and reason for payment is always included in the comment. If the payment is made to a payee other than the client, this information is preceded by the client's name.

The face-of-check comment is sometimes used in-house, when payment is not being generated, to note the justification for an entry. The Financial Officer frequently uses this comment to note the reason for adjusting and correcting entries, and to record the pay period of payroll entries.

2. Batch Scheduling.

Each week a payment batch is processed by the Accounting Branch. Both the Accountant and the Housing Supervisor should be familiar with the schedule followed, and so submit the requests for payments to the Financial Officer as needed for timely processing. They are able to base their estimates of dates payments will be received by vendors on the informal batch schedule.

In general, the schedule for processing a single payment batch is as follows:

Monday: Client claims for travel reimbursement are reviewed and approved by the Accounting Technician and the Deputy Director.

The Finance Clerk completes the filing of documents from the previous week's batch.

Tuesday: The Accounting Technician and the Accountant continue to prepare batch entries.

Wednesday: The Housing Supervisor forwards requests for benefit, bonus, and incidental payments to the Accountant by 8:30 a.m. The Finance Clerk prepares these entries in batch form after they have been reviewed by the Accountant.

The Accounting Technician completes the batch, computes the batch total and forwards the batch to the Financial Officer along with the Document Input Sheets.

The Accountant enters the maintenance. The Financial Officer reviews the batch and forwards it to the Finance Clerk for data entry.

Thursday: The Finance Clerk keys the batch, reviews edit lists and makes all corrections indicated. The final edit list is returned to the Accountant along with the white originals of the batch which have been separated and date stamped. The yellow carbons will be routed to the fiscal files.

Friday: The Accountant posts the batch and after reviewing the voucher edit routes the resulting voucher print to the Finance Clerk who requests the voucher tape, secures the signature of an Authorized Certifying Officer, and mails them to the Treasury Financial Center where they will be used to prepare the actual checks which are mailed directly to the payees. In the absence of the Financial Officer, the Accountant reviews the voucher edit.

Twice each month the Financial Officer or Accountant uses the RFC GOALS link with Treasury to print a listing of the check numbers issued by Treasury. This list is forwarded to the Finance Clerk who enters the information onto the computerized accounting system.

One payment batch is scheduled each week, which means there will be four or five payment batches processed each month. The first month-end report is due on the fifth working day following the end of the month and the non-payment batches such as payroll, imprest, deposits, etc. must be processed in order for the Financial Officer to have the information needed to prepare this report. These non-payment batches are submitted for keying by the Financial Officer as they are completed, and so batching activity is especially heavy during the first few days of the month.

The Financial Officer must also consider the effects of staff absences for vacations and training when arrangements must be made for a suitable substitute to complete the tasks required for the processing of batches. Holidays cause the normal schedule to be compressed, and this situation must also be monitored by the Financial Officer to ensure that the processing goes smoothly.

3. Closing Out the Batch.

After all the entries have been consolidated, the control total of debits and credits is calculated by the Accountant or the Financial Officer. The control total is the total of all debit or credit entries on the Fiscal Activity Document Input forms. Batch total debits must equal batch total credits. The control total of debits or credits is written on the first page of the batch. As a doublecheck, the total of the "detail" entry is also calculated by adding the amount of each option selected on the Fiscal Activity Document Input forms. For regular payment batches, this detail total must equal the batch total. At the discretion of the Financial Officer, non-payment batches may not have batch and activity totals which agree. When this condition occurs, the detail total is also written on the first page of the batch and is so labeled. The batch and detail totals will be compared to machine-generated totals prior to batch posting as a safeguard against error.

A scratch total of all the payee numbers used is also calculated for all payment batches, and this total will be compared with a machine-generated total of the payee numbers data entered as a guard against keying errors.

Errors in the batch total or detail total create work for the data entry staff and delays in the processing of the batches, and so must be avoided.

The batch is subject to a final review by the Financial Officer before keying to ensure that:

- All vendor and document numbers are valid and reasonable.
- The accounting codes are valid and reasonable.
- The proper account numbers have been used.
- A payee and voucher number are given if a payment is to be generated.
- Backup documentation shows that the proper approving signatures have been obtained.
- Sufficient obligations exist from which to disburse.

When the Financial Officer is satisfied that the batch has been properly prepared it is forwarded to the Finance Clerk who performs the data entry.

4. Data Entry of Batch.

Under most circumstances the Finance Clerk will perform the batch entry through use of the Data Entry Menu. However, the Accountant may perform this task or may assign it to another staff member as required.

Only one batch of each type, Fiscal Activity or Allotment, can be

entered or stored on the computer at one time. If an attempt is made to enter a second batch before the first is posted, a screen will appear which states that "a current batch of data resides on the disk" and offers options to either delete the current batch or return to the Data Entry Menu and continue processing the current batch.

To enter a normal batch, choose the menu item required and enter the batch total according to the screen prompts which appear. Continue following the screen prompts to enter account number information and detail information. Use the command keys as needed. When all the information has been entered, command 7 will end the data entry portion and cause the system batch total to be computed. A message will appear if the total of all debit or credit entries keyed is not equal to the control total entered at the start of the keying process. The review command is used to view each entry to determine the source of any discrepancies. Errors which cannot be corrected through review should be referred to the Financial Officer.

Error messages also appear on the screen if account numbers, document numbers, or vendors entered are invalid. If an error message appears check to be certain that the information entered on the screen is identical to the information on the source document (the Input Sheet). If the source of the error is not obvious at this point, refer the problem to the Accountant or the Financial Officer.

If no message appears after "Command 7" is used, then the batch total is correct, and an edit list will automatically print. Retrieve the list from the printer and review for keying accuracy. Be sure the detail total, as the line is labeled on the edit list, agrees with the detail activity total noted on the first page of the batch. Errors here usually mean that an error in the detail amount entered has occurred. Correct any keying errors identified through the correction menu selection on the Data Entry Menu.

When correction is ended, a new edit list will be generated. Review this list and make any corrections still required. Then discard the prior edit list. Date stamp the original and the carbon pages of each entry sheet (if any). The stamped originals and final edit list are then returned to the Accountant for final review and posting. Any carbon pages and attached documentation are forwarded for fiscal filing.

5. Posting the Batch.

After the batch is data entered and before posting is the time in which a final review is performed by the Financial Officer, or the Accountant in the Financial Officer's absence. Any error messages which appear on the edit list must be cleared before the batch can be posted. These include:

a. Invalid Payee.

The payee number is not in the Vendor/ Payee file. Usually caused by a keying error. First check the edit list to the input sheet. If the

problem is not apparent at that point, review the Vendor Master on the inquiry menu for the number in question.

b. Invalid Document.

The document number is not in the Document Master or is not active. Usually caused by a failure to enter the document number during keying of new document numbers. First check the edit list to the input sheet. If the problem is not evident at that point, review the new vendor/document input sheets for omissions.

c. Invalid Account.

The account number is not found in the General Ledger Summary. Usually caused by a keying error. Check the edit list to the input sheet.

d. Invalid Accounting Code.

The accounting code is not found in the Account Summary File or the accounting code entered does not match the accounting code information in the Document Master. Could be caused by a keying error during entry of new document numbers or during data entry of batch. Check the edit list to the input sheet. If the problem is not apparent at that point, review the new vendor/document input sheets.

e. Invalid Batch Number.

The batch number entered for that record does not match the control record created at the start of the data entry process. Usually caused by a keying error in correcting or adding a record after the initial batch entry is done.

f. Vendor Number Not the Same as Document Record.

The vendor number keyed is not the same as the number in the Document Master. Usually caused by a keying error or a mistake in filling out the Fiscal Activity Document Input Form. Check the source documents.

g. Vendor Not on Vendor File.

The vendor number is not found in the Vendor/Payee file or is inactive. May be caused by a keying error during entry of new vendor/payee numbers or during batch entry. Check source documents.

h. Vendor/Payee Has a Non-Zero Date Closed.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base contains a closure date, indicating that a payment for other than the warranty holdback should not be made. First check keying and source documents to ensure that a keying or

number assignment error was not made in the Accounting Branch. Then refer the problem to the staff member who originally requested the payment. The entry should not be processed until the closure date issue is resolved to the satisfaction of the Financial Officer.

i. Vendor/Payee Mail Return Code is Not Blank.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base contains a mail return code indicating that the last mailing address recorded by the agency is no longer valid. First check keying and source documents to ensure that a keying or number assignment error was not made in the Accounting Branch. Then refer the problem to the staff member who originally requested the payment. The Counseling Secretary should be informed of this code. She will check the address and inform the applicable counselor of the problem. The counselor can then verify a new address.

j. Vendor/Payee is a Deceased Client.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base contains a code indicating that the client is deceased. First check keying and source documents to ensure that a keying or number assignment error was not made in the Accounting Branch. Then refer the problem to the staff member who originally requested the payment. The entry should not be processed until the validity of the client payment is proven to the satisfaction of the Financial Officer.

k. Vendor/Payee is an Uncertified Client.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base does not indicate that the client has been certified. First check keying and source documents to ensure that a keying or number assignment error was not made in the Accounting Branch. Then refer the problem to the staff member who originally requested the payment. Legitimate reasons for such a payment, such as settlement payments for individuals who do not qualify as residents of the joint use area, must be documented to the satisfaction of the Financial Officer before payment is made.

l. Vendor/Payee Status Requires Review Prior to Payment.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base contains a status code of IN, PC, CL, or IT. Client documentation contains an explanation of these codes, all of which indicate that payment should not be made. First check keying and source documents to ensure that a keying or number assignment error was not made in the Accounting Branch. Then refer the problem to the staff member who requested the payment.

m. Vendor/Payee Has a Case in Appeal.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base indicates that the case is in appeal of a determination of ineligibility. A valid payment under these circumstances is very unusual. First check keying and source documents to ensure that a keying or number assignment error was not made in the Accounting Branch . Then refer the problem to the Director of the Office of Relocation Operations.

n. The Damn Funds Don't Match.

The first two digits of the fund account number do not match the third and fourth digits of the accounting code. This error message was designed to alert the Financial Officer that an entry has been made in which the appropriation type and fund account year is inconsistent. Usually caused by an error in completing the fiscal activity document input sheet.

o. Voucher Already Exists in Check Master.

Indicates a duplication of voucher numbers. Usually caused by an error in voucher number assignment. Check source documents for this and prior batches, and any voucher numbers which originated from Check Master maintenance for duplication.

p. Too Many Lines.

More than six payments have been assigned the same voucher number. Usually caused by an error in assigning voucher numbers. Check other voucher numbers to see if one has too few entries.

q. Invalid Combination.

Combination of options chosen is "A" and "B" or "C" and "D", or a character other than X is used to indicate an option. Check source documents and if the error is not apparent, refer back to the preparer of the entry.

r. See Additional Edits.

It should be noted that a checklist appears on the last page of the edit list on the right-hand side. This is not an indication of a properly entered batch, but rather a reminder of items to check for during batch review. These include:

- The detail total must agree with the detail total noted on the first page of the batch. Errors here indicate that the total of all options are not in agreement with the journal entries. Commonly caused by an error keying a detail amount or by an option not coded.
- The debit and credit amounts at the end of the edit list should be reviewed for erroneous entries and amounts which do not balance. Keying errors usually account for problems here.
- The payee number scratch total should agree with the total calculated manually. Errors here indicate a keying error in the entry of the payee numbers.

Corrections are made from the Data Entry Menu. When all corrections have been made, as shown on the most recent edit list, the batch may be posted from the Post Daily Batches Menu. Any error in the post procedure should be referred to the ADP Supervisor.

If this is a payment batch the post will automatically generate a draft print of the vouchers. This print should be reviewed for error messages, and for reasonableness of payee and amount, and any errors corrected through maintenance of the Check Master performed by the Financial Officer or ADP

Supervisor. If the Financial Officer is not available to review the draft print of vouchers, it should be reviewed for reasonableness by the Accountant. The draft voucher print is then referred to the Finance Clerk for printing of the final tape. The Accountant performs this function in the absence of the Finance Clerk. See Section 2220.1 for instructions on printing vouchers.

The total debits and credits by fund are entered into the Financial Officer's Batch Total Log from the final edit list.

6. Payment Requests from Other Departments.

The Disbursement Voucher Request Form is a two part form prepared by the Housing Acquisition Specialist to request the processing of payments for housing benefits, bonuses, and incidental/search expenses incurred by clients. The Specialist completes all form items, initials and forwards it to the Housing Supervisor. The Housing Supervisor compares the amounts to the housing contract documents, and checks the vendor number, document number and payee number. If all is in order, the Supervisor initials the form, assigns the voucher number and forwards the forms in batches to the Accounting Branch for processing. One of the Housing Specialists is designated by the Supervisor to perform the review in the Supervisor's absence. The carbon of this form is retained in the Housing Acquisition Branch files. Requests for warranty refunds are initiated in the Inspection and Compliance Branch and are approved by that Supervisor.

Several departments submit a version of the "Claim for Reimbursement of Client Travel" forms for payment processing (refer to the chapter covering Search Expense in the Management Manual for more information on allowable trips, etc.). The Counseling and Certification form is submitted with an approving signature provided by the Counseling Supervisor. The form is carefully reviewed in the Accounting Branch for compliance, completeness and reasonableness. A review of the payee history is also done to ensure that no prior reimbursement has been made for travel on the dates submitted.

The Inspection and Compliance Supervisor submits the Homesite Lease Travel Form after securing the approving signature from the Housing Supervisor. The Housing and Land Development Search Travel Form is submitted by the Housing Supervisor after he has provided his approving signature. These forms are also reviewed as above.

After the voucher examiner has signed off on the forms they are forwarded to a Certifying Officer (usually the Director of the Office of Management) for approval before being included in the payment batch. Any errors or omissions detected in the Claim for Reimbursement of Client Travel Forms during the review and approval process are referred to the department approving officer for correction.

7. Variations From Normal Processing of Payments.

Entries to record imprest fund replenishment, payments to the agency's travel agent, and payroll are handled separately from normal payment batching due to different processing requirements. Correcting entries usually fall into this category of variations from normal processing as well.

a. Imprest Fund Replenishment.

Also see Section 2250 "Imprest Fund".

The imprest fund must be replenished at least once per month.

In order to replenish the Imprest Fund, only one Treasury Check is needed for the full amount of the replenishment. However, various accounting codes are used for booking replenishments of the imprest fund, and so a variety of document numbers are assigned for this purpose, all containing the vendor number for "Imprest Fund." In addition, travel document numbers are assigned, containing the traveler's vendor number, which are used to record activity from the imprest fund, as well as normal obligating and disbursing activities.

Before replenishment is ordered, the Imprest Fund Cashier ensures that all related documentation is in order, and prepares an ONHIR Imprest Fund Voucher Request Form, listing the date, sub-voucher number, vendor, description, accounting code and amount for each transaction for which replenishment is being requested. This form also contains a block summarizing page totals, replenishment total, cash on hand and fund total.

The Imprest Fund Cashier then forwards the replenishment documentation, along with the cash box, to the Financial Officer for audit. The Financial Officer then performs the following review:

- Cash Count. When verification is completed, the cash box is immediately returned to the Imprest Fund Cashier who secures it.
- Comparison of transaction documentation to entries on the Imprest Fund Voucher Request form.
- Math check of the above form subtotals and totals.
- Review of interim receipts for proper documentation and timeliness.

The Financial Officer then uses the Imprest Fund Reimbursement Request Form to note the amount and purpose of interim receipts, the amount of documented receipts, the amount and configuration of cash-on-hand culminating in the grand total of imprest funds (\$2,500.00). This form is dated and initialed and retained with the Imprest Fund records. Any discrepancies noted by the Financial Officer are immediately referred back to the Imprest Fund

Cashier for correction. If the problem cannot be identified and resolved at that point, the Assistant Director is consulted for action to be taken.

When the Financial Officer's audit is complete, he/she will request a voucher identification number from the Accounting Technician. The voucher used for the imprest fund replenishment will contain only manual entries in order to separate it from normal payment vouchers. The Financial Officer or Accountant then enters the voucher information (payee number, amount, comment and pending code) onto RC.0089 Check Master. This voucher is then added to the next tape of payments being sent to the Treasury.

The Financial Officer may forward to the Accountant all documentation for preparation of an imprest batch, which increases the obligation and the payment to all document numbers corresponding to the replenishment amounts. For minor amounts (less than \$15.00), the Accountant may exercise personal judgement in combining accounting codes, and thus document number entries. Frequently, imprest fund disbursements are made for staff travel, and in these instances, amounts increasing obligation (where necessary -- prior activity must be reviewed on RC.0840 Document Master) and payments are booked to the individual document number containing the traveler's vendor number thus designated. Travel disbursement amounts, however minor, are never combined.

As an interim step in the batch preparation, the Finance Clerk prepares a worksheet of vendor/document numbers with corresponding accounting codes and amounts to be booked, which culminates in the voucher replenishment total. The voucher I.D. number is also noted on this worksheet.

The Fiscal Activity Document Input Sheets are then prepared to record the replenishment. This is done in the usual manner, except that the payee number and voucher I.D. are omitted.

NOTE: The payee number and voucher I.D. are used in normal batch processing to generate records in RC.0089 Check Master when posting the batch. In the case of imprest replenishment, the Check Master record is manually initiated by the Financial Officer or Accountant before the batch is prepared, entered and posted.

After posting of this imprest batch, all yellow Fiscal Activity Document Input Sheets for the imprest fund vendor number, along with imprest documentation previously prepared by the Accounting Technician, are filed under the sequential replenishment number assigned. Yellow Fiscal Activity Document Input Sheets for other vendor numbers are filed by the Finance Clerk in their respective file folders.

b. Travel Agent.

Normally, the agency's travel agent bills once each month for all airline tickets purchased less credit received. Because it is more efficient to make only one payment, as opposed to the several which would otherwise be

necessary in order to record each amount to the appropriate document number, the voucher requesting payment is manually entered onto RC.0089 "Check Master" by the Financial Officer or Accountant.

The Accountant prepares a worksheet of each item by traveler's vendor and document number, and uses this worksheet to prepare the fiscal activity document input sheets to record the account number affected and the increase/decrease to payment in each document master record. Because the voucher record is created independently of the batch, no payee or voucher I.D. numbers are entered on the input sheets. The batch must be assigned a batch number which corresponds to the month in which the payment will actually be issued by the disbursing office.

The Financial Officer or Accountant then enters the voucher information (payee number, amount, comment and pending code) onto RC.0089 Check Master. The replenishment voucher is ready to be added to the next voucher tape.

c. Employee Advances.

Also see Section 2810, Cash Advances - Employees and Contractors.

Blanket travel advances are provided for staff members who perform frequent and extensive agency travel where it would not be practical to require the employee to secure a specific advance for each trip made. Educational advances are provided for staff members who are approved for college attendance under agency sponsorship.

The Accounting Technician, upon receipt of the required documentation, processes the disbursement of the advance as any other payment except that the accounting code for travel is assigned. Within the fiscal file, the entry on the recap sheet is noted as being a blanket or educational advance.

Advances are retired either through repayment (a check or cash is deposited) or by application of travel costs incurred but not reimbursed to the employee. Deposits are handled by the Financial Officer or Accountant, who make the entries necessary to retire advances.

d. Payroll.

Also see Section 2400 "Payroll".

The ONHIR is serviced by the General Services Administration Payroll Center in Kansas City, Missouri where timecard information is processed and payroll checks are prepared. The Financial Officer receives documentation on payroll disbursements and prepares the payroll batches to record this activity.

The payroll recap worksheet is prepared by the Accountant and the payroll costs are organized for the batch entry by accounting code (the print-out supplied by the Payroll Center may be used or if the print-out requires several adjustments due to accounting code assignment problems an additional worksheet by accounting code may be prepared). One batch is used to record combined payroll activities each month.

Fiscal activity document input sheets are prepared in advance for the year with document number and accounting code information. The accounting codes on these forms are matched with the accounting code information provided by the Payroll Center. The detail accounting distribution print-out shows the organization in the rows and the object class by either number or description in the columns. The Accountant enters the amount for each payroll and any supplemental payroll amounts on the detail lines of the form and calculates the total obligations and payments for the accounting entry. For this portion of the payroll batch, in which the actual paid amounts are recorded, the detail total (option A+B+C+D), the total debits, and the total credits must each be equal to twice the grand total for the pay periods per the payroll recap worksheets.

The payroll accrual is calculated by dividing the number of unpaid work days in the month by 10 (the number of work days in a pay period) and multiplying that result by the payroll costs for the most recent pay period. The first input sheet of the accrual portion of the batch is used to record this calculation. To save processing time, the accrual for employer contributions are all booked to object class 146. The new accrual is recorded as an obligation while the accrual being reversed from the prior month is a deobligation. The net amount is debited or credited to the appropriate account number. At the beginning of the new fiscal year the new document numbers are used to record the accrual, while the prior accrual is reversed from the old document numbers.

A math check is done to ensure that the total accruals are correct. The control and detail totals are then carefully calculated and the batch forwarded for data entry. Because photocopies of the input sheets are used, no yellow carbons are made and no fiscal filing is needed.

2220 PREPARATION AND ROUTING OF VOUCHERS

This function is generally performed by the Financial Clerk with the Accountant or Accounting Technician serving as alternates as needed. To prevent access by unauthorized persons, the cases of pre-numbered SF-1166 "Voucher and Schedule of Payments" forms are kept in the locked storeroom until needed, and open cases are kept in the accounting office.

One SF-1166 "Voucher and Schedule of Payments" is typed on a normal typewriter by the accounting office showing the total number of checks to be printed and the total dollar amount of these checks. This SF-1166 must be signed by the Authorized Certifying Officer, returned to the accounting office, and the white copy along with the computer tape sent overnight express to the Treasury Financial Center. The Treasury scans the tape, and the checks are printed and mailed.

1. Tape Print.

After the batch has been posted, the Financial Clerk will take the menu option "Order Voucher Tape". A password must be entered to run the program. The Finance Clerk will enter the name of the ACO to sign the payment batch. If there is a payment that has been entered as a manual voucher, it must be dealt with before the batch is entered on the tape.

a. If the address is to be changed, the clerk must indicate which voucher line number is involved. This number can be arrived at by counting the payment number on the Voucher Edit. The Clerk puts an "X" in front of this number, presses enter, and then on the next screen indicates the individual voucher number. This process can be repeated until all address changes have been made.

b. If a manual voucher is to be added to the tape, once the signer has been indicated, and this screen exited, on the following screen the manual voucher number is entered.

When either/both of these processes are completed, the procedure of picking the signer is done one more time, and then the batch number is entered. At this point the ACO will receive a terminal message that the tape is being created. As the tape is created, three copies of the list of vouchers (voucher edit) will be printed. The voucher edit will indicate the total number of checks and total dollar amount.

When the tape and voucher edits have completed printing, the ADP computer operator will remove the tape and the printouts and log the date and time of print completion in the computer log. The computer operator will deliver the tape and voucher edits to the accounting office. The Accountant or Financial Clerk will sign the ADP log as having received the tape and edits.

2. Preparation of SF-1166.

The Financial Clerk will prepare an SF-1166 to send with the tape to

Treasury.

All SF 1166's must be used in sequential order. The Financial Clerk will record the serial number of this form along with the batch number on the agency control sheet. The control sheet is kept in a file titled "Prenumbered 1166 Control". If a form is voided, an entry of "void" must be made in the number column of the control sheet, and the word "void" written across the form in bold letters. The first page of the voided form will be placed in the "Prenumbered 1166 Control" file.

The voucher edit and the SF-1166 will be forwarded to the ACO for signature. Also forwarded to the ACO is the Prenumbered 1166 Control file so the ACO may check to see that all SF-1166's are accounted for.

3. Tape Mailing.

The white original SF-1166 will be mailed with the magnetic tape overnight express to the Treasury Financial Center. One yellow carbon of the SF-1166 will be maintained in the Prenumbered 1166 Control file in serial number order.

The signed copy of the voucher edit list will be filed with the batch. One copy will be given to the Executive Director, and one copy will be given to the Housing Supervisor.

4. Reprinting the Voucher Tape.

If it is necessary to make changes on the voucher and reprint the tape, the accounting office will return the tape and edit lists to ADP with a memo signed by the ACO which states the reason why the rerun must be performed. The computer operator will remove the original voucher date, enabling the program to rerun. The voucher tape and edit lists will be reprinted in accordance with the procedures described in 1. above. The original edit lists will be marked "superceded" and will be delivered to the ACO along with the new edit list when the SF-1166 is submitted for signature. The superceded edit list will be filed with the batch in the accounting office.

5. Contact with the Treasury Financial Center.

In the event that a tape is sent to the Financial Center which cannot be read by their equipment, it will be returned to the agency with a form letter describing the problem. The voucher tape must be reprinted immediately and mailed back to the Financial Center.

A listing of accomplished voucher numbers and their amounts is obtained twice monthly by the Financial Officer or Accountant from the GOALS system. The Department of the Treasury - Agency Confirmation Report is also sent to the agencies on microfiche on a weekly basis.

2230 ACCOMPLISHED VOUCHERS.

Vouchers are "accomplished" when the checks have been issued by Treasury. The agency is notified of this via the U.S. Treasury - Agency Confirmation Report on the GOALS system. This report shows the voucher number, check amount and date of issue. The Financial Officer prints the confirmation report weekly, and back-up microfiche are mailed to the agency about three weeks later.

The Financial Officer reviews the confirmation report for reasonableness and forwards it to the Finance Clerk who is responsible for entering the warrant numbers into the Check Master. Using the Check Number Maintenance menu option, the beginning voucher number is entered. The screen will display the voucher items in numerical order. The corresponding warrant numbers and dates are then entered for each payment. While entering this data, the Finance Clerk compares the confirmation report information to the information on the Check Master to detect any possible alteration of the voucher or Check Master. Additionally, any unexplained disruption in the voucher number sequence is reported to the Accountant or Financial Officer for research and correction as necessary.

The Finance Clerk receives all the checks which are addressed to P.O. Box KK, and she makes a photocopy of each check. The recipient signs and dates the copy which is then filed in date order.

The microfiche of the U.S. Treasury - Agency Confirmation Report is maintained in the Financial Officer's files.

2240 CANCELLATION OF CHECKS.

If an error is made in issuing a check, cancellation must be initiated immediately. Checks returned to Treasury by the United States Postal Service as undeliverable are also canceled and the issuing agency notified of this action after the fact. The cancellation process can be used to secure from the Treasury Bureau of Government Financial Operations photocopies of paid checks when they are needed for agency records.

More detailed and specific information on this subject can be found in 1 TFRM 4-7000 "Canceling, Depositing, and Claims for Checks Drawn on the United States Treasury".

1. Cancellation of Available Checks.

An available check is one which is in the possession of either the agency or the disbursing office and has not been mutilated (large portions missing). Checks drawn for advances to Imprest Cashiers should not be canceled due to incorrect amount but rather should be cashed and applied to the appropriate accounts.

Reasons for canceling available checks might be incorrect payee, incorrect amount, or duplication of a previously processed payment. If the proper care is taken in preparing and reviewing the disbursement batch the need for cancellation will be minimal. The SF-1098 "Schedule of Canceled or Undeliverable Checks" is prepared by the San Francisco Financial Center as a service to the Office. When an available check is to be canceled the Accounting Technician or Accountant voids the check and mails it to the Treasury.

The SF-1098 is computer generated by the Financial Center and signed by the appropriate officer with a copy returned to the ONHIR. This form shows the amount of the check and the month the credit was processed, the attachment shows the payee name and exact cancellation date. It is forwarded to the Financial Officer or Accountant who uses Check Master maintenance to change the status from I for issued to V for void. A note of the cancellation date is also made under "face-of-check" comment. The Accountant then prepares the batch entry to reverse the payment and to reestablish the proper level of obligation for the document number involved. The Accountant notes on the SF-1098 the action taken and files it in the cancelled check file by date received. In compliance with GAO requirements, the reason for the cancellation is noted in the fiscal file.

The credit for the cancellation will appear on the Financial Management Service Agency Confirmation Report which is available through the Government On-Line Agency Link (GOALS) system. Because check cancellations are a frequent source of differences in reporting between the agency and Treasury, care should be taken in processing and tracking these cancellation documents. Batch number 07 is reserved each month for check cancellation entries. Before this batch is submitted for keying, the confirmation report should be obtained

and a review performed to ensure that all canceled checks for the month have been included in the batch.

Checks returned to Treasury as undeliverable by the U.S.P.S. are automatically canceled. Cancellation of payroll checks is usually initiated by the GSA Payroll Center. These are processed in the same manner as if the cancellation were initiated by the ONHIR.

Corrected replacement checks may be processed when needed through the regular disbursement batch. A new voucher number is assigned.

2. Cancellation of Unavailable Checks.

An unavailable check is one which is not in the possession of the agency or the disbursing office and cannot be obtained from the payee, usually due to misdirection or loss or mutilation of the check. When a payee notifies the agency that a check was not received, and the issuance of the check has been verified, the Accounting Technician prepare an SF-1184 "Unavailable Check Cancellation" in accordance with the instructions in 1 TFRM 4-7000 Appendix No. 1 and forwards it to the San Francisco Financial Center, retaining the 1184g copy in agency records. Under no circumstances may a replacement check be prepared until a response is received from Treasury stating that a stop payment has been processed.

In San Francisco the disbursing office information is added to the form and it is sent to the Treasury Bureau of Government Financial Operations where a photocopy of the check is made or a stop payment transaction processed if the check has not been paid.

A BGFO Daily Advice of Status form is returned to the agency identifying the check and listing the status; whether the check was cancelled and the agency credit is being processed or the check was paid and a photocopy is being forwarded to the agency. If the check has been paid and the endorsement matches that of the payee, no further action is taken except to inform the payee of the findings. If the check has been cancelled a replacement may be processed in the next payment batch if appropriate, and the Financial Officer or Accountant will use Check Master maintenance to change the status of the record from I for issued to V for void. A note of the cancellation date is made under "face-of-check" comment. The Financial Officer notes on the Daily Advice of Status the action taken and retains the form in the unavailable check cancellations file.

3. Where the Possibility of Fraud Exists.

Section 7040.30b of the Treasury Fiscal Requirements Manual provides the procedure to be followed by the agency in processing claims on non-receipt of checks.

When it is suspected that a check has been fraudulently cashed, or that the payee is not entitled to the proceeds of the check, the agency should take

immediate action to stop payment by means of an SF-1184 "Unavailable Check Cancellation" (see the previous section for information on processing this form). Additionally, the agency should issue a warning to the payee that if the check is in his possession it should not be negotiated but should be returned to the agency for disposition.

The BGFO Daily Advice of Status returned to the agency may state that payment on the check has been stopped, in which case no further action need be taken except to reissue the payment if appropriate. If the check has been cashed, a photocopy of both sides will be provided along with the Daily Advice of Status. The endorsement should then be compared to the known signature of the payee. If the agency concludes that the signature is not that of the proper payee, all available evidence, including the payee's signature, should be forwarded to the BGFO, Division of Check Claims. A cover letter explaining the situation should be prepared by the Financial Officer to accompany the documentation.

Treasury requires that no further effort be made by the agency to conduct its own investigation of the incident.

2250 IMPREST FUND.

Also see 1 TFRM 4-3000 and Manual of Procedures and Instructions for Cashiers issued June, 1976 by The Department of the Treasury, Fiscal Service, Bureau of Government Financial Operations, Division of Disbursement.

The Finance Clerk has been designated Primary Imprest Cashier for the ONHIR, with the Accounting Technician serving as Alternate Cashier in the event of a planned absence by the Accounting Technician exceeding a period of two working days. The imprest fund, a total of \$2,500.00, is of the revolving type and so is replenished to the fixed amount as needed.

1. Authorization and Designation.

Cashiers are designated and revoked in writing by the head of the agency. The original, approved designations are retained in-house in the Admin Section files, file number 121.0 "Delegation of Authority." ONHIR is fully responsible for the administration of its imprest fund.

The amount of cash authorized to be carried by the cashier may not be increased or decreased without proper agency authorization. Increases may be requested if it is found that the current amount of the fund is insufficient, or decreases requested if an excessive amount of cash is being maintained or the need for the fund no longer exists.

The head of the agency may require the return of the imprest fund if irregularities occur on the part of a cashier with respect to maintenance or use of this fund.

2. Safekeeping.

When the Cashier needs to replenish imprest funds, he/she will request the payment according to the procedures established in Section 2210.7(a) "Imprest Fund Replenishment". The cash obtained will be placed in a locking cash box under the exclusive control of the Cashier, and this cash box will be retained in the safe when not in use. A separate locking cash box is provided for the Alternate Cashier, and each Cashier is responsible for maintaining her key separately from this cash box. The designated cashiers are the only individuals with access to the combination to the safe. However, the combination is placed in a sealed, dated envelope for retention in a secure place by the Deputy Director, to be used in case of emergency.

To cover brief absences of the Primary Cashier, the Alternate maintains \$300 in the cash box. If the Primary Cashier anticipates an absence from the office of more than two working days, he/she will ensure that all documentation of the imprest fund receipts are in proper order, perform a cash count and reconciliation and request an audit from the Financial Officer. When all funds have been satisfactorily accounted for the imprest fund will be transferred to the Alternate Cashier who will assume responsibility for the fund until the Primary Cashier returns and the process is reversed.

The combination to the safe is changed annually, or sooner if there is a change in cashier designation. The Financial Officer is responsible for ensuring that these procedures are followed.

3. Purchases and Miscellaneous Cash Disbursements.

According to Federal regulations, payment from imprest funds will not exceed \$500 for any one transaction, except under documented emergency conditions. For disbursements of over \$500, specific written approval from the Deputy Director must be obtained, and a copy of the approval must be maintained by the Cashier. Cashiers may entrust cash to an authorized employee for a variety of purchases and payments to include:

- Small purchases made in accordance with the standards contained in procurement regulations which the Cashier determines would not be efficiently liquidated through the normal vouchering system.
- Repair of equipment.
- Postage fees.
- Travel advances covered by a copy of SF-1038 "Application and Account for Advance of Funds" properly prepared and approved. The Cashier may not sign the SF-1038 if she will make the payment. An obligation for the amount of the travel advance will be prepared for entry in the accounting system at the time the SF-1038 is approved.
- Reimbursement for travel expenses documented by an approved SF-1012 "Travel Voucher," or the equivalent, when the Cashier determines imprest payment would be most efficient.

NOTE: Where it is cost effective to the agency, the purchase of money orders for small mail order purchases is encouraged since it will either reduce cash held outside Treasury or decrease miscellaneous check transactions.

4. Advances to an Authorized Employee.

Purchases for which imprest cash has been advanced to an authorized employee should be completed and all documentation returned to the Cashier within 5 days from the date of the advance. To receive an imprest advance for a small purchase, the employee member who will make the purchase transaction uses a blank "Request for Imprest Disbursement" form, completes the upper half and secures the approving department head signature.

NOTE: The Purchasing Agent may authorize the purchase of items costing \$2,500.00 or less. Therefore, no department head signature is required on request forms originated by the

Purchasing Agent.

The request form is then submitted to the Cashier, who verifies proper completion of the form and disburses the amount requested. The Cashier then completes the bottom portion of the form, noting the individual disbursed to, amount, and date, and assigns a subvoucher number which is entered on the bottom left-hand corner of this form.

NOTE: Subvoucher numbers are assigned each time cash is removed from the imprest fund and are serially assigned by the Cashier. The subvoucher number reverts to 1 at the beginning of each fiscal year.

Each disbursement made from the imprest fund must be supported by an original bill, sales receipt or standard form as previously mentioned. For purchases which exceed \$15.00, the receipt obtained should be signed by the dealer or dealer's agent as evidence of payment and should include an itemization of articles purchased.

The receipt is then hand-carried to the Cashier, along with any cash returned, by the staff member who has conducted the purchase. The Cashier then retrieves the request form and completes it by entering the returned amount, receipt amount, date and vendor name. The Cashier then prepares an SF-1165 "Receipt for Cash-subvoucher," entering the sub-voucher number from the request form, entering the proper information and securing the purchaser's signature. This documentation is then retained by the Cashier as pending until such time as an imprest replenishment is requested.

5. Simple Reimbursements.

To receive a reimbursement for a small purchase, the staff member who made the purchase requests a blank "Request for Imprest Disbursement" form, completes the upper half and submits these items to the Cashier. The Cashier then verifies the request form and receipt and disburses the amount requested. The Cashier completes the bottom portion of the request form and prepares a corresponding SF- 1165, assigning a sub-voucher number and noting this number on both forms.

This documentation is retained by the Cashier as pending in the safe until such time as an imprest replenishment is requested.

6. Travel Disbursements.

To request a travel advance staff members complete the "Request for Travel Authorization and Booking" form, which also is used to request the booking of travel accommodations and transportation. The form is obtained from the Administrative Coordinator and returned to her when completed. The Administrative Coordinator routes the form to the Accounting Technician for processing of the advance disbursement.

If possible, a voucher will be prepared through normal batch processing activity to disburse travel advances. However, when time is of the essence, the advance can be disbursed from the imprest fund. If the amount of the advance requested exceeds \$500.00, the emergency disbursement justification must be noted on the request form and written approval obtained from the Assistant Director.

In addition to the SF-1165 "Receipt for Cash-Subvoucher" an SF- 1038 "Advance of Funds Application and Account" is prepared by the Accounting Technician. If the Accounting Technician will also serve as Cashier, approval on the SF-1038 must be secured from the Assistant Director.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2300	Deposits	APPROVED
				<u>03/13/92</u>

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2300 Deposits

AUTHORITY

POLICY.

Checks or cash received for deposit are forwarded to the Fiscal Section for safekeeping. Deposits to the Federal Reserve System via the designated financial institution are made and the proper entries are booked to reflect the deposits on the Financial records.

2305 SETTING UP DOCUMENTS FOR RECEIPT OF REVENUE

Certain types of agreements result in the receipt of revenue by ONHIR, or the payment of reimbursements to ONHIR. Reimbursement may include reimbursement of the costs of services or materials, or rental of ONHIR facilities to other governmental entities, companies, or individuals. **Cross reference MM#4500.**

The Contracting Officer shall prepare the contract documents for such agreements upon receipt of a procurement request from the responsible program or executive official. In preparing the contract documents, the Contracting Officer will request a vendor number and a document number from the Finance Branch for the revenue portion of the agreement. The fiscal document number will be shown in the section of the contract which provides instructions for payment to ONHIR.

After the contract has been signed by all parties, the Contracting Officer will forward the original contract to the Finance Branch. The contract will be filed in the Revenue Document file. In the event that the contract also provides for expenditures by ONHIR, the original will be maintained in the Disbursement Document file and a copy filed in the Revenue Document file.

When the signed Revenue Document is received by the Finance Branch, a \$1.00 negative obligation (deobligation) entry will be made and entered in the next payment batch. This will cause the Revenue Document to be shown on the open item report as a credit balance of \$1.00. In order to keep the obligations in balance, a contra entry for \$1.00 will be entered as an obligation at the same time. For that purpose, only one document number will be assigned each year for contra entries. When the first payment is received, the \$1.00 entries will be reversed.

Tracking Payments.

All documents anticipating revenue will show a credit balance on the open item report and document master. Every three months the accountant will review these reports to determine if all revenue that is expected to be received has been received.

2310 HANDLING OF RECEIPTS.

Receipts may arrive in check or cash form and usually represent reimbursement of amounts previously paid to individuals or vendors. Additionally, rental revenues from the "New Lands" are received and deposited by the ONHIR.

Checks Received by Mail. Envelopes containing checks received by mail will be opened by the mail clerk. The clerk will date stamp the documentation accompanying the check, and will log the check. The mail clerk will call the Finance Clerk to come to the mail room and pick up the check(s) and attached documentation.

Hand-Delivered Checks. A person who comes to the office with a check or cash for payment will be referred by the receptionist to the Finance Clerk. The Clerk will receive the check or cash and accompanying documentation, and give the person a receipt specifying the amount received, date of receipt, and nature of the payment.

Action of the Finance Office. On the day of receipt, the Finance clerk will make copies of the check and of the accompanying documentation. The original check, endorsed for deposit, will be attached to the copy of the documentation and routed to the Financial Officer. The endorsement will contain:

FOR DEPOSIT ONLY
**Navajo Hopi Indian
Relocation Commission
United States Gov't**
ALC 48-11-004
CIN 48-11-0004-0

The check copy will be attached to the original documentation and routed to the staff member to whom the check was addressed, so that the intended recipient is aware that the agency has received the payment in the course of business.

The Finance Officer or Accountant will prepare the batch entry to book the receipt (refer to Section 2320.3 "Preparation of Entry to Book Deposits" for more information), and will photocopy both the check and the input sheet. The check will be forwarded along with a copy of the input sheet to the Finance Clerk, who will store both in the safe until the deposit is made.

The Financial Officer or Accountant will file the input sheets until the end of the month when the deposit batch is prepared. The Financial Officer or Accountant will trace checks logged in the mail room to the deposits each month.

Employee travel payments received from the Government, and other check

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2300	Deposits	APPROVED
				<u>03/13/92</u>

receipts not written to ONHIR should be forwarded to the Finance Clerk to distribute. Payments which are not distributed immediately will be kept in the safe.

When currency and coin is received, the Finance Clerk or the Accounting Technician will prepare a two-part receipt. The original receipt will be routed to the submitting individual, and the copy will be retained by the accounting office. The cash will be stored in the safe until the time to make deposits. The Financial Officer will receive a copy of the receipt from which to prepare the batch entry.

When the time comes to take the deposit to the bank, the Finance Clerk will remove the cash and checks from the safe and perform a count. The SF-215 "Deposit Ticket" will be prepared according to the instructions in Section 2320.2. If the Accountant makes the deposit in the Financial Clerk's absence, the Accounting Technician will be the staff person to remove the receipts from the safe, as the Financial Officer or Accountant is not privy to the safe's combination.

As of this writing, the Arizona Bank Downtown Branch is used for deposits to the Federal Reserve System.

2320 MAKING DEPOSITS.

1. Timing.

The Finance clerk prepares one deposit per week unless receipts total a material amount (over \$1,000), then deposit activity is increased accordingly. While daily deposits are the standard according to the U.S. Treasury, they are not necessary or desirable for the ONHIR in light of the processing time involved.

The weekly deposit is timed to avoid the last few days of the month, so that the ONHIR deposit records will be in agreement with Treasury records when the SF-224 is submitted. Because the deposit is transmitted from the local bank to a Treasury depository, the time needed for Treasury to receive the funds must be taken into consideration. See section 2530 for more information on the preparation and submission of the SF-224, which is similar to a bank statement.

2. Preparation of SF-215.

The Finance clerk removes all deposit items from the safe. In the case where the Accountant is making the deposit in the absence of the Finance Clerk, the Accounting Technician is asked to remove the deposit items from the safe. The SF-215 is prepared as follows using the OCR 10 element in accordance with the instructions found on the back of the SF-215:

- Today's date is entered in square #2 (MM/DD/YY).
- The agency's location code is entered in square #3 with punctuation.
- The deposit amount is entered in square #3 with punctuation except dollar signs (\$), which are not used.
- The agency's full name and mailing address is entered in square #9.
- The Depository's name and address is entered in square #7.
- A comment may be entered in square #8.

When the SF-215 is completed, the Finance Clerk or the Accountant in the absence of the Finance Clerk then hand-carries the completed SF-215, endorsed checks, and any cash for deposit to the bank.

3. Preparation of the Entry to Book Deposits.

As each receipt arrives, the Financial Officer or Accountant prepares the batch entry to book the receipt to the account number, detail accounting codes, and document numbers.

As of this writing, a number of rents are collected in association with the Agency's administration of the "New Lands". These items have all been assigned the vendor number 1980 "New Lands Revenues" in order to maintain the funds under one easily researched vendor number regardless of changes in the tenants. These receipts must be accounted for in such a way as to enable the ONHIR to provide full information on income and expenses to the Navajo Tribe when the time comes to turn the administration of the lands over to the Tribe.

Treatment of common deposit items is as follows:

a. New Lands Revenues.

As mentioned above, vendor number is 1980. The Document Master by Vendor Number inquiry on the AS/400 is used to determine document number and accounting code. The descriptions contained in these documents numbers represent the property name with the renter's name in parenthesis. Option "D" is used to record the receipt or reduce the the paid-to-date balance. Obligations are not usually recorded except to offset the cost of maintaining the property, because these amounts should not be considered a part of the Commission's regular funds.

b. Telephone Reimbursements.

Agency telephone private line and credit card holders must sometimes reimburse the Onhir for personal calls. These receipts are used to reduce the paid-to-date total, but not the obligated total, for either the Mountain Bell or A T & T document number.

c. Other Deposits.

Other items must be researched as they arise. Frequently, records of prior month's deposits are helpful as a source of information. As of this writing, batch number 06 is used each month to record the deposit activity. The inquiry menu on the AS/400 can be used to determine the vendor/document number involved, and a review of the fiscal file can also be helpful.

Account number 1014 "Deposits" is used to record deposit activity, and the net balance of that account should reflect total deposit activity for the fiscal year. Care must be taken to ensure that accounts 4800/4900 are properly affected when an entry to book deposits is made. Because of the automatic entry to liquidate obligations (see Section 2210.1(b), a choice must be made between two account entries according to the circumstances involved. Entries of this nature will cause the batch total to differ from the activity total.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2300	Deposits	APPROVED
				<u>03/13/92</u>

To close out the batch at month's end, a manual check of total net entries to account 1014 is performed to ensure agreement with the total net deposits for the month. The control total (total of all debits or total of all credits) is calculated as usual. The detail total is calculated by totaling options A+B+C+D and the amount is noted on the first page of the batch. The batch is forwarded for data entry.

4. Treasury Verification of Deposits Received.

Each month the total deposits are reported to Treasury on the SF-224 "Statement of Transactions". This total is compared to Treasury records on the 6652 "Statement of Differences-Deposit Transactions", which is generated by Treasury only if a difference exists. The Financial Officer is responsible for reviewing deposit records and locating the source of any difference, which is then corrected on the next month's SF-224. Because deposit activity is low, this task is usually quite simple. However, a report which details deposits received by Treasury, Monthly Deposit Ticket/Debit Voucher, is available on the GOALS system for use in complicated reconciliations.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2400	Payroll	APPROVED
				03/13/92

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2400 Payroll

AUTHORITY

POLICY.

The ONHIR is serviced by the General Services Administration Payroll Center in Kansas City, Missouri. Time keeping is accomplished in-house by the Personnel Branch with timecards forwarded to the Payroll Center bi-weekly. There the timecard information is processed and payroll documentation prepared.

Items received by the ONHIR from the Payroll Center include:

- Interim vouchers (SF-1166)
- Voucher and Schedule of Withdrawals (SF-1081)
- Report of Withholdings and Contributions (SF-2812)
- Accounting Distribution Summary Print-out
- Detail Accounting Distribution Print-out
- Schedule of Payments print-out
- Thrift Savings Plan Certification of Transfer of Funds and Journal Vouchers
- U.S.D.A. National Finance Center Thrift Savings Plan System Abstract of the Statement of Transaction
- Detail Check Listing (supplemental payroll checks).

These items are forwarded to the Financial Officer or Accountant who maintains files by pay period. Although the Payroll Center calculates the payroll and arranges for disbursement of salary checks and related payments, these expenditures are booked to the proper account numbers and accounting codes, and payment is accomplished on the SF-224 by the Accountant.

The Accountant prepares a worksheet for each pay period which details the types of charges and the disbursing methods involved, culminating in the calculation of the total payroll expenditure for the period. The batch is prepared and entered and the proper reporting completed. See Section 2210.7(d) for an explanation of how the payroll batch is prepared.

PROCEDURES .

2410 PAYROLL VOUCHERS.

All vouchers and other charge documents are prepared by the General Services Administration Payroll Center in Kansas City, Missouri. The Agency's Financial Officer is responsible for assigning the proper accounting code to each employee's pay record, reviewing and verifying the validity of the charges and booking them from the documents provided.

1. Preparation of Payroll Related 1166's and 1081's.

All charges to the ONHIR from the General Services Administration Payroll Center are based on documents received by them from the ONHIR. The SF-52 "Request for Personnel Action" is prepared by the Personnel Officer and routed through the Financial Officer for approval before it is submitted to the Office of Personnel Management for action. The information on this form is forwarded to the General Services Administration Payroll Center and used in calculating the payroll. This form documents the hiring and termination of employees, changes in pay rate and title, changes in benefits, changes in the accounting code assignment of the employee and other similar events.

Timekeeping is done under the direction of the Personnel Officer with the completed timecards sent to the Payroll Center on a bi-weekly basis. These timecards are, of course, used in calculating the payroll.

The SF-1166 "Voucher and Schedule of Payment" and SF-1081 "Voucher and Schedule of Withdrawals and Credits" are prepared by Payroll Center personnel based on these payroll calculations. A GSA certifying officer reviews and approves each charge in accordance with Treasury regulations. Each of these forms specifies the name and agency location code of the paying agency (the ONHIR), the date of the charge, the pay period involved, the total charged on this voucher and the identification of the charge. Occasionally a voucher not belonging to the ONHIR, as evidenced by the department and agency station number blocks, is received in error. These are returned to the Payroll Center for re-routing.

Three SF-1166 forms are prepared for the charges related to an average pay period. The first we call the "net payroll" voucher. This voucher charges the ONHIR for all pay checks issued. This voucher generally has as its identification the pay period number and date and the check issue count. Next is the voucher referred to as the "no check" voucher because the checks appearing on this voucher form are not actually issued at the time the voucher is prepared. This voucher has as its identification the notation "No Check Deductions" and lists charges which are to be booked to deposit fund accounts (see Sections 2420 "Payments to Civil Service Commission", 2430 "State Income Taxes", 2440 "U.S. Savings Bonds" and 2450 "Thrift Savings Plan"). Last is the voucher which charges the Commission for FICA (Social Security), Federal income tax, credit union and miscellaneous payroll related payments. The amount of each item is identified on this voucher.

The Accountant verifies these charges and enters them on the payroll recap worksheet. Any errors or discrepancies must be reported to the Payroll Center immediately and the Financial Officer is responsible for ensuring that corrections are made.

2. Verification of Payroll Charges.

To "pull together" all charges from all the different sources, the Accountant prepares a Payroll Recap worksheet for each pay period. The payroll file maintained by the Financial Officer contains recap forms to be used for this purpose. The pay period number and date is filled in and each type of charge is entered as to whether it is an employee payroll expense or an employer contribution. The total employee payroll expense includes items such as Federal and state income taxes and the employee's contribution to FICA and health insurance which are paid from the employee's earnings.

Subtotals and grand totals are calculated and the charges are also broken down by disbursement identifier: "no check", disbursed by the Kansas City Treasury disbursing office, or via an SF-1081. The total of this worksheet should match the total gross pay reported on the Schedule of Payments printout for that pay period. If a discrepancy is found, it can be analyzed through a review of the individual items. The Payroll Center should be contacted for any discrepancy which cannot be resolved.

Another printout provided by the Payroll Center is the Detail Accounting Distribution which shows all payroll charges for the pay period by employee. This report is sometimes useful in searching for errors which originated on the SF-52 or timecards prepared by the Agency.

2420 PAYROLL WITHHOLDING

1. Federal, State Income Taxes and FICA.

Federal income taxes and FICA charges withheld from employee's pay are calculated by the Payroll Center and charged to the ONHIR on an SF-1166 "Voucher and Schedule of Payments". These charges are identified on the SF-1166 by employee and employer share and the payment is made to the Federal Reserve Bank of Kansas City. New employees must make full FICA old-age, survivor's and disability as well as hospitalization insurance payments, while employees hired before January 1, 1984 are subject only to the hospitalization insurance tax.

State income taxes withheld are charged to the ONHIR on the "No Check" SF-1166. The charge appears on this voucher as a payment to the Treasury of the U.S., but the fund identified is 48X6275 which belongs to the ONHIR.

It should be noted that the SF-1081 for state income taxes is not processed in the same manner as other SF-1081s which are reported on the customer agency's SF-224 "Statement of Transactions". The SF-1081 for state income taxes is reported on the billing agency's SF-224, and so appears as a separate charge on the ONHIR TFS 6653 "Undisbursed Appropriation Account Ledger" for the month indicated on the SF-1081.

2. U.S. Savings Bonds

ONHIR employees may elect to have amounts withheld from their pay to purchase U.S. Savings bonds. The withholdings are charged to the ONHIR on the "No Check" SF-1166 "Voucher and Schedule of Payments".

As of this writing, no U.S. Savings bond deductions are being made.

3. Thrift Savings Plan.

ONHIR employees may elect to have amounts withheld from their pay to participate in the Thrift Savings Plan. The total withholdings are charged to the ONHIR on an unnumbered form received from the Payroll Center and titled "Thrift Savings Plan Certification of Transfer of Funds and Journal Voucher". An "Abstract of the Statement of Transactions" under the Thrift Savings Plan is also provided. The Accountant verifies the charge and enters the amount on the payroll recap worksheet.

The withholdings are accumulated each month and payment is accomplished when the Department of Agriculture claims a credit on their SF-224 "Statement of Transactions" from the ONHIR's fund 48F3875.11. Therefore, the Agency's SF-224 must show a charge to fund 48F3875.11 for this amount.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2400	Payroll	APPROVED
				03/13/92

2430 ELECTRONIC FUNDS TRANSFERS.

ONHIR employees may elect to have their net pay transferred electronically to their bank or credit union; Treasury requires all agencies to encourage this to reduce the cost of issuing checks. The charge to the ONHIR is made on an SF-1081 "Voucher and Schedule of Withdrawals and Credits" from the General Services Administration fund 197X47X6875. This SF-1081 identifies the pay period number and date and the month the charge and credit will be reported on the Payroll Center's SF-224 "Statement of Transactions". The SF-1081 also contains the instructions "charges entered to 224 report, do not duplicate" because it is not reported by the customer agency on the SF-224 as most SF-1081s would be. The SF-1081 for EFT payroll is reported by the billing agency on their SF-224 instead and so appears as a separate charge on the ONHIR's TFS 6653 "Undisbursed Appropriation Account Ledger" which is received from Treasury each month. The Accountant verifies the EFT charges and enters them on the payroll recap worksheet.

2440 OTHER PAYROLL ISSUES.

At times other deductions and charges are made by the Payroll Center in relation to the Agency's payroll. Examples of this are payroll deductions for garnished wages or for repayment of educational and travel advances by employees. Sometimes the documents used for certain payroll items will be changed. In any instance, it is important to understand the difference between paper transaction voucher forms and those which are used to generate checks and also to understand the relationship between gross and net payroll and employee versus employer contributions. The payroll recap worksheet is very useful when problems arise or changes are made, and the preparer or certifying officer listed on documents from the Payroll Center can always be contacted and asked to explain a form or procedure.

1. Accounting Code Corrections.

Accounting codes are used by the Payroll Center to identify payroll charges on the various printouts according to the agency's requests. The form used to originate or change these accounting codes is the SF-52 "Request for Personnel Action". The Financial Officer is given sign off authority on this form and is responsible for ensuring that the accounting code information which goes to the Payroll Center is correct.

Erroneous items on the payroll printouts usually stem from errors in the accounting codes entered and should be corrected by submission of a corrected SF-52.

2. Supplemental Payroll.

A supplemental payroll is processed when a new hire's paperwork does not arrive in time at the Payroll Center for his or her pay to be calculated with the regular payroll or when cash awards are made in addition to the regular payroll. The SF-1166 "Voucher and Schedule of Payment" for a supplemental payroll charges the Agency for the net payroll only and a detail check listing is attached which lists the employees paid so that the Financial Officer can book the charges to the appropriate accounting codes.

The supplemental payroll charges are verified by the Financial Officer and entered onto the payroll recap worksheet.

2445 PREPARATION OF TIMECARDS.

Time and attendance reporting will be monitored to protect all staff from allegations of inaccurate reporting.

1. Timekeepers.

Each branch shall designate someone to serve as timekeeper for the branch employees. No employee shall prepare his or her own timecard. The timekeeper shall maintain a record of the hours worked and leave taken by branch employees during the two week pay period. On the _____ of the final week of the pay period, the timekeeper shall prepare the timecard for each employee for whose time they are responsible. The timekeeper will not prepare his/her own timecard or the timecard of his/her supervisor.

2. Payroll Clerk.

The Payroll Clerk will serve as the timekeeper for branch timekeepers and the timekeepers' supervisors. The Payroll Clerk may also serve as timekeeper for branches which do not have a designated timekeeper.

3. Leave Slips.

An employee requesting approved leave shall submit a completed leave slip to the branch supervisor for approval. After the supervisor has approved the request, the leave slip shall be routed to the Payroll Clerk through the branch timekeeper. The timekeeper will make a note of the approved leave. Timecards will be routed to the Payroll Clerk daily. Approved leave slips shall not be attached to timecards.

4. Timecard Approval.

Supervisor's Approval.

After the timekeeper has prepared the timecards, they will be reviewed and approved by the branch supervisor. Approval will be indicated by the supervisor initialling within the "remarks" block on the timecard.

Final Approval.

The Executive Director shall designate a senior staff member to approve timecards for all staff. The official designated shall approve timecards by signing on the signature line in the signature block.

The timecard for the official designated as the signatory will be signed by the Executive Director.

2450 DISTRIBUTION OF PAYROLL CHECKS

Effective June 1, 1991, responsibility for receipt and distribution of payroll checks will be transferred from the Personnel Branch to the Finance Branch. Checks for employees who have chosen to have their paychecks delivered to the Office are delivered by courier to the Office receptionist. The delivery includes the pay and leave statements for the pay period.

The receptionist will notify the Finance Office of the delivery, and one of the two cashiers in the Branch will pick up the envelope. The cashier will log the check numbers on the Payroll Check log, example MM#2480.1. The pay and leave statements will be delivered to the Personnel Clerk. Employees will sign for receipt of their checks when they pick them up from the cashier. Unclaimed payroll checks will be kept in the safe.

Distribution of Pay and Leave Statements.

The Pay and Leave statements will be photocopied for files by the Personnel Clerk, and then delivered to the branch timekeepers for review and distribution. Periodically, not less than annually, the cashier rather than the Personnel Clerk will copy the statements for files and will personally deliver the statements to all employees.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2500 Reporting the Results of Accounting Activities

AUTHORITY

POLICY.

The Department of the Treasury is required to furnish overall Government financial reports for the use of the President, Congress and the public. The Agency submits the SF-224 "Statement of Transactions", the SF-225 "Report on Obligations", the TFS-2108 "Year-End Closing Statement" and the SF-220 "Statement of Financial Condition" to Treasury so that our information can be integrated for this purpose.

The SF-132 "Apportionment and Reapportionment Schedule" and the SF-133 "Report on Budget Execution" are primarily for use in communicating our status to the Office of Management and Budget, and our OMB Budget Examiner.

This system of reports is based on the premise that control over receipt and payment of public funds depends upon the ability of Federal Agencies to properly process and report financial transactions.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

2510 FUND ACCOUNTS.

All governmental transactions are identified with applicable fund groups and classified within fund groups through assignment of alphanumeric account symbols by the Department of the Treasury. The symbol assigned reflects the source of the receipt and availability of the fund for expenditure.

1. One Year Appropriations.

Funds assigned one-year status are only available for obligation during the year so designated, and any unobligated balances remaining at year-end must be returned to the Department of the Treasury. A single digit (0 - 9) is used within the account symbol to indicate the year of availability of the funds. An "M" is used in place of this digit to indicate the consolidation of all one-year appropriation accounts for which the year of availability has ended over two years prior.

2. No Year Appropriations.

Funds which are not limited to obligation during a specific fiscal year are referred to as "no-year" appropriations. An "X" is assigned to the account symbol by Treasury to designate this type of appropriation. Account 48X1100 is in use by ONHIR as of this writing.

3. Budget Clearing Accounts.

Clearing accounts are established to temporarily maintain collections or disbursements pending clearance to the appropriate account symbol. These accounts have been designated by Treasury as identified by an "F" preceding the last four digits of the account symbol. Account 48F3875.11 is used by ONHIR for this purpose. Amounts booked to 48F3875.11 by Treasury will remain in that account until the Financial Officer takes action to transfer them out via the SF-224 reporting.

2520 RESERVED.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

2530 REPORTS OF AGENCIES FOR WHICH TREASURY DISBURSES SF-224.

(Also see 1 TFRM 2-3335)

The SF-224 "Statement of Transactions" is used by agencies for which the Department of the Treasury disburses at any of its regional financial centers. This report is prepared monthly by the Financial Officer, and is signed by the Director of the Office of Management (or another Certifying Officer in his absence).

1. Monthly Reporting Requirements.

The SF-224 "Statement of Transactions" is communicated to the Bureau of Government Financial Operations of the U.S. Treasury utilizing ONHIR's IBM PC and the PC Talk software.

The official deadline for transmission of this report is midnight on the fifth working day following the end of the month being reported. However, due to mailing time and other internal constraints, the agency occasionally must make use of the "unofficial" deadline of 7 working days. During this period 224 information communicated may still be accepted by Treasury's computers.

As of this writing ONHIR reports on one agency location code only, which is 48-11-0004. However, in general, a separate 224 report must be prepared each month for each ALC assigned to the reporting agency.

2. Basis of Monthly Reports.

Figures reported on the SF-224 later appear on the TFS-6652 "Statement of Differences" and the TFS-6653 "Treasury Trial Balance". Therefore it is important to remember in the preparation of this report that ONHIR figures must be reconciled to figures reported by Treasury. Expenditures and deposits booked by ONHIR must be reported in the appropriate period to correspond with Treasury records.

The sources for SF-224 reporting include:

Computer-generated reports for the month.

- Batch Detail Listing (Menu B5 "File Lists" item #18).
- Warrant Master by Batch (Menu B2 "Reports" item #21).
- FMS Agency Confirmation Report (GOALS System).

Files from the Financial Officer's desk.

- SF-224 internal folder containing the reports submitted in prior months.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

- SF-6652 reconciliation folder containing prior month's 224 worksheets, 1081, 789, SIBAC, OPAC, Deposit, cancelled check copies and reconciliation information.
- Payroll workpapers folder for the period.
- All batches for the month and the Batch Total Log.
- Any current month transaction items which have not yet been entered onto the computerized accounting system.

The resources listed above are used to prepare several worksheets consolidating SF-224 information for reporting and SF-6652 reconciliation.

3. Preparation of SF-224.

As examples of prior month's work in the SF-6652 Reconciliation folder indicate, two worksheets are prepared each month in relation to SF-224 reporting.

a. Monthly Batch Activity.

This worksheet illustrates all disbursement activity for the month. The columns reflect the type of activity, whether voucher, "no-check" or payroll disbursements by account number. The rows show the batch items, and whether the batch is already processed or pending.

For the first 4-5 monthly batches, which are regular payment batches, the batch numbers, voucher numbers and detail amounts are entered from information provided on the Check Master by Batch. To ensure the accuracy of the dollar amounts entered, they are verified from the Detail Listing of activity by batch number. The detail amount entered for vouchers processed must agree with the net amount booked to the 1013 account(s). Any discrepancies can be investigated through a review of the batch edit list for errors in the batch entries. Any vouchers processed by the agency in the current month, but by Treasury in a different month, should be marked for special treatment later in the worksheeting process. Payment entries subsequently coded as void must be noted.

These items should all be reflected on the "FMS Agency Confirmation Report" received from Treasury on the GOALS System.

The next batches will be for such items as deposits, payroll, manual vouchers and "no-check" items. These entries should be treated as follows:

Deposits. A notation is made on the worksheet. The total amount booked to the 1014 account(s) must agree with the actual deposit presented to the bank, as shown on the SF-215 "Deposit Ticket "in the Deposits to Arizona Bank folder, and the "Monthly Deposit Ticket Support List" received from

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

Treasury on the GOALS System.

Manual Vouchers. These include payments to the agency's travel agent and for imprest replenishment. The voucher numbers and amounts are entered onto the worksheet from the Check Master by Batch. As with regular payment batches, the net amount booked to the 1013 accounts must agree with the amount of the voucher processed.

For the Payroll, SIBAC, 789, 1081 and correcting entries which occur each month descriptions and amounts can be entered from the information provided on the Monthly No-Check Items print-out provided the batch has been booked. As of this writing, this print still contains some "bugs", and while it is very useful, it cannot be relied upon without verification. The "SIBAC and OPAC Transactions" report received from Treasury on the GOALS System details these types of charges.

Discrepancies between the detail amount entered for "no-check" items, and the net amount booked to the 1013 account(s) per the Journal Detail Listing, sometimes require a review of the actual Fiscal Activity Document Input sheets in batch form. Further verification can be gained through a review of the SIBAC, 789 and 1081 copies maintained in the 6652 Reconciliation folder, or through a review of the payroll workpapers.

Again, any SIBAC or voucher items processed by the agency in the current month, but by Treasury in a different month, must be identified.

Entries for the cancellation of checks by Treasury are entered onto the worksheet using information from the "FMS Agency Confirmation Report". Backup documentation is maintained in the 6652 Reconciliation folder.

Disbursements from the deposit fund accounts are detailed in the Payroll workpapers.

When all accomplished and pending batch information has been entered onto the worksheet the columns can be totaled and cross-footed. The total of the first column "Credit to 1013 for Vouchers" should equal the total on the Check Master by Batch. The total for the third column "Credit to 1013 for Payroll" should equal the amount actually disbursed for the month's payroll. This figure, from the Payroll workpapers, is the recap amount for the San Francisco and Kansas City Disbursing Offices. The total of the fourth column "Batch Total Disbursed for 1013" should reflect the net debits and credits booked or pending to the 1013 account for every fund in total.

b. ALC Appropriations per 224.

This worksheet illustrates all disbursement activity for current 224 reporting purposes by appropriation number and Disbursing Office (or Financial Center) by accomplished Month.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

When transferring this worksheet information onto the SF-224, note that:

- Appropriation number for other agencies is per the 789 and 1081 copies maintained in the 6652 Reconciliation folder.
- Disbursing Office Accomplished month (224 Section II) figures go to the 6652 "Statement of Differences" for that month under the agency column.
- Classification of Disbursement and Collection (224 Section I) figures also go to the 6653/6654 "Undisbursed Appropriation Ledger and Trial Balance" cumulative total.

4. Automated 224 Reporting.

The SF-224 is communicated to the Bureau of Government Financial Operations of the U.S. Treasury utilizing the agency's IBM PC-XT and the PC Talk diskette. This is one of the functions of the Financial Management Service GOAL (Government On-Line Accounting Link) System.

The Treasury Financial Center issues the agency a signature card which must be completed in order to obtain an account number and password to use this system of reporting. Names and phone numbers of agency contacts must appear on the back of the card under the section entitled "contacts". The Deputy Director signs the card and is responsible for the data transmitted. A new card must be completed if he/she resigns or is replaced.

Press the ALT key and the D at the same time for the dialing directory which will display telephone numbers available for access. Enter the correct symbol (+ for long distance and - for in state) and the numeric code which corresponds with the location and phone number desired, and the baud rate (either 300 or 1200).

A message will appear on the screen. If the message is "3" the connection was not completed, in which case the ALT key and D should be pressed simultaneously and the above procedure for dialing repeated.

When the message "1" appears, the phone number requested has been reached. When the return key is depressed the Treasury system will request sign-on. The assigned account number and password must be entered.

When the assigned account number and password are properly entered the GOALS menu is displayed, giving the user several options from which to choose. The SF-224 system is the first of these options.

NOTE: The system limits the input of the SF-224 to one original SF-224 and one supplemental.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92

If further information is needed regarding these procedures refer to Treasury's Automated On-Line Systems Manual.

The SF-224 Selection will then show 5 options:

- To enter a new SF-224
- To load Section I entries previously saved
- To enter a blank SF-224
- To print the SF-224 recently entered
- To sign off.

NOTE: Always sign off the system using the appropriate menu choice. If you wish to disconnect at any time depress the BREAK key and the above menu will appear. Section I entries already entered will be retained if this method is chosen.

The system will ask for verification of name, ALC and opening balance. For each prompt, if the information displayed is correct, enter the corresponding letter or number for that response and the system will go on to the next question. If the information is not correct enter the corresponding number or letter for that response, stop processing and contact Treasury at the phone number displayed before proceeding.

SECTION I

(The printer should be made ready for use at this point.)

The next prompt requests input of Section I data as follows:

```
IN ORDER TO SUPPRESS THE FOLLOWING PROMPT PRINT;  
SUPPRESS,O,O,O IN RESPONSE TO THE SECTION I PROMPT;  
? ENTER APPROP, ENTRY NO, REC, DISB; SEPARATED BY  
COMMAS. PRESS RETURN. AT END TYPE END,0,0,0 FOR HELP  
TYPE: HELP,O,O,O
```

If SUPPRESS O,O,O is entered, the only prompt that will appear after each entry will be a ?, instead of the entire prompt as it appears above. The data is received in the same manner no matter which prompt choice is used. Each field must be separated by a comma. Commas or dollar signs are not used in dollar amount figures but decimal points must be used. Credits are indicated by placing a negative sign in front of the amount.

The four fields to be entered are as follows:

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92
Accounting Activities				

a. APPROP.

This is the column (1) Appropriation Fund or Receipt Account of the SF-224

- for a transfer account (ex: 20-18X1005) 2018X1005 is entered.
- for accounts with a sub number, the number is entered with a decimal point: 20X8135.2
- for accounts with a subclass prefix code, the account is entered: (88)20X1806
- for multiple years, 202/30180 is entered.

All characters within the account must be entered without spaces.

b. ENTRY NO.

This field will originally be "1". If the same account number is used a second time, a "2" would be entered and so on.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
Accounting Activities				03/13/92

c. REC.

This is the amount in column (2) "Receipts and Revolving Fund Repayments". If there is no amount, a "0" is entered in this field.

d. DISB.

This is the amount in column (3) "Net Disbursements". If there is no amount to report, "0" is entered.

If an error is made during input, prior to hitting the RETURN key, corrections can be made by typing the underline key for the number of spaces to be corrected, and then typing in the correct information.

After these four fields of data have been entered depress the RETURN key. The system will then request additional entries or show an error message.

Error messages will be received in the following instances:

- If something other than four fields is entered in Section I or other than three fields at the end of Section I.
- If the month, day and year are separated by something other than slash marks.
- If the account symbol (number) is not valid (contains less than six characters).
- If the account symbol (number) is not valid according to GOALS master files. A phone number is given to call for clearance before retaining an invalid symbol.

The last two errors are prompted along with three options:

(1) RE-ENTER (2) RETAIN SAME ENTRY (3) STOP

If the account symbol was not on the master file or if it was not entered properly this message would appear after the error message for invalid account symbol. The instructions should be reviewed to ensure that the number was entered properly, and then reentered. "3" should be entered only if exiting the program is desired. All entries to this point will be saved.

If the user has difficulty with an account number or forgets any of the entry rules, HELP,O,O,O will access data entry information.

When all entries for Section I have been completed, enter END,O,O,O when the prompt for more entries appears on the screen. The system will respond with the prompt:

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

ENTER TOTAL RECEIPTS, TOTAL DISBURSEMENTS,
NET TOTAL SECTION I

The three fields of data should then be entered, separated by commas. If the amounts entered do not agree with the amounts calculated by the system the following prompt will appear:

TOTAL (RECEIPTS, DISBURSEMENT, NET TOTAL) FIGURE ENTERED
DOES NOT AGREE WITH SYSTEM CALCULATION WHICH IS: (AMOUNT)
DO YOU WISH TO:

- REENTER TOTALS
- REVIEW SECTION I
- ENTER CORRECTIONS TO SECTION I
- SAVE ENTRIES AND EXIT PROGRAM

If "1" is entered, the totals can be reentered after the prompt:

ENTER TOTAL RECEIPTS, TOTAL DISBURSEMENTS, NET
TOTAL-SECTION I

If "2" is entered, the system will print a formatted copy of Section I and then ask:

DO YOU WISH TO MAKE ANY CHANGES (Y OR N)?

If no, "N", the system will prompt for the totals again. If yes, "Y", the system will request Section I data again. At this point corrections to Section I can be made. If an incorrect amount was entered for an account, the the line should be reentered using the same account number and entry number with the correct amount.

The next prompt would be:

ACCOUNT SYMBOL (NUMBER) HAS ALREADY BEEN ENTERED. IS IT
YOUR INTENTION TO CHANGE THE PREVIOUS ENTRY (Y OR N)?

If yes, "Y", the previous entry will be replaced with the new entry. If no, "N", the following message will appear:

THE FIRST ENTRY WILL BE RETAINED

If "3" is entered, corrections to Section I can be made.

If "4" is entered, the following prompt will appear:

IN ORDER TO EXIT PROGRAM TYPE: *FIN

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92

When *FIN is entered, the system will bring up the original menu and the user can sign off the system if desired. A file of the Section I entries has been generated and saved. When the math error has been identified, the system may be reaccessed and option "2" entered from the main menu. After certain prompts have been responded to regarding what type of action to take the procedures above for making corrections may be repeated.

When the correct totals have been entered for Section I, the system will bring up the following message:

SECTION I TOTALS AGREE WITH SYSTEM CALCULATION.
DO YOU WISH TO

- 1) REVIEW SECTION I OR
- 2) CONTINUE PROCESSING

"1" allows a review of Section I entries.

SECTION II

If "2" is entered, the following message will appear:

ENTER PAYMENT TRANSACTIONS--THIS MONTH (SECTION II,
LINE 1, FIRST BLOCK)

After the information is entered this prompt will appear:

DO YOU WISH TO ENTER DATA (SECTION II, LINE 1) FOR
PRIOR MONTHS (Y OR N)?

If no, "N", the program will prompt for the Section II, line 1 total. If yes, "Y", the response will be:

FOR HOW MANY PRIOR MONTHS WILL YOU ENTER DATA?
(ENTER A NUMBER UP TO 12)

The prompt for each month will be:

ENTER MM/YY, AMOUNT FOR PRIOR MONTH

Any prior month data would then be entered, using two digits for the month and year with a slash to separate the month from the year. Then a comma should be entered, followed by the amount (dollar signs and commas should not be used in the amount. Credits are to be indicated with a negative sign).

When the specified number of prior months has been entered the following response will appear:

ENTER TOTAL PAYMENT TRANSACTIONS (SECTION II, LINE 1

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92
				Accounting Activities

TOTAL)

If the amount entered doesn't balance across for the line the system's response will be:

TOTAL ENTERED DOES NOT AGREE WITH SYSTEM CALCULATION WHICH IS:

(Amount) DO YOU WISH TO 1) REENTER ANY FIGURE IN SECTION II 2) EXIT PROGRAM?

"2" will bring up the main menu for sign off. Data previously entered in Section II would not be saved. Section I data, however, would be saved.

"1" will show the following message:

CORRECTIONS NEEDED 1) FOR THIS MONTH 2) FOR PRIOR MONTHS 3) TOTAL?

Corrections can then be made by entering one of the three options. If the total payment transactions entered agrees with system calculation the following prompt will appear:

ENTER COLLECTIONS RECEIVED THIS MONTH (SECTION II, LINE 2)

It is at this point that the system will determine if the SF-224 is balanced. The program will subtract the amount entered here from the total payment transactions (Section II, Line 1 total). This figure must equal the net total for Section I determined above.

If an invalid amount is entered an error message will appear allowing correction of the entry.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

SECTION III

If the amount is valid the system will respond as follows:

ENTER BALANCE OF UNDEPOSITED COLLECTIONS PRECEDING MONTH
(SECTION III, LINE 1).

NOTE: This prompt will not appear if the opening balance was not verified at the beginning of the program because the balance was not available for the month.

The next request will be:

ENTER DEPOSITS PRESENTED OR MAILED TO BANK - THIS MONTH
(SECTION III, LINE 3, BLOCK 1).

After this information is entered the next request by the system will be:

DO YOU WISH TO ENTER DATA FOR PRIOR MONTHS (Y OR N)?

If "N" is entered, the system will request the total for line 3. If "Y" is entered, follow the same procedures as when entering data for prior month's payment transactions (Section II, Line 1).

After the correct amounts for Section III, Line 3 have been entered, the following prompt will appear:

ENTER NET TOTAL, SECTION III

If the total entered agrees with the system calculation the following message will appear:

YOUR SF-224 IS BALANCED, TYPE IN *FIN

When *FIN is entered the system will bring up the main menu. For a printout of the completed SF-224, enter option 4. The following message will appear:

ALIGN PAPER, CR...

Ensure that the printer is ready and the carriage returned. To align the printer depress READY to make the printer unavailable, then depress LINEFEED until the perforation is at the top of the ribbon. For top-of-page readiness depress FORMS, MODE and INITIALIZE, then READY.

To engage the printer to receive the 224 the CONTROL and PRINT keys must be pressed simultaneously. When the printer is ready the return key may be pressed. The 224 will then print. When printing is complete, the CONTROL and PRINT keys are pressed again to end the print.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

The printout of this report is for the agency's records and is not to be mailed to Treasury. If any data is lost as the report is printed, the Treasury contact should be notified.

When the printout is obtained it is typed into "normal" format in Finance and then sent to the Deputy Director for signature. The signed document is then retained in file by the Financial Officer.

To exit from PC TALK depress the ALT key and X. When the "A" prompt appears on the screen the PC may be turned off. The printer may also be turned off.

2540 VERIFICATION AND INTEGRATION OF ACCOUNTING RESULTS -
TFS-6652, 6653 and 6654

The TFS-6652 "Statement of Differences", 6653 "Undisbursed Appropriation Account Ledger", and 6654 "Undisbursed Appropriation Account Trial Balance" are all reports generated by Treasury which reflect SF-224 activity.

As of this writing, progress being made on the GOALS system of Treasury/agency reporting has resulted in a reduction in paper reports generated, and increased report availability via the automated on-line system. For further information consult Treasury's On-Line Systems Manual.

1. TFS-6652 Reconciliation.

The TFS-6652 "Statement of Differences" is generated on a monthly basis by Treasury. The information provided by the agencies reporting on the SF-224 "Statement of Transactions" is used to compare to the agency's charges per Treasury records. As long as an amount remains in the difference column of the 6652, the report will be generated for that month. The Financial Officer prints the 6652 from the GOALS system using the agency's IBM personal computer.

ONHIR 6652 Reconciliations.

Common disbursement references on the 6652 include:

<u>Symbol</u>	<u>Item</u>
312	San Francisco Financial Center - vouchers generated by ONHIR in-house and mailed to the SF-FC for processing
	- cancellation of the above checks generated
	- some payroll disbursements
310	Kansas City Financial Center - some payroll disbursements
OPM 10	SIBAC system - Office of Personnel
	Management training course tuition charges

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

and signed the report, it will be returned to the Finance Officer and filed in the 6653-6654 report file.

3. Verification of Computerized Reporting.

Because accounting activity is recorded in both the general ledger and the document number files, the computerized reporting must be reviewed for consistency between these two files. A cross check of reports is performed by the Financial Officer at least once each month. To ensure that all entries have been documented and processed properly, a verification of the total debits and credits in the system is also performed by the Financial Officer on a monthly basis.

When accounting reports are run to be used in the preparation of the SF-133, and at other times as needed, the cross check of reports is done using the Summary Trial Balance and the Allotment Status Summary. The comparison of selected items on these reports is also a comparison of account balances (Summary Trial Balance) to the accounting code balances (Allotment Status Report). The following comparisons are made for each appropriation and year:

<u>Consolidated Summary</u>		<u>Allotment</u>
<u>Trial Balance</u>		<u>Status Report</u>
4119 + 4190	=	To Date Allotment
4610	=	Unobligated Balance
6101	=	Prior Year Payments
6100	=	Year To Date Payments
4800 - 2210	=	Unliquidated Balance

The types of errors which most frequently cause the failure of these two reports to agree and sources for research and correction are as follows:

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

ERROR.

Report dates do not correspond or month of activity differs between reports.

SOLUTION.

Run the reports again, making sure the month selected is correct and try the cross-check again.

ERROR.

4800 less 2210 journal balance is greater than the unliquidated balance total.

SOLUTION.

May be caused by the entry of debit to 4610, credit to 4800 when the only option chosen is option C (see Section 2210.1(b) for more information on the automatic reversing entries). Review batch edit lists since the last successful cross-check to isolate error. Correct journals via an Allotment Detail Input Document. After the correction has been made, run the reports and try the cross-check again.

ERROR.

Year-to-Date payments not in agreement.

SOLUTION.

Frequently caused by the entry of accounts which do not properly correspond with the options chosen. Review batch edit lists since the last successful cross-check to isolate the error(s) and correct accounts via an Allotment Detail Input Document. After the correction has been made, run the reports and try the cross-check again.

The Financial Officer also performs a cross-check of the Allotment Status Report to the Document Master Listing by Accounting code to verify that accounting code information agrees with document master information. Because the Document Master Listing always presents up-to-date information, while the Allotment Status Report is by month, care must be taken to select a time to run the reports when they will represent the same information. Usually the middle of the month is best for this, after all the prior month's entries have been made. A comparison is made of the obligated and paid to date amounts on both reports by accounting code.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

Failure of the reports to agree can be due to errors from the batches processed since the last successful cross-check. The cross-check. The edit lists must be reviewed to determine if any entries were processed in which the accounting code was incorrect, or if incomplete entries were processed. If no cause can be found for the error the ADP Supervisor is consulted. She will be able to create reports which will help in isolating the error. Correction of the error may be done through batch entry or by the ADP Supervisor depending on the nature of the error.

As each batch is posted on the computerized accounting system, the Financial Officer records the total debits and credits by appropriation and year, as recapped on the edit list, onto the ONHIR Batch Total Log. This log is separated by batch month (the first two digits of the batch number) and contains an area at the bottom of the page for a total by appropriation and year to be entered.

At least once each month, when reports are run for the preparation of the SF-133, the current total of debits and credits is compared to the totals appearing on the Summary Trial Balance. The Financial Officer notes and initials the successful completion of this cross-check in the log. In this way he can be sure that he had control over all entries made to the system.

Errors in this cross-check usually result from the use of a Summary Trial Balance which does not correspond to the accounting period to be checked, or from the failure of the Financial Officer to properly record a batch total.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92
				Accounting Activities

2550 REPORT ON BUDGET EXECUTION - SF-133

(Also see OMB Circular A-34)

The SF-133 "Report on Budget Execution" shows budgetary resources, obligations and outlays and is prepared primarily for the use of the Office of Management and Budget Examiner assigned to the Office. This report is prepared monthly by the Financial Officer, but is signed by the Director of the Office of Management (or another Certifying Officer in his absence).

1. Monthly Reporting Requirements.

The SF-133 "Report on Budget Execution" must be submitted monthly to the Office of Management and Budget within 20 days after the end of each calendar month, or such other period as specified by OMB (as during the close of the fiscal year when reporting deadlines are specified in a Treasury transmittal letter). The final SF-133 should be forwarded to:

O.M.B. Budget Examiner
Office of Management and Budget
New Executive Office Building
Room 8208
726 Jackson Place, N.W.
Washington, D.C. 20503

With photocopies to:

GSA External Services Staff
Budget & Management Systems
GSA Regional Office Building
Room 7110
Washington, D.C. 20407

2. Basis of Monthly Reports.

This report reflects the status and disposition of the appropriation(s) received by ONHIR. Selected figures on the 133 must agree with 2108 reporting at year end, so the 133 preparation process is designed to ensure agreement between the 133 and the various Treasury reports each month. In addition, the 133 and 225 must agree each month. To ensure agreement between all financial reports issued by ONHIR, extensive worksheeting is involved in the 133 preparation.

The sources for SF-133 reporting include:

- Computer-generated reports for the month
- Summary Trial Balance
- Allotment Summary Report

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

- Files from the Financial Officer's desk
- SF-132, SF-133, SF-225 internal folder containing the details on appropriations and funds received, and the SF-133 worksheets and reports submitted in prior months.
- Undisbursed Appropriation Accounts - Trial Balance TFS-6653/6654 folder for the current year.
- SF-224 folder for the current year.

3. Preparation of SF-133.

The SF-133 is used to report the status of the budget authority granted ONHIR and a separate report is prepared for each fund. Deposit funds are not reported on the SF-133.

The first step in preparation of the SF-133 is to ensure that all entries for the month being reported have been processed and that a successful cross check of computerized reporting (see Section 2540.3 "Verification of Computerized Reporting") has been completed.

As examples of prior month's work in the SF-132, SF-133, SF-225 folder indicate, two worksheets are prepared each month in relation to SF-133 reporting.

a. TFS-2108 Worksheet.

This worksheet illustrates selected account balances from the Summary Trial Balance organized by 2108 category. Although 2108 information is only reported once each year, the worksheet is prepared monthly to maintain the proper corresponding figures between the 133 report, the General Ledger Accounts, and the 2108.

The first column of this worksheet, "Resources", reflects the actual cash made available for expenditure by ONHIR. The cash accounts (1011 and 1012) balances are entered here.

As of this writing, the D5 undisbursed balance is included, because it reflects a disbursement owed, but never processed by Kansas City Payroll. The total resources must agree with the "current Year Balance Forward" + "Current Year Appropriations" for the account symbol as reported by Treasury on the 6654. A discrepancy might indicate an error in the booking of the original Treasury warrant for the year, or in the carry forward of funds from prior year accounts to current year accounts.

The "outlays" column reflects the actual cash disbursed (net of deposits and receipts) by ONHIR. The disbursement and receipt accounts (1013 - 1014 - 1024 + 1043 + 1053) balances are entered here. Total outlays must agree with the "Net Disbursement" for the account symbol as reported by

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

Treasury on the 6654. A discrepancy here might be caused by:

- The posting of a batch entry subsequent to the preparation of the SF-224 for the month which was not included in the SF-224 worksheeting.
- A math error in the General Ledger Account total computations.
- A math error made in the preparation of the SF-224
- A charge or credit recorded to an ONHIR account symbol by another agency on the TFS-6653/6654 which has not been reflected on ONHIR books.

The resources less the outlays column equals the unexpended balance. This amount should correspond with the "Closing Balance" reported by Treasury on the 6653/6654.

The "Receivables" column is used to separately state the amounts owed ONHIR for employee travel and educational advances (accounts 1200 and 1201), and any other material balances outstanding. Any amounts entered in this column must also be reflected in the "Undelivered Orders" column. This is due to the way obligations are recorded in the system. When funds are disbursed, even on an advance basis, the obligation is automatically reversed. This allows for the transaction to be reflected in the Document Master file and on the Allotment Status and Allotment Summary reports. However, it does not allow for the unliquidated balance to reflect the receivable.

The "Payables" column is handled in a similar manner, and reflects the material amounts owed by ONHIR for personnel services (the payroll accrual for the month) already received, and any other material balances owed. The payroll accrual amount can be calculated from the Allotment Summary report by taking the total unliquidated balance for object class 100 "Personal Services" and subtracting the unliquidated balances for object classes 130 "Other Compensation" and 150 "Other Benefits." Or, the payroll batch can be referred to for the accrued amount.

The Grand Total of the Resources, Outlays and Receivables is then computed. The Unobligated Balance column total can be derived from subtracting the Undelivered Orders and Payables column totals from the Grand Total. This will ensure that:

$$\begin{array}{rcl} \text{Resources} & - & \text{Outlays} & = & \text{Undelivered Orders} & + & \text{Payables} \\ & & + \text{Receivables} & & & + & \text{Unobligated Balance} \end{array}$$

The Unobligated Balance column total will be verified for accuracy during the draft preparation of the 133.

b. SF-133 Worksheet.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
Accounting Activities				03/13/92

This worksheet illustrates the Standard General Ledger account balances which make up the figures reported on selected lines of the SF-133.

The first column of this worksheet corresponds to line 1.A. of the 133, "Appropriations Realized". The balance in the current year 1012 account is entered here.

The next column corresponds to line 2.A of the 133, "Unobligated Balance Brought forward October 1." The balance in the current year 1011 account is entered here. The total for line 1.A plus 2.A should equal the amount shown on the most recent SF-132.

Column 4.A "Recoveries of prior year obligations" reflects the difference, either positive or negative, between the obligated balance reported at the end of the last fiscal year, and the current obligated balance for those funds. Current year amounts are not reported on this line. The individual amounts which made up the obligated balance at the end of the last fiscal year are entered onto the worksheet, under the period the amounts were originally reported. The current obligated balance is entered in negative in this column, and the resulting difference is the column total. To recap, the "Recoveries of prior year obligations" is computed as follows:

Obligated Balance, end of period from SF-133 submitted for September of the prior year (Detail by journal brought forward from year SF-133 worksheet).	LESS less the obligated balances and outlays from the 2108	Obligated Balance, current for those funds (9600 + 1013 - 1014 - 1024 + 1043 + 1053) This column must equal the prior year fund resources	prior worksheet.
--	--	--	------------------

Column 8 "Obligations Incurred" reflects only those obligations booked against current year funds (9600 + 1013 - 1014 + 1015 + 1043 + 1053).

"Net Obligations Incurred", column 12, is the total of column 8 less column 4.A.

Column 13.A is a restatement of the End of Period Obligated Balance for the prior fiscal year.

Column 13.C "End of Period Obligated Balance" reflects the balances in the 9500/9600 accounts for all funds.

Column 14 "Outlays" reflects the total balances in accounts 1013 - 1014 + 1015 - 1024 + 1043 + 1053 and must agree with the outlays column on the TFS-2108 worksheet. It must also agree with the total of column 12 + 13.A - 13.C.

Column 15.C "Accounts Payable, End of Period," reflects the net payables (payables less receivables) as of the end of the period being

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

reported. The total of this column should equal the "Payables" column less the "Receivables" column from the TFS-2108 Worksheet.

Column 15.A "Accounts Payable, as of October 1" reflects the individual amounts which made up the net payable balance at the end of the last fiscal year. The account detail is brought forward from the prior-year 133 Worksheet.

Column 16 "Accrued Expenditures" is the total of columns 14 - 15.A + 15.C.

Now the draft SF-133 can be prepared. The agency, period ended, and appropriation title and symbol must be entered onto the form. Column amounts from the SF-133 Worksheet are entered onto the 133 for the first section, "Budgetary Resources". This section must agree with the most recent SF-132 with the exception of line 4.A, which is always a current figure provided by the reporting agency. The "stub" figure for line 4.A is calculated by subtracting last month's entry from the current month's entry on this line.

The second section, "Status of Budgetary Resources," provides a different view of the same dollars reported in the first section. Therefore, the total of line 11 must agree with the total of line 7. Under item 10, "Unobligated balances not available," recoveries are reported which have not yet been allotted by OMB, either because requested allotments have not yet been finalized or approved, or because allotment has not yet been requested. As a rule of thumb, a request for these monies to be allotted is submitted to OMB when unallotted recoveries exceed \$100,000.

The column amount from the SF-133 worksheet is entered for line 8, and the "stub" figure is calculated. Lines 9.B and 9.C are completed, based on the apportionment action (if any) reflected on the latest SF-132 for the agency. The total reported on lines 9.B and 9.C should equal the "Unobligated Balance" column total from the TFS-2108 Worksheet.

The third section "Relation of Obligations to Outlays and Accrued Expenditures" shows unliquidated obligations, outlays and accrued expenditures for the fiscal year to date. The column amounts from the SF-133 Worksheet are entered for lines 12, 13.A, 13.C, 14, 15.A, 15.C, and 16, and the "stub" figures are calculated. A final math check is done, with care taken to ensure that line calculations as printed on the 133 form are correct.

The draft is then submitted for typing and for the signature of the Deputy Director. The original SF-133 is mailed to the OMB Budget Examiner, with photocopies to GSA, the Deputy Director, and the Financial Officer's historical file.

4. Reports on Violations.

The OMB Circular A-34 "Instructions on Budget Execution" states that the

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92
Accounting Activities				

head of the agency must report violations of the following nature to OMB and to the Congress:

- Any obligation in excess of the amount available in the appropriation or fund.
- Any obligation in advance of the appropriation for that purpose.
- Any personal services accepted in excess of that authorized by law.
- Any obligation in excess of an apportionment or reapportionment.
- Any obligation in excess of the amount permitted by the prescribed and approved administrative control section.

For report formats, see OMB Circular A-34, Part VII.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92
				Accounting Activities

2560 REPORT ON OBLIGATIONS - SF-225.

(Also see 1 TFRM 2-4400)

The SF-225 "Report on Obligations" reflects current obligations by object class and is prepared primarily for the use of the Department of the Treasury. This report is prepared by the Financial Officer.

1. Quarterly Reporting Requirements.

The SF-225 "Report on Obligations" must be submitted quarterly to the Special Reporting Branch no later than the 20th calendar day of the month following the quarterly month end. The original SF-225 should be forwarded to:

Special Reporting Branch
Bureau of Government Financial Operations
Department of the Treasury
Treasury Annex #1
Attn: GAO Building, Room 3021
Washington, D.C. 20226

With photocopies to:

GSA External Services Staff Budget & Management Systems Regional Office Building Room 7110 Washington, D.C. 20407	Budget	O.M.B. Budget Examiner Office of Management and New Executive Office Building Room 8208 726 Jackson Place, N.W. Washington, D.C. 20503	GSA
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2. Basis of Quarterly Reports.

This report represents a breakdown of current year obligations by object class. Selected figures on the 225 must agree with figures reported on the SF-133 for the month.

The sources for SF-225 reporting include:

- Computer-generated reports for the month
- Allotment Summary Report
- Files from the Financial Officer's Desk
- SF-132, SF-133, SF-225 internal folder containing the completed SF-133 and related worksheets and the 225 reports submitted in prior months.

3. Preparation of SF-225.

Section I of the SF-225 contains cumulative to date obligation information in total (column 3) and within the Federal Government (column 4) for current year appropriations only. Correspondence of object class reporting from the Allotment Summary Report pages for the current year's funds obligated to SF-225 object class symbols are as follows:

<u>225 Object</u> <u>Class Symbol</u>	<u>Total</u> <u>Transactions</u>	<u>Within Federal</u> <u>Government Only</u>
11	110 + 130	---
12	140 + 150	140 + 150
13	160	---
21	210-214(advances)	212
22	220	---
23	230	236
24	240	248 + 249
25	250-254(advances)	255 + 256 + 258
26	260	---
31	310	---
32	320	---
41	410	---

Cross checks of the SF-225 to the SF-133 are as follows:

SF-225	Total	Section I	=	SF-133	Line 8
SF-225		Section II	=	SF-133	Line 4a
SF-225		Section III	=	SF-133	Line 12
SF-225		Section V	=	SF-133	Line 13c

It should also be noted that dollar amounts are reported in thousands on this report, and that rounding may cause the column totals to be slightly off due to this rounding. It is acceptable to submit an SF-225 which does not add due to rounding.

4. Relationship to In-House Financial Statement Preparation.

The 225 total transactions column for a given month should be in agreement with the in-house financial statement as both reports are derived from the Allotment Summary Report, and both reflect obligations to date in current year funds.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

2570 REPORT ON UNEXPENDED BALANCES - TFS-2108.

The TFS-2108 "Year-End Closing Statement" reflects the unexpended balance, receivables, undelivered orders, payables and unobligated balance available for obligation for all appropriations. These figures are reported by Treasury to Congress in the United States Government Annual Report. This report is prepared by the Financial Officer and certified for submission by an authorized officer of the agency, generally the Deputy Director.

This report also represents the agency's request for transfers and withdrawals of funds.

1. Yearly Reporting Requirements.

The TFS-2108 "Year-End Closing Statement" must be submitted at fiscal year end in compliance with the dates specified in the TFM Bulletin received from Treasury around the first of August prior to the end of the fiscal year.

This Bulletin will provide the address at the Department of the Treasury the completed 2108 should be forwarded to and the method of transmission required (usually Express Mail via the U.S. Postal Service).

2. Basis of Yearly Report.

This report reflects the status of fund resources as of the end of the fiscal year and so must agree with figures reported on the SF-133 "Report on Budget Execution". Because the Preclosing Unexpended Balance is preprinted on the 2108 at Treasury based on information received from the reporting agency via automated 224 reporting (see Section 2530 "Reports of Agencies for Which Treasury Disburses SF-224" for an explanation of this system), the 2108 must also agree with figures reported on the SF-224 "Statement of Transactions". In this way all accounting data for the fiscal year, whether reported to Treasury or the Office of Management and Budget, is tied together. If these reports do not agree with each other and the data from the System 36 Accounting files, then transactions may have been recorded which were not properly reported or vice versa. It is the responsibility of the Financial Officer to ensure the agreement of these reports.

The sources for TFS-2108 reporting include:

- Computer generated reports for the fiscal year:
 - Summary Trial Balance
 - Allotment Summary Report
- Files from the Financial Officer's desk:
 - SF-132, SF-133, SF-225 internal folder containing the

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

detailed 133 and 2108 worksheets (these must be prepared each month) and the 133 reports submitted during the year.

- Undisbursed Appropriation Accounts - Trial Balance TFS-6653/6654 folder for the current year. These reports recap SF-224 reporting for the year, and the final year-end report received from Treasury will show the same ending balance as is preprinted on the TFS-2108.
- SF-224 folder for the current year containing the details of the TFS-6652 Reconciliation activity for the fiscal year.
- The preprinted 2108 from Treasury.
- The TFS-2108 folder which should contain a copy of any correspondence received which relates to the preparation of the 2108 and any other information concerning entries which have not yet been booked, corrections, etc. Generally, the Financial Officer will find it necessary to make notes as the work of year-end closing is done and file them in this folder for future use. These notes might contain information on reconciling items, payables and receivables, and special treatment of certain entries.

3. Reporting on One-Year Appropriations.

Funds assigned one-year status are only available for obligation during the designated year and any unobligated balance remaining at fiscal year-end must be returned to the Department of the Treasury. The account is closed at the end of the second full fiscal year following the fiscal year for which the appropriation was available for obligation (see Section 2570.5 "Reporting on M-Year Appropriations").

Columns (1) and (2) of the TFS-2108 are preprinted with the appropriation or fund symbol and the preclosing unexpended balance as shown on the final TFS-6654 "Undisbursed Appropriation Accounts-Trial Balance". This information may not be changed except under instruction of the Bureau of Government Financial Operations, Department of the Treasury. Questions can be directed to the telephone number given on the TFS-2108.

Column (3) of the TFS-2108 shows any amounts transferred to "M" Accounts, and column (5) equals column (2) plus or minus columns (3) and (4). Column (7) reflects accounts receivable within this annual fund, column (9) reflects unliquidated obligations and column (10) reflects accounts payable and other liabilities.

Column (11) reflects the unobligated balances which, in the case of a one-year appropriation, must be returned to Treasury and will no longer be available to the agency unless restored.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

4. Reporting on No-Year Appropriations.

Funds assigned "No-Year" status are not returned to Treasury at the end of the fiscal year in which they were appropriated, but are retained by the agency and may be used in subsequent years. No-year funds are never transferred to M-Year appropriations, but are included with each new No-Year appropriation in reporting to Treasury. However, it is necessary for the agency to identify each No-Year appropriation separately for accounting and data processing purposes in its own records.

Columns (1) and (2) of the TFS-2108 are preprinted with the appropriation or fund symbol and the preclosing unexpended balance as shown on the final TFS-6654 "Undisbursed Appropriation Accounts-Trial Balance". This information may not be changed except under instruction of the Bureau of Government Financial Operations, Department of the Treasury. Questions can be directed to the telephone number given on the TFS-2108.

For No-Year funds, column (5) will equal column (2).

Column (7) reflects accounts receivable within the No-Year fund, column (9) reflects unliquidated obligations and column (10) reflects accounts payable and other liabilities.

Column (11) reflects the unobligated balance as of the end of the fiscal year. This amount is carried forward and included with the next year's No-Year appropriation.

5. Reporting on M-Year Appropriations.

Funds assigned one-year status are only available for obligation during the designated year and any unobligated balance remaining at fiscal year-end must be returned to the Department of the Treasury. The account is closed at the end of the second full fiscal year following the fiscal year for which the appropriation was available for obligation. Any unobligated balance remaining at that time will be transferred to an "M" account of the agency, therefore an agency which receives annual appropriations year after year will carry an "M" account balance consisting of the combined unobligated balances of several past years.

Columns (3) and (4) of the TFS-2108 show any amounts transferred to "M" accounts, based on the time limitations mentioned above and any restorations needed due to legitimate obligation activity which was not recorded before. In most instances, the Unobligated Balance Available for Obligation (column 11) on the 2108 will be zero for the "M" account. As of this writing, the Commission does not have any "M" account balances.

For further information on this subject, refer to 1 TFM 2-1550.20.

6. Accounts Payable and Other Liabilities.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

Accounts payable are those amounts owed on the basis of evidence of receipt of goods and services. Because the agency does not maintain a sophisticated system for the tracking of these payables, the Financial Officer must review accounting records at the end of the fiscal year for those material amounts which must be included in this category for reporting purposes.

Generally, the items which are included in accounts payable are:

- Accrued payroll, or the salaries and benefits earned in the fiscal year which will not be paid until the following year. The GSA payroll office provides agencies with a print out by accounting code classification which details these amounts.
- Any balance in the D5 journals which were set up to record differences in the amount charged the agency by the GSA payroll office for electronic funds transfer payroll and the amount which should have been charged according to payroll documents which were reviewed by the agency and found to have been correct. Because GSA will not allow the agency to transfer this amount via the usual automated 224 reporting channels, these amounts remain on the agency's books as payables until the payroll office takes action to collect.
- Reconciling items such as SIBAC amounts not recorded as paid by the agency because of late-arriving documents or clerical error or other similar items which the Financial Officer has determined may be treated as payables.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

7. Accounts Receivable.

Accounts receivable, called "Reimbursements Earned and Refunds" on the TFS-2108, are those amounts currently receivable from other Government agencies for goods and services received by them during the fiscal year and not yet paid. This category also includes amounts receivable from travel and other advances and other reconciling items.

Generally, the items which are included in accounts receivable are:

- Blanket travel and training advances made to employees.
- Cancelled checks recorded by the agency but not yet recorded by Treasury because of late-arriving documents or clerical or reporting error.
- Reconciling items such as amounts due from other agencies for refunds or reimbursements not yet transferred as of the end of the year.

8. Unliquidated Obligations and Unobligated Balances Available.

Unliquidated obligations, called "Undelivered Orders and Contracts" on the TFS-2108, are obligations for which disbursements have not yet been made. Unobligated balances available are appropriated funds which have not yet been obligated. Accounts payable and receivable can affect the balances reported in these categories and the Financial Officer must take such items into account when reporting unliquidated obligations and unobligated balances available on the TFS-2108.

For instance, the accrued payroll reported at the end of the year affects not only the accounts payable column (10), but effectively reduces undelivered orders (column (9)) because a payable cannot also be an unliquidated obligation.

9. Preparation of TFS-2108.

The TFS-2108 is used to report the unexpended balance, receivables, undelivered orders, payables and unobligated balance available for obligation for all appropriations. During the fiscal year the Financial Officer prepares a TFS-2108 worksheet during preparation of the SF-133 (see Section 2550.3 "Preparation of SF-133"). The proper completion of this worksheet ensures agreement of figures reported on the SF-224, SF-133 and the TFS-2108 with the agency's computerized accounting system.

The TFS-2108 must be submitted on the preprinted form provided by Treasury. Columns (1) and (2) of the TFS-2108 are preprinted with the appropriation or fund symbol and the preclosing unexpended balance as shown on the final TFS-6654 "Undisbursed Appropriation Accounts-Trial Balance". This

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

information may not be changed except under instructions of the Bureau of Government Financial Operations, Department of the Treasury.

Any discrepancy between the figures reported on the final TFS- 6654 and the TFS-2108 should be immediately reported to Treasury at the telephone number given on the TFS-2108. However, it is unlikely that such a situation would occur, close scrutiny of the TFS-6652/6653/6654 reconciliation and SF-224 reporting will generally reveal the source of any unfamiliar amounts which ultimately appear on the TFS-2108. This is because most of the information appearing on these reports comes directly from the agency.

The first step in preparation of the TFS-2108 is to ensure that all entries for the fiscal year have been processed (or so noted in the TFS-2108 folder), and a successful cross-check of computerized reporting has been completed (see Section 2540.3 "Verification of Computerized Reporting").

As examples of the prior fiscal year's work in the TFS-2108 folder indicate, a detailed TFS-2108 worksheet by fiscal years is prepared from the account information on the Summary Trial Balance. This worksheet is organized with the TFS-2108 report categories in the columns and the account balances and reconciling items in the rows.

Entries are made under the first column "Allotments" from accounts 1001, 1011, 1012 and D52500 to reflect prior year recoveries, funds with Treasury at the start of the year (carry forward from prior year's No-year appropriations) and the treatment of amounts owed GSA payroll for electronic funds transfer salaries and benefits not yet collected.

The next column "Expenditures" contains the balances of all the disbursement accounts plus any reconciling items determined necessary by the Financial Officer. These accounts vary from year to year depending on activity, but accounts 1013, 1014, 1043 and 1053 are always included. Reconciling items might include expenditures not yet booked by the agency or cancelled checks for which credit was not received by the end of the fiscal year due to mailing time or clerical error. Any D5 disbursements would also be included as they relate to that amount not yet collected.

The "Unexpended Balance" column is the difference between "Allotments" and "Expenditures" and must agree in total with the preclosing unexpended balance on the TFS-2108.

The "Receivables" column contains the balances of the 1200 and 1201 accounts for blanket travel advances and educational advances, and also includes any other receivables determined necessary by the Financial Officer. These items will have an effect on the total in the "Undelivered Orders" column also, and so must be identified to enable the Financial Officer to determine what the treatment should be. The total in this column is inserted into column (7) on the TFS-2108, "Reimbursements Earned and Refunds".

The next column is a subtotal column, "Allotments" less "Expenditures"

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

equals "Unexpended Balance" and "Unexpended Balance" plus "Receivables" equals the subtotal.

Entries are made under the "Undelivered Orders" column from the 9500/9600 accounts (these accounts offset each other and so always carry the same balance, one debit, one credit) and from the "Receivables" and "Payables" columns as they affect the unliquidated balances. Any reconciling items not yet booked should also be reviewed for their possible effect on this column. The total in this column is inserted into column (9) on the TFS-2108, "Undelivered Orders and Contracts".

The "Payables" column contains such items as the accrued payroll, the D5 balance payable and any reconciling items. These items will have an effect on the total in the "Undelivered Orders" column also, and so must be identified to enable the Financial Officer to determine what treatment should be. The total in this column is inserted into column (10) on the TFS-2108, "Accounts Payables and Other Liabilities".

The "Unobligated Balance Available" column is derived from the difference between column (5) and columns (6) plus (7). In other words, the unobligated balance available is equal to the unexpended balance plus receivables less undelivered orders, less payables. The total in this column is inserted into column (11) on the TFS-2108, "Unobligated Balance Available for Obligation".

The final column on the TFS-2108 worksheet is a subtotal column. "Undelivered Orders" plus "Payables" plus "Unobligated Balance Available" equal the subtotal in column (9). The two subtotal columns, (5) and (9), must be equal.

In regard to agreement of the figures of the TFS-2108 to the SF-133 "Report on Budget Execution", column (11) of the TFS-2108, "Unobligated Balance Available for Obligation" should agree with the total of all line 9 "Unobligated balances available" entries on the SF-133. The net of columns (7) "Reimbursements Earned and Refunds" and (10) "Accounts Payable and Other Refunds" on the TFS-2108 should agree with line 15.C "Accounts payable, net, end of period" on the SF-133. The total of columns (9) "Undelivered Orders and Contracts" plus (10) "Accounts Payable and Other Liabilities" and less (7) "Reimbursements Earned and Refunds" on the TFS-2108 should agree with line 13.C "Obligated Balance, end of period" on the SF-133.

Now the draft TFS-2108 can be prepared. The appropriate amounts from the detailed worksheet are entered into the columns. The "M" account, if not previously established, may be inserted if needed. A minus sign is used to denote negative amounts. Subtotals are ruled and totals are double ruled. The total of columns (5) "Postclosing Unexpended Balance" and (7) "Reimbursements Earned and Refunds" must equal the total of columns (9) "Undelivered Orders and Contracts" plus (10) "Accounts Payable and Other Liabilities" plus (11) "Unobligated Balance Available for Obligation".

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
Accounting Activities				03/13/92

The preparer's name and telephone number and the certifying officer's name and number are inserted. After the final TFS-2108 is typed, it is signed by the certifying officer and the original and one copy is forwarded to Treasury per their instructions. A copy is retained by the Financial Officer in the TFS-2108 folder for the fiscal year just closed, and another is inserted in the TFS-2108 folder for the current fiscal year.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

**2580 BUSINESS TYPE FINANCIAL STATEMENTS - TFS-220 AND RELATED
SCHEDULES, ALSO TFS-221, 222, and 223**

The TFS-220 "Statement of Financial Condition" reflects the assets, liabilities and equity of the agency. Treasury consolidates the information received from all reporting entities to generate reports on the financial condition of the U.S. Government as a whole. This report is prepared by the Financial Officer and certified by the Financial Officer's supervisor, the Deputy Director.

1. Quarterly Reporting Requirements.

The TFS-220 "Statement of Financial Condition" and related schedules are submitted to Treasury on a yearly basis. In addition, schedule 220.9 "Report on Accounts and Loans Receivable Due from the Public" is to be submitted by the 20th calendar day following the close of each quarter. This information is requested in response to OMB Circular A-129 "Managing Federal Credit Programs" and is designed to assist in credit management.

2. Yearly Reporting Requirements.

The TFS-220 "Statement of Financial Condition" and related schedules, also TFS-221, 222, and 223 must be submitted to Treasury by November 15th following the close of the fiscal year. The TFM Bulletin received by the agency around the first of August prior to the end of the fiscal year specifies when and how to submit this report to the Department of the Treasury.

3. Basis of Quarterly Reports.

Schedule 220.9 "Report on Accounts and Loans Receivable Due From the Public", due quarterly, reflects the balances of accounts receivable due the agency. Information on total current receivables include amounts owed by agency employees for travel and educational advances.

The sources for SF-220.9 reporting include:

- Computer generated reports for the quarter recently ended.
- Summary Trial Balance.
- Files from the Financial Officer's desk.
- SF-132, SF-133, SF-225 internal folder containing the details of receivables reported.
- TFS-220 folder for the current year.

4. Basis of Yearly Reports.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

The TFS-220 reflects the assets, liabilities and equity of the agency, along with specialized information presented in the various accompanying schedules and reports.

The sources for TFS-220 reporting include:

- Computer generated reports for the fiscal year.
- Summary Trial Balance
- Allotment Summary Report
- The Current Value Report provided by the Supply Technician which values the furniture and equipment inventories of the agency.
- Files from the Financial Officer's desk and information from other sources:
 - The TFS-2108 folder containing the completed TFS-2108 and worksheets.
 - Undisbursed Appropriation Accounts - Trial Balance TFS-6653/6654 folder for the fiscal year.
 - Estimate of the value of the supply inventory on hand.
 - Estimate of the value of furniture and equipment not in use.
 - Fiscal folders relating to any long term leases such as office building and equipment leases.

5. Preparation of TFS-220 and Related Schedules, also TFS-221 and TFS-223.

The TFS-220 and related schedules are used to report the agency's assets, liabilities and equity and to provide other specialized information required by the U.S. Treasury. Prior to preparation of the TFS-220 the TFS-2108 "Year-End Closing Statement" must be completed or, in the case of quarterly preparation of the TFS-220.9, the SF-133 worksheets for the month must be completed. For general instructions in the completion of this form see TFRM 2-4100.

The first step in the preparation of the TFS-220 is to ensure that all entries for the fiscal year (or quarter) have been processed or noted in the TFS-220 folder, and a successful cross-check of computerized reporting has been completed (see Section 2540.3 "Verification of Computerized Reporting").

As examples of the prior fiscal year's work in the TFS-220 folder indicate, an TFS-220 worksheet is prepared. This worksheet is organized with

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

the TFS-220 report categories in the columns and the information sources in the rows. Entries are made in the first column "Funds w/ Treasury & Cash" from the TFS-2108 worksheet column (3) total "Unexpended Balance" and from the TFS-6653/6654 report of fund balances in the various deposit and clearing accounts (48X65275.11, 48F3880.11, etc.). The value of all agency imprest funds is also included in this column. The total of this column should represent all amounts available for expenditure on account with Treasury plus all cash available.

The next column "Receivables" contains the balances in the 1200 and 1201 accounts for blanket travel advances and educational advances, and also includes any other receivables determined necessary by the Financial Officer, with a description.

The "Inventories" column contains the estimated value of all operating supplies on hand and the "Equipment" column contains the estimated net value of all non-expendable furniture and equipment belonging to the agency.

The total of the columns mentioned above will represent the total assets of the agency.

The next column "Accounts Payable" contains amounts owed for goods and services as determined by the Financial Officer and reported on the TFS-2108. Accrued payroll amounts are shown in the next column and are so labeled.

The balances for the payroll deposit accounts as shown in the TFS 6653/6654 are entered in the next column "Deposit Funds". The total of columns "Accounts Payable", "Accrued Payroll" and "Deposit Funds" represent the total liabilities of the agency.

Entries are made in the next column "Unexpended Appropriations" from the TFS-2108 worksheet columns labeled "Unobligated Balances Available" and "Undelivered Orders".

The values of the supply and the furniture and equipment inventories are entered in the next column "Invested Capital" and the value of all imprest funds is entered in the final column "Revolving Funds". The total of these last three worksheet columns represent the equity in the agency. Total assets must equal total liabilities plus equity.

Now the draft TFS-220 can be prepared. The appropriate amounts from the worksheet are entered onto the form and the agency contact information is inserted. Next, the supporting schedules are completed.

Schedule 220.1 "Additional Financial Information" shows the fund balance with Treasury by symbol and cash balances. The fund balance information comes directly from the TFS-6653/6654. The total of Schedule 220.1 line 3 must agree with TFS-220 line 1.d. Additional inventory information is also requested on this schedule. Line 6 asks for information regarding the inventory reported on line 4 of the TFS-220 which will be available from the

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
			Accounting Activities	03/13/92

TFS-220 worksheet information sources. Line 7 is involved with the furniture and equipment inventories as reported on line 7 of the TFS-220. Column 1 asks for depreciation method, column 2 asks for service life information, column 3 asks for the value of depreciated assets, column 4 asks for the value of non-depreciable assets, and column 5 asks for the amount of accumulated depreciation. This information is found in the Current Value Report provided by the Supply Technician which values the furniture and equipment inventories of the agency. The last column, number 6, asks for the value of property not in use. The Supply Technician is consulted to arrive at this figure.

Line 8 asks for information on leases and lease payments due. Object class 231 is used for these items and a review of the document master by accounting code will reveal which fiscal files will provide this information.

Line 11 asks for information on unexpended budget authority which can be taken from the TFS-220 worksheet and the Allotment Summary Report which separates by accounting code those obligations which are within the federal government. The total reported here must agree with line 20.a on the TFS-220.

Schedule 220.8 "Direct and Guaranteed Loans Reported by Agency and Program Due From the Public" must be submitted although all entries are -0- for this agency.

Schedule 220.9 "Report on Accounts and Loans Receivable Due From the Public" shows supplemental information on the agency's receivables due from the public. As the Commission does not, as of this writing, carry receivables from the public, only Section D of this schedule is completed. Total Federal receivables are entered here from the TFS-220 worksheet (fiscal year-end report) or from the SF-133 worksheet (quarterly report).

TFS-221 "Report on Operations" reflects the financial results of activities. The 2108 worksheet figure for expenditures is entered in line 1 "Expended Appropriations" and the depreciation figure from the Current Value Report provided by the Supply Technician is entered in line 10 "Unfunded Expenses".

The sources and uses of resources during the fiscal year are summarized in TFS-222 "Report on Cash Flow". This report begins with the ending fund balance from the prior year which is entered on line 1 from the prior year's TFS-220 line 1.d. Under "Sources of Funds" actual appropriations realized are entered in line 2.b. from the SF-132 or 133. Lines 2.e and 2.f reflect the changes in receivables and payables during the year.

Under "Application of Funds" line 3.a, operating expenses, is brought forward from TFS-221 line 12. Line 3.b comes from TFS-221 line 10 and line 3.d from TFS-220 line 4. For line 3.e the value of furniture and equipment capitalized during the year is entered from the Allotment Summary Report information for the equipment accounting code.

Line 4 must equal TFS-220 line 1.d.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92
				Accounting Activities

TFS-223 "Report on Reconciliation" reconciles operating expenses and cash outlays for the fiscal year. Line 1 "Total Operating Expenses" is brought forward from TFS-221 line 12 and line 2.a is brought forward from TFS-221 line 14. Lines 2.a and 2.b reflect the change in receivables and payables during the year. Line 3 is the total of lines 1 and 2 and line 5 is the the total of lines 3 and 4.

The agency contact information and period ended information should be inserted as indicated on all reports and schedules. After the final reports and schedules are typed, they are submitted to the Director of Management for approval. One copy is forwarded to Treasury per their instructions, one copy is retained by the Financial Officer in the TFS-220 folder for the fiscal year just closed and one copy is inserted in the TFS-220 folder for the current year.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of Accounting Activities	APPROVED 03/13/92

2590 INTERNAL REPORTING.

Several internal reports are prepared and used within the agency - each was added as dictated by need. The accounting function must remain flexible enough to provide additional reports as new requests are received.

1. Financial Statement.

Each month a simple financial statement is prepared. The sources for the Financial Statement include:

- The computer-generated Allotment Summary Report for the month.
- The Financial Statement folder from the Accountant's desk.
- The source documents for any material obligations not yet processed in the reporting month.

The Allotment Summary Report from the computerized accounting system is the basis for this financial statement, although estimates of anticipated obligations for the month are frequently calculated from documents not yet booked. This is necessary because the monthly ONHIR Meeting usually takes place before all entries for the month can be processed. When estimates are needed a worksheet is prepared by object class with columns headed "Obligations per Allotment Summary", "Estimated Obligations for Month" and "Estimated Total Obligations". Under "Obligations per Allotment Summary" the information in the "To-Date Obligated" column on the Allotment Summary report is used.

To prepare this statement, first prepare the worksheet mentioned in the paragraph above using the object class format from the Financial Statement form. The Allotment Summary information is directly from that report for the current fund. "Year to Date Allotments" are copied from the "To-Date Allotment" column on the Allotment Summary Report.

The % of year information is calculated by dividing the number of months reported on by the total months in the fiscal year (12). The % obligated is calculated by dividing the year to date obligations by the year to date allotments. The report is typed in final form and forwarded to the Director of the Office of Management for signature. A file copy is retained by the Financial Officer in the financial statement folder.

An additional financial statement is always prepared in final (no estimates) form for the Commissioner's information and for files at the end of the fiscal year.

2. Report on Obligations - SF-225.

The SF-225 "Report on Obligations" represents a breakdown of current year obligations by object class. This report must be submitted on a

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2500	Reporting the Results of	APPROVED
				03/13/92
				Accounting Activities

quarterly basis to Treasury and the Office of Management and Budget, but is prepared every month for internal use.

Refer to Section 2560.3 for instructions for preparation of the SF-225. The original should be forwarded to:

GSA External Services Staff
Budget & Management Systems
GSA Regional Office Building
Room 7110
Washington D.C. 20226

A copy is retained by the Financial Officer in the SF-132, 133 and 225 folder.

3. Allotment Status Report.

The Allotment Status and Summary Reports are available from the computerized accounting system and they provide information on allotments, obligations and payments for the period requested. These reports are the basis for many manually prepared recaps requested on a one-time-only or infrequent basis. The Allotment Status Report provides detail by accounting code, while the Allotment Summary Report summarizes object class information by fund (organizations are not detailed).

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2600 Voucher Examination and Obligation

AUTHORITY

POLICY.

The processing of obligation and payment documents is the primary function of the Office's fiscal section. Although staff positions are limited, ideally the voucher examination and obligation operations should be segregated from:

- Purchasing
- Recording the receipt of goods and services
- Authorizing the hiring of employees
- Keeping time records
- Preparing payrolls

Treasury requires that the agency's system of internal control over, and procedures for, obligations and disbursements be based on the operating needs of the agency and the principles and standards prescribed by GAO. GAO requires the pre-audit and approval of vouchers before they are certified for payment as a means of providing effective control over disbursements.

Pre-audit will assure that:

- Approvals for the procurement and payment are in writing and on file.
- Goods and services are received according to the purchase agreement.
- The amount of the payment and the name and address of the payee are correct.
- Payments are not duplicated.
- Payments are appropriate under the legal constraints of the Federal government.
- Quantities, prices and amounts are accurate.
- Discounts are taken or reason why not recorded.
- Any applicable deductions are credited.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2600	Voucher Examination and	APPROVED
			Obligation	03/13/92

- Appropriations are available.
- Special certificates, if needed, are properly furnished.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

2610 VOUCHER EXAMINATION.

One goal of all Federal agencies is to assure that accurate, timely, and legally appropriate payments are made to vendors, contractors and others. The Agency's Financial Branch is responsible for the processing of these payments, including the systematic review of payment documents to assure that:

- Goods and services billed have been received.
- Pricing is correct according to the procurement documents provided.
- Payments are timely and reach their proper destination.
- Accounting classifications are accurate and payments are properly recorded in the computerized accounting system.
- Payments are properly documented in the finance files.

The Accounting Technician serves as the primary voucher examiner for the Office, however the Accountant may serve in that capacity if the Accounting Technician is absent or the workload requires additional manpower. The Accountant should also assist the Accounting Technician in especially sensitive or complicated voucher examinations. The agency head must authorize, in writing, the employee to certify vouchers - the Authorized Certifying Officer. The ACO has official responsibility for the correctness of the payment being made but the level of responsibility of the Agency's three ACO's requires them to depend on the competency and honesty of the voucher examiner.

The basic duties of the voucher examiner are to examine vouchers, invoices, claims and other requests for payment for appropriateness as outlined in these procedures and to forward them for payment processing. In most cases, the voucher examiner also prepares the disbursement documents.

Review by Certifying Officers. Certifying officers will periodically review the supporting documentation behind vouchers to verify the accuracy and authenticity of payment. On a random basis no less than every two months, each certifying officer will request the Finance Branch to submit the backup information along with the voucher for signature.

A. INVOICES:

General. The mail room will open and date stamp all invoices and forward them to the Finance Branch, which will determine the disposition of all documents relating to disbursements. If any invoices reach the Finance Branch without a date stamp, they will be stamped at that time.

Payment should only be made from the original vendor invoice. If the original is lost or destroyed, a duplicate must be used and should be clearly marked as such and the circumstances documented in the finance file. It is never correct to pay a vendor from an account statement without the supporting invoice. If a duplicate invoice is used, care should be taken to avoid double payment. All invoices must be marked "paid" when processed, also to avoid double payment.

1. Paying Invoices. The Accounting Technician will match the invoices received to the receiving reports submitted by the authorized receivers, and will process payment vouchers. After determining that the merchandise or service has been received, the Accounting Technician will verify that the invoice is mathematically correct and that it complies with the terms of the purchase order relating to unit price, tax, and freight. The Accounting Technician will compare the remittance address to the PO address, to avoid payment delays from checks being issued to the wrong address.

The Accounting Technician will verify that an obligation has been recorded on the books, and will then prepare the Fiscal Activity Document input form to order a check, complying with the requirements of the prompt payment act. Any invoices for which prompt payment interest is due will be sent to the Accountant who will calculate the interest and maintain a log of this interest for each fiscal year.

Specific payments to be issued by the Financial Branch will include the following actions.

a. Post Office boxes will be paid in advance upon an invoice from the Postmaster.

b. Payment pursuant to recurring maintenance contracts will be handled by the Financial Branch. The Accountant will maintain a list of monthly recurring contracts and the amount due, and will check them off monthly when paid.

c. Utilities invoices will be checked by the Financial Branch for correct meter numbers and reasonable usage, based on averages.

2. Invoice Approval by Other Offices. When the Accounting Technician cannot vouch an invoice according to the procedures described in #1 above, the invoice will be routed to the individual identified as the authorized receiver for verification that the receipt of goods or services has been accomplished in a satisfactory manner, and that the invoice is proper for payment.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

3. Disallowed Amounts. The Financial Branch will develop a form for disallowed amounts on an invoice. The form will be issued to the vendor as necessary.

B. IN-HOUSE REQUESTS FOR PAYMENT.

In-house requests for payment are usually received on one of these internal forms:

- "Disbursement Voucher Request" originating in the Housing Acquisition Branch.

- "Claim for Reimbursement of Client Travel" originating in the Counseling Branch, the Inspections and Compliance Branch or the Housing Acquisition Branch.

- "Imprest Fund Reimbursement Request" originating in the Accounting Branch.

- "Request for Imprest Disbursement" which may originate from any area.

Any other properly executed document may be used to request payment, so care should be taken to review documents received in the Finance Branch for action to be taken.

Before payment is made, the payment request form must be mathematically correct as verified by the voucher examiner. In the case of client payments, the client name and case number must be correct.

The "Disbursement Voucher Request" is used to order payments to the client or on the client's behalf for housing, bonuses and incidental expenses. The voucher examiner should review this form for proper vendor and document number, proper payee number and approval from the Housing Acquisition Specialist and the Housing Supervisor or his alternate. A check of the document master or a review of the other batch items should be made to ensure that sufficient obligation exists or is to be processed concurrently to cover the payment requested. Lastly, the payment itself should be considered for reasonableness, a matter of judgement for the voucher examiner. The Financial Officer or Accountant usually performs this voucher examination and refers any questions or problems back to the Housing Supervisor or to the Deputy Director.

The "Claim for Reimbursement of Client Travel" has three different forms; Counseling and Certification, Homesite Lease Travel, and Housing Related Travel. Each form is pre-printed with the approved number of trips for each activity and areas for other trips or expense claims which may be approved by the staff member assigned to work with the client. The voucher examiner is responsible for reviewing the number of trips and checking them to reimbursed dates of travel on the check master to ensure that no duplicate

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

payments are made to any client. The payee history is used for this purpose, so the voucher examiner must have the vendor/payee number of the client available. The miles claimed must be reasonable and in accordance with the odometer reading or standard mileage chart, and any lodging claims must have a lodging receipt attached. The form must have the proper claimant, preparer and approving officer signatures. Any errors or omissions on these forms should be referred back to the preparer or to the approving officer. After completing the examination the examiner signs the form and forwards it to the Certifying Officer for final approval before payment is processed.

The "Imprest Fund Reimbursement Request" is used by the Imprest Cashier to replenish the imprest fund. The form is completed by the Cashier and forwarded to the Financial Officer for audit. The Financial Officer counts the cash on hand, reviews the interim receipts and the subvouchers and approves the payment for processing. Under no circumstances should the Imprest Cashier perform the final voucher examination for imprest fund reimbursement. The Financial Officer records the results of his audit in a file which he maintains separately from the cashier's records, signs the "Imprest Fund Reimbursement Request" form if reimbursement is indicated or initiates the investigation of any discrepancies. The Financial Officer uses maintenance on the AS 400 to create a record on the check master which will allow a voucher for reimbursement to be printed. For information on the processing of this payment see Section 2210.7(a).

The "Request for Imprest Disbursement" is reviewed for appropriateness by the Imprest Cashier before she disburses funds and again by the Financial Officer as documentation for the "Imprest Fund Replenishment Request". Sections 2210.7(a) and 2250 discuss the proper completion of this form.

In all voucher examinations timeliness is important and the batch schedule discussed in Section 2210.2 should be followed so that payments are received by clients, vendors and contractors as scheduled.

C. CERTIFICATION OF TRAINING - SF-182.

Payment for employee training may be made as an educational advance to the employee, as a reimbursement to the employee, or, most usually, as a direct payment to the training vendor. In all cases, the SF-182 "Request, Authorization, Agreement and Certification of Training" form is used to document the obligation.

For educational advances or reimbursements for college level courses, the SF-182 must be prepared with trainee information thru block 20. The voucher examiner may assist the employee in completing blocks 21 and 22 regarding estimated costs and billing information. The approval lines 26, 27 and 28 must be complete before the form is processed for payment. In the case of a reimbursement, block 30 and the copy 9 of the SF-182 "Agency Evaluation Form" must also be completed and a grade report indicating a passing grade and expense receipts must be attached. If text books are being paid for by the

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

Office they must be stamped as Office property by the Supply Technician and inventoried, as they become the property of the Office. The voucher examiner may ask to inspect a copy of the course syllabus if there is any question about the legitimacy of a claim for reimbursement of textbook costs. In the case of an advance, the employee shall sign an in-house agreement to reimburse the advance if the course is not completed satisfactorily. Advance activity should be coordinated with the Financial Officer to ensure that the proper journals are affected and the subsidiary ledger for advances is properly maintained. For more information on the processing of educational advances, see Section 2810.3.

Most training vouchers will be for employee's attendance at courses sponsored by the Office of Personnel Management. The billing for the class fees will be processed thru the OPAC system with the charges automatically withdrawn from the Agency's account with Treasury. While the obligation is booked from the SF-182, the billing document examined for payment is the OPAC (On-line Payment and Credit) System billing print-out. The print-out should be examined for the proper customer agency information and ALC and a check should be made to ensure that the instruction services billed have been received. The payment date on the print-out is also important because it must be coordinated in ONHIR's records with those of Treasury. An error will cause a difference to appear on the TFS-6652 "Statement of Difference" for the month. See Section 2540.1 for more information on the Statement of Difference. Other bills for training may be processed on the SIBAC system (see Section 2540.1) or are vendor invoices should be treated accordingly.

The Administrative Coordinator maintains a suspense file and ensures that each employee receiving training and his or her supervisor completes copy 9 of the SF-182 "Agency Evaluation Form" which is sent to the employee's personnel file when completed.

D. TRAVEL VOUCHER - SF-1012.

Requests for reimbursement of travel expenses should be submitted on SF-1012 "Travel Voucher". The Accounting Technician serves as the agency's travel expert and has a working knowledge of the travel regulations set forth in the Federal Property Management Regulations section A-40 which apply to the Office, and the related decisions of the Controller General. This is a complicated and lengthy set of regulations and the Financial Officer and Contracting Officer are frequently called upon to assist with interpretations. The Travel Regulation Branch of the General Services Administration in Washington D.C. will also assist when needed.

When a completed SF-1012 is received, it must be compared to the information on the GSA form 87 "Official Travel Authorization" for the traveler, which is in the document file. Any discrepancies between the approved travel dates, destinations, authorized accommodations, etc. must be explained and documented. The traveler is not reimbursed for expenditures which are not authorized in advance unless a new GSA Form-87 is prepared (if

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

justified). Areas such as vehicle rental, mileage rate, and other mode of transportation should be carefully checked for proper prior approval. Some travelers have blanket travel authorizations which cover all their trips for the fiscal year, and the limitations on these blanket authorizations apply to every trip unless additional approval in writing is secured for exceptions.

The voucher examiner must also check the document file for any travel advance amounts which should be applied to the travel claim. Issuance or retirement of blanket travel advances should be coordinated with the Financial Officer to ensure that the proper accounts are affected and the subsidiary ledger maintained. See Sections 2210.7(c) and 2812 for information on travel advances. The voucher should also be checked for mathematical accuracy and reasonableness of the expenses claimed.

The SF-1012 is approved by the voucher examiner and is then routed to the Deputy Director for final approval before payment is processed.

E. MISCELLANEOUS.

Other requests for payment may be made on SF-1081 "Voucher and Schedule of Withdrawal and Credits" or GSA Form-789 "Statement of Voucher and Schedule of Withdrawals and Credits" which are both processed in the same way. Voucher examination is done as with any other request for payment although the vendors here are other Government agencies. Payment for these billings is accomplished via the GOALS system and so a check is not prepared. See Section 2820 for information on the completion of these forms and the batching of payments.

The SF-1080 "Voucher for Transfers Between Appropriations and/or Funds" is an inter-governmental billing document and payment is made by check for these charges. Voucher examination and payment is accomplished as with any other request for payment.

Billings processed through the SIBAC (Simplified Inter-governmental Billing and Collection) and OPAC (On-line Payment and Credit) systems are paid from the agency's account with Treasury automatically and so the payment is made before the billing document is received and examined. The Agency does not have the capability to make charges through the SIBAC system, so errors are corrected through billing office credits on the SIBAC system in subsequent months or may be charged back to the billing agency on an SF-1081. Items such as the GSA Motorpool billing, Government Printing Office charges, and training charges from the Office of Personnel Management are billed through the SIBAC or OPAC systems. These bills and their attachments should be carefully reviewed as double-billing and other errors are not uncommon. They should be reviewed by the voucher examiner for the proper customer agency information and agency location code, and a purchase agreement must be on file to support the charge. The Certifying Officer must approve the payment. Care should be taken to match the batch month of the payment with the payment date on the form.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

Regardless of the form of the billing document, the Contracting Specialist or Supply Technician reviews motorpool, printing, and GSA furniture and equipment purchase charges to ensure that items billed have been received and credits are properly processed.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

2620 OBLIGATIONS AND OBLIGATING DOCUMENTS.

An obligation is a binding commitment to disburse funds for products or services at some point in the future. The Agency's funding is generally through "no-year" appropriations so funds are not limited to obligation during a specific fiscal year. However, for accounting purposes it is important to book obligations to the proper journal and accounting code for the year the commitment was made.

Only the Contracting Officer, Contracting Specialist (limited to the small purchase amount which is \$25,000 as of the date of these procedures but is subject to change), the Purchasing Agent (limited to \$2,500) and the Housing Supervisor (housing contracts only) may obligate the ONHIR and any obligation must be properly executed in writing to comply with Federal requirements. These designations are on file and may be revoked and reassigned by the Executive Director.

The individuals mentioned above also have sole authority to approve change orders, task orders, and amendments to obligating documents. Only the Contracting Officer may terminate a contract.

1. Standard Obligating Documents.

Frequently used obligating documents take a variety of forms. The housing contract is an in-house form which outlines the housing benefit and bonus amounts to be paid to the client(s) named in the contract. This form is routed to the Accountant from the Housing Supervisor after it has been executed. The Accountant checks the contract for the client's name and case number, the amount of total housing benefit and bonus, and the approving signatures of the Housing Supervisor and the client before processing the obligation. If any errors or omissions are found, the contract is referred back to the Housing Supervisor.

Contracts for services are also drawn on in-house forms with an SF-26 "Award/Contract" as the cover page. The completed contract is routed to the Accountant who checks for the amount to obligate, the accounting code information, the date of signature, and the contractor and Contracting Officer signatures. Questions, errors and omissions are referred to the Contracting Specialist.

Grants are awarded on contractual documents and an SF-26 "Award/Contract" and SF-424 "Federal Assistance" are included in the package of obligating documents. The Accountant checks the SF-26 for the amount to obligate, the accounting code information, the date of signature, and the applicant and Contracting Officer signatures. A check is made to ensure that a completed SF-424 with the applicant's signature and section 31.a marked (to indicate that the grant was awarded) is attached. Questions, errors and omissions are referred to the Contracting Specialist.

Changes to grants and contracts are accomplished on SF-30 "Amendment of

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

Solicitation/Modification of Contract" which must be signed by the Contracting Officer. The Accountant studies the amendment to determine if a change in the level of obligation should be booked, referring questions to the Financial Officer or Contracting Specialist.

Purchases are obligated from purchase order forms "Optional Form"-347. The completed form is routed to the Accountant who obligates the amount in block 17(1) "Grand Total". The form must be properly completed with the contractor name and address, appropriate supplies or services information, subtotals and total, and the signature of an authorized official. Addendums are frequently attached to purchase orders; if the Form-347 calls for an addendum, the Accountant ensures that it is attached in its entirety and is routed to the fiscal file after processing along with the purchase order.

Some travelers have blanket travel authorizations which cover all of their trips for the fiscal year. Obligation is made when the charges for transportation are received from the travel agent or carrier and expenses are submitted by the employee on SF-1012 "Travel Voucher". For information on travel advance processing, see Sections 2210.7(c) and 2810.2.

Employee training is obligated from the SF-182 "Request, Authorization, Agreement and Certification of Training" which is completed by the employee thru block 20 and by the employee with help from the Accounting Technician thru line 22. The approval lines must be complete before the obligation can be processed. Section 2810.3 contains detailed information on educational advances.

The cost of salaries and benefits are obligated from the Accounting Distribution Summary or Detail Accounting Distribution print-outs from the GSA Payroll Center in Kansas City and the Payroll Recap. The Accountant receives the payroll documents and organizes the information onto the Payroll Recap. See Section 2400 "Payroll" for more on this subject. The obligation is booked as payroll costs are computed and charged each month, with an accrual recorded for the unpaid work days in the month. At fiscal year end a special print-out is prepared by the Payroll Center with actual amounts to accrue.

Imprest expenditures are obligated at the time the replenishment voucher is prepared from the Imprest Fund Reimbursement Request form completed by the cashier. The Financial Officer reviews this form and the detailed attachments and prepares the entry to obligate in the same batch as the expenditures are recorded (unless obligation has already been recorded, as is sometimes the case for travel expenditures paid from imprest). See Section 2250 for more information on imprest fund records.

Other obligating documents may be received which must be processed and it is not a requirement that obligations be recorded only on standard forms. Any document which states the name and address of the vendor, the purpose of the expenditure, and the time period of the obligation and is properly signed by an authorized individual and the vendor may be used to record an obligation.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

2. Vendor and Document Number Assignments.

Vendor numbers continue in use unless a new number is needed due to changes in vendor information which cannot be incorporated into the existing vendor/payee record, but a new document number is assigned to each obligating event. The Accountant usually assigns the vendor and document numbers, but the Financial Officer may also perform this task. The document number and the related accounting code must reflect the fiscal year of the commitment.

When an obligating document is received, a check is made of the vendor master through inquiry on the AS/400 to determine if the vendor number already exists. If not, a number is assigned in accordance with the instructions in Section 2210.1(a) "Vendor and Document Number". The Federal income tax identifying number should also be entered at this time for unincorporated vendors, especially those providing personal services.

A new document number is assigned unless the obligating document reflects an addition or change to an obligation already recorded. The first two digits of the document number and the fiscal year digit of the accounting code must correspond with the fiscal year of the commitment. The nature of the obligation determines the accounting code assigned, with the Contracting Officer the final authority in this matter. For further information on the assignment of document numbers refer to Section 2210.1(a).

A pending file is used by the Contracting Specialist for all contracts, and he/she requests preassignment of the vendor and document numbers for the pending file. The documents are then returned to the Contracting Specialist instead of being processed; the obligation will be recorded when the contract is finalized and the documents routed back to the fiscal section.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

3. Preparation of Fiscal Activity Document Input Form.

The fiscal activity document input form to record obligations is routinely prepared by the Accountant from original obligating documents and processed in batch form on the AS/400. To complete the form, the vendor and document numbers are entered in the spaces provided. The current date (the date the entry is prepared, not the date the batch is entered) and the batch number from the batch log are entered. The account numbers used to increase an obligation are:

Debit 4610

Credit 4800

The detail entry to increase obligation is option A. The accounting code is entered which corresponds with the document master information. No payee number or voucher identification is used on an entry to record only obligation activity (no payment being processed).

To decrease an obligation, the account numbers are reversed, and option B is used.

The obligation is entered on the sheet in the front of the fiscal file and the total obligation is calculated. In the case of certain contracts which are tracked by monetary line item, an entry is made on a detailed worksheet in the back of the fiscal file to facilitate review of expenditures by line item. The Financial Officer supervises this function with input from the Contracting Specialist and the Contracting Officer and should be consulted if questions arise in this area.

A copy of the obligating document is attached to the fiscal activity document input form and will be filed along with the yellow copy of the input form in the second partition of the fiscal file, after the batch is processed. The original obligating document is placed in the third partition of the fiscal file.

4. Batching Obligating Entries.

The completed fiscal activity document input forms are batched for processing, organized by the batch number assigned by the Accountant. Entries which increase or decrease obligations receive special treatment so that they will be included in the financial reports for the month the commitment was made, altered, or reversed. This is especially important at year end.

Usually the Accountant assigns a batch number specifically for these entries near the end of each accounting period, informing the Accounting Technician of the number to be used, and does not prepare final reports until that batch has been processed. For instructions on batch scheduling and closing out the batch, see Sections 2210.2 and 2210.3.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

5. Continuing Resolution.

A continuing resolution is legislation that allows a Federal agency to continue spending funds when its regular appropriation bill is not approved in time. Section 2710 "The Budget Process From the Financial Viewpoint" explains in detail how appropriations are approved by Congress. However, for purposes of voucher examination and obligation, it is sufficient to understand that continuing resolutions are usually awarded as a percentage of the prior year's appropriation. Therefore, only a portion of the contracts, purchase orders, etc. can be obligated; enough to keep the agency running until either the continuing resolution runs out or the new appropriation is passed.

The Deputy Director provides the Financial Officer with information on the amount of continuing resolution and priorities in spending. The Financial Officer books the funds received to the general ledger, and works with the Accountant to ensure that only the reduced amounts of obligating documents are booked. Equally important is the review and entry work done by the Financial Officer and the Accountant after the annual appropriation is received to bring all obligations up to yearly levels.

6. Quarterly Review of Open Items.

The Financial Officer initiates a quarterly review of open items to ensure that obligations which will not be liquidated are removed from the Office's financial records on a regular and timely basis. This review and the resulting entry of deobligations serves to remove restrictions on funds and make them available for other uses. The starting point for this review is the Open Item Report For Year-To-Date print out from the computerized accounting system.

The Open Item Report shows the obligation amount, liquidation amount and unliquidated obligations (obligation less liquidation) for each document number which is not fully liquidated (in which obligations do not equal liquidations). The report is based on document master information and so only to-date information is presented, as the document master does not contain historic information. It is organized by accounting code with the appropriation portion of the code (first four digits) separating the document numbers by fiscal year and fund type. See Section 2130.3 for the Descriptive Chart of Accounting Codes.

The Financial Officer picks a point at the beginning of each quarter when entries for obligations and deobligations have all been processed, and runs an Open Item Report. While separating the pages of the report to route to those individuals responsible for the obligations levels, he reviews the report for such items as:

- Warranty payments which have been unreasonably delayed. The warranty is an amount of client housing benefit which is withheld from the home seller or builder for two years to be used to correct any problems that might arise with the structure. The Inspections and

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

Compliance Supervisor is responsible for ordering the disbursement of these funds, each usually in the amount of \$1,000.

- Over-liquidations occurring in any area, shown on the report as negative unliquidated obligations. First, the processing of the obligations and payments is reviewed to determine if fiscal section error is the cause of over-obligation. The Financial Officer and/or the Accountant should not process payments in excess of obligations. Entries to correct errors should be made as soon as possible after research is completed, and the fiscal file recap sheet must also be adjusted to reflect proper levels of obligation and liquidation.

- Regular purchase order or contract items which remain unliquidated long after a reasonable time has passed. While this time period will vary according to the type of obligation, generally an inquiry should be made on any item remaining on the books two years after the original obligation (this is determined by fiscal year of the document number. For instance, for document number 40998, originating in FY 1984, inquiry should be made in FY 1986).

Questionable items are marked, and after any items which appear to be due to processing error are researched and corrected, the report is separated and distributed as follows:

Inspections And Compliance Supervisor

Organization 17 "Relocation Costs"
23 "Bonus Payments"

Contracting Officer

Organization 11 "Office of the Commissioner"
12 "Executive Direction"
15 "Division of Administration"
21 "Office of Relocation Operations"
26 "New Lands Administration"

Items which originated from contracts, grants, purchase orders and other agreements under the supervision of the Contracting Officer are included. Travel and training items, for example, are fiscal section responsibilities and are not referred.

A cover memo is attached introducing the print out sections and requesting that requests for deobligation entries be made by a reasonable deadline.

Other problems, such as the failure to provide contract amendments as promised, should be referred to the individual responsible for approving the payments, such as the Contracting Officer, the Contracting Specialist, the Inspections and Compliance Supervisor, or the Purchasing Agent. The Financial

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	_____
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

Officer should follow up on the items referred within a reasonable time, usually two weeks is appropriate. If a refund is to be requested from a vendor, the Financial Officer may delegate the task, but should suspense the item for follow up.

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

2630 ACCRUAL BASIS.

Under the accrual accounting concept, an expenditure exists at the time goods and services are received, regardless of when actual payment is made or the resources purchased are used. While the Agency's computerized accounting system has been designed to track all obligations item by item, it does not have the capability to record accounts payable and receivable except as total amounts calculated by the Financial Officer. ONHIR is therefore said to operate on a modified accrual basis.

Because the Agency's computerized accounting system is an encumbrance system, accruals are not as important to total reporting as they would be in a for-profit organization.

Accounts receivable and payable are reported to the Office of Management and Budget on the SF-133 "Report on Budget Execution" (see Section 2550) and to Treasury on the TFS-2108 "Report on Unexpended Balances" (see Section 2570). At the end of the fiscal year, or at any other period which is considered appropriate by the Financial Officer and the Deputy Director, the Financial Officer reviews accounting records manually to determine the items which are included in the category of receivables/payables for reporting purposes. These items are entered on the general ledger via the allotment detail input document, affecting only the General Ledger Accounts. The document numbers are not affected, as they are designed to record only obligations and payments.

1. Payroll Accruals.

Because payroll costs are obligated one payroll at a time, rather than for the full fiscal year as are most other large dollar items, the payroll accrual is important to the proper reporting of the Agency's financial standing. The entry to obligate the accrued payroll (salaries and benefits earned by ONHIR employees in the current period but not yet paid) is made as a part of the regular monthly payroll batch. See Section 2400 "Payroll" for general information on payroll documents and their treatment.

At year end the GSA Payroll Center provides a print out of the exact amounts to be accrued for the year end. At the end of the other months, the Financial Officer calculates the accrual using the most recent payroll paid, the total of which is located on the Payroll Recap worksheet for the pay period. Each pay period is made up of ten working days, so the total accrual is calculated on the percentage of unpaid working days in the month times the amount paid for the last payroll. For example, if there are five unpaid days at the end of the month, 5/10 days in the prior pay period = 50% of that pay period to be accrued. So if the prior pay period cost a total of \$72,750.00, 50% or \$36,375.00 will be accrued in total. Using the entries already prepared on the fiscal activity document input sheet for the month's payroll, these calculations are summarized and booked to a representative salary and benefit object class for each organization and the total is noted on the batch for easy reference. At the same time, the prior accrual is reversed

MANAGEMENT	SECTION	2000	ACCOUNTING PROCEDURES	
MANUAL	SUBJECT	2600	Voucher Examination and Obligation	APPROVED 03/13/92

(deobligated). The net effect of the accrual entries is reflected in the journal entries for a total obligation or deobligation. Care must be taken in preparing these entries, as it is possible to miscode or miskey the 4610 and 4800 account numbers.

2. Accounts Payable.

Accounts Payable are those amounts owed on the basis of evidence of receipt of goods and services. Items included in this category are:

- Accrued payroll as mentioned in the prior section.
- Reconciling items such as SIBAC amounts not recorded as paid by the Office because of late-arriving documents or clerical error.
- Rents collected on property on the "New Lands" which will be turned over to the Bureau of Indian Affairs at a later date.
- Other items of a material nature which the Financial Officer has determined should be included in order to properly report the financial status of the Agency.

3. Accounts Receivable.

Accounts receivable are those amounts currently receivable from the public, from ONHIR employees and contractors, and from other government agencies for goods and services received by them but not yet paid. Items included in this category are:

- Blanket travel advances and training advances made to ONHIR employees which are outstanding as of the end of the accounting period being reported. These amounts are recorded in accounts 1200 and 1201 as they are received, repaid and retired. See Section 2810 for more information on cash advances.
- Items billed to other agencies on the SF-1081 or a similar document which have not yet been paid.
- Checks which have been submitted to Treasury for cancellation but which have not yet been credited to the Agency's account.
- Other items of a material nature which the Financial Officer has determined should be included in order to properly report the financial status of the Agency.

SECTION 2000 ACCOUNTING PROCEDURES
SUBJECT 2700 Budgeting Cycle - Financial Issues

AUTHORITY
POLICY.

Two events must take place before the Federal Government can spend money on any program or activity; an authorization and a separate appropriation must be passed by Congress. In general, the budgeting cycle proceeds as follows:

- | | |
|-------------------|---|
| Jan. 03 - Feb. 25 | The President's Budget is submitted to Congress. Budget Committee hearings take place. |
| Feb.25 - Apr. 15 | The Congressional Budget Resolution is passed including Reconciliation instructions (orders to Committees to change laws to comply with the budget resolution.) |
| Apr. 15 - Jun. 15 | Reconciliation, the process of enforcing spending cuts (or increases) and tax increases (or decreases) in total takes place. |
| Apr. 15 - Sep. 30 | Actual commitments of Federal funds to specific programs are enacted by Congress with Presidential approval. |
| Aug. 15 - Nov. 15 | A Presidential sequestration order is issued if GAO predicts the deficit will exceed the maximum allowed by law. Congress responds with the passage of an alternative plan to reduce the deficit by the required amount or automatic cuts take place. |

The ONHIR is involved in the preparation of the President's Budget through interaction with and reporting to the Office of Management and Budget, the division of the Executive Office of the President which assists the President in the discharge of budgetary duties. The following sections will outline the detailed agency deadlines and reporting requirements as they relate to the accounting function, and the request and receipt of apportionments and reapportionments and the booking of budgetary activity on the computerized accounting system.

2710 THE BUDGET PROCESS FROM THE FINANCIAL VIEWPOINT.

The Deputy Director coordinates all budget submissions in cooperation with the Executive Director and the Examiner, Office of Management and Budget. Assignments for preparation of budget schedules, review of figures included in budget narrative, the records of funds on account with Treasury, and budget line items to be booked to the computerized accounting system are routed to the Financial Officer through the Deputy Director. The Financial Officer keeps an eye on commitment levels versus available funds throughout the year, alerting the Deputy Director to potential problem areas.

Proper maintenance of accounting records is required so accurate information regarding actual performance is available as needed for budget submission documents.

1. OMB Budget Submission.

Each July and August the Office of Management and Budget provides the agencies with policy guidance from the President to be used in upcoming budget preparations. The initial budget request materials are usually due at OMB on September 1st. This is the first step in the preparation of the President's Budget Proposal which will be submitted to Congress the following January.

OMB reviews the internal proposed budgets from each agency and holds hearings and discussions. The Director of OMB reviews the recommended budgets compiled by the Budget Examiners and Representatives and makes decisions on budget requests. This information is "passed back" to the agencies. After appeal (if any), the final numbers are printed and transmitted to the Congress in the President's Budget.

The President's Budget Proposal represents spending priorities and economic programs created through a lengthy process of consideration of White House policy, OMB recommendations and agency needs. This proposal is the starting point for debate by Congress and is reviewed by all congressional committees, although most of the decisions made in the compilation of the President's budget are not reviewed by Congress because they are too insignificant or routine.

In addition, OMB submits to Congress a midyear (July 15) review of the President's Budget which includes adjustments of spending levels based on updated forecasts of the economy. However, because of Congressional action taken since the original proposal was submitted, this midyear review serves little purpose.

The Executive Budget process changes from year to year and so an OMB Circular A-11, "Preparation and Submission of Budget Estimates" is updated and reissued each year. This circular contains detailed instructions on the preparation of annual budgets and is kept on file by the Administrative Coordinator.

The Deputy Director requests specific contributions from the Financial Officer in preparation of these budget materials, however, there are similarities from year to year in what work is performed. The "galleys" (reprints of the prior year's Appendix to the President's Budget) are sent to the Deputy Director who sees that they are revised and returned to OMB. From there they are routed for final printing. A multi-year system is used to forecast the current budget year and the following years, and actual financial information is also presented. Designations of budget year titles are as follows

- PY-1 Fiscal Year preceding the past year
- PY The last completed fiscal year
- CY Fiscal year immediately preceding the BY
- BY Fiscal year for which budgets are submitted
- BY_1,2,3,4, Fiscal Years following the budget year.

The documents usually required from the ONHIR are:

- The Appropriation Language Sheet
- The Program and Financial Schedule
- Narrative Statements of Program and Performance
- Schedule of Object Classifications
- Personnel Summary

Much of the data presented on the Program and Financial Schedule and the Schedule of Object Classification is provided by the Financial Officer from data in the Allotment Status Summary, the Summary Trial Balance, Treasury and OMB Reports, and a combination of actual and estimated CY figures.

The Program and Financial Schedule shows the actual results of PY, estimated CY, and Projections for BY. The Program by Activities section shows obligations by specific activities or projects. The Financial section shows dollar resources available to satisfy obligations by subtracting the unobligated balance available at the beginning of the year from total obligations and adding the unobligated balance available at the end of the year to compute Budget Authority. The difference between obligations and outlays is shown in the Relation of Obligations to Outlays section.

PY information is to be reported in conformance with related reports to Treasury and OMB. Therefore, the TFS-2108 and the SF-133 and 225 for the year-end are the sources for this information. The SF-133 and 225 to date are the starting point for CY information, adjusted by estimates for activity in the remainder of the year.

The Schedule of Object Classification is used to report obligations according to the nature of the goods and services procured. Standard titles as outline in the A-11 are used.

Actual figures are taken from the SF-225 for PY. The starting point for estimated CY entries is the current Allotment Status Summary which details allotments, obligations and expenditures by object class for each appropriation. This information is adjusted as follows:

a. Personnel Compensation.

To project obligations for the remainder of the fiscal year salaries drawn by current employees are taken from the Organization and Staffing Report maintained by the Personnel Officer. Any planned staff increases or decreases as determined by the Deputy Director are taken into account. Retirement and insurance costs are estimated using the year-to-date percentage of benefits to salaries calculated from actual obligations. Any obligations for incentive awards are furnished by the Deputy Director.

b. Travel and Transportation.

Further obligations in object Class 211 and 221 are estimated on an historical basis by computing obligations per month to date and projecting this monthly amount for the remainder of the fiscal year.

c. Rents, Utilities, and Communications.

These full-year obligations are reviewed for validity and increased or decreased as necessary.

d. Printing and Supplies.

Full-year obligations in these categories are estimated as for Travel and Transportation.

e. Other Services.

These obligations are frequently very large and must be carefully monitored. The Financial Officer's role is to prepare detailed worksheets of material obligations and liquidations which show the percent accomplished through month billed and paid. The Administrative Contract Specialist and the Deputy Director use these worksheets to determine the estimated total obligation for the year.

f. Equipment Acquisition.

The Contracts Administrator estimates additional purchases planned for the year.

g. Relocation Costs.

The Housing Supervisor will provide an estimate of relocation contracts to be signed before September 30.

h. Incentive Bonuses.

The Housing Officer provides estimates of further obligations for object class 412 derived from his tracking system of clients preparing to sign housing contracts.

f. Discretionary Funds.

The Administrative Contract Specialist provides estimates of further obligations for Object class 413, based on knowledge of further awards for the year.

BY figures are then estimated by the Deputy Director, with input as required from the Financial Officer. The Financial Officer is usually asked to

match check all documents before they are returned to OMB, and may answer questions which arise once the documents are received. A file is maintained by the Financial Officer of all submissions and worksheets and source documents so that changes (which inevitably arise at the last minute) can be made and questions answered accurately and quickly.

2. Congressional Budget Submission.

Congress is required by law to pass a budget resolution by April 15th of each year. This resolution is a public statement of Congressional spending priorities and economic policy, and is the Congressional alternative to the President's Budget Proposal. It provides spending guidance to the committees and consists of recommended levels for total budget authority, total outlays, total revenues, total loans, level of debt and deficit or surplus by functional areas of the Government (Department of Defense, Department of Agriculture, etc.). The resolution makes no line-by-line or program decisions, details are left to the discretion of the Budget Committees.

3. Authorizing Legislation.

An authorization must be passed before the Federal Government can spend money on an activity, the authorization is the legislation that establishes the purpose and guidelines for an activity although it does not provide the actual dollars for the program or enable an agency to commit funds; that is accomplished by appropriation.

The authorizing legislation usually does describe an activity in financial terms, setting an upper limit on what can be appropriated.

4. Appropriation.

The Appropriation enables an agency to make commitments of funds and spend money, but cannot be made unless the authorizing legislation is passed, and it cannot exceed the amount of authorization. The annual appropriations bill is passed by Congress and signed into law by the President.

Sequestration and impoundment are methods of withholding or deferring funds according to Presidential order.

Supplemental appropriations are additional funds enacted when the need is too urgent to be postponed until the next regular appropriation is considered. In years past, salary cost-of-living increased were funded by supplemental appropriation.

5. Treasury Warrant.

FS form 6200 "Department of the Treasury Appropriations Warrant" is issued to deposit to the agency's account with Treasury the monies appropriated by Congress. This form details the appropriation symbol (currently 48X1100) and cites public law. The appropriations are booked to the computerized accounting system by the Financial Officer when this form is received.

6. Apportionment.

The apportionment is made by OMB after the authorization and appropriation are enacted. Through apportionment the available budgetary resources are applied to specific time periods, or as in the case with ONHIR funding, specific functional categories. This is accomplished on an SF-132 "Apportionment Schedule" as detailed in Section 2720.

7. Allotment.

Allotments which are booked by the Financial Officer onto the computerized accounting system by summary accounting codes, are the in-house application of the apportionment. The Deputy Director makes the determination as to how the apportionment will be spread, although the Financial Officer may be responsible for allocation calculations.

These allotments are used extensively to compare actual with budgeted results, and appear on the Allotment Status and Summary Reports and the Financial Statement prepared for the Commissioner each month. The Financial Officer alerts the Deputy Director to any potential problems with underages or overages and books adjustments as directed.

8. Obligation.

Obligations are spending commitments made by the Federal Government that will require outlays either immediately or at some point in the future. Generally obligations can be made only for the funds which have been appropriated to the agency. An agency's obligational authority is the amount of funds available in a given fiscal year, including new appropriations, authority remaining unobligated from prior years, and any amounts authorized to be credited, such as transfers.

For more detailed information on the handling of obligations see section 1620 "Obligations and Obligating Documents."

9. Outlay.

Outlays are the actual dollars that have been (or are projected to be) spent on Government activities as a result of budget authority and apportionment. The budgeted level of outlays for a fiscal year is a combination of the budget authority granted this year and projected to be spent plus the funds granted in previous years less any offsetting collections. The ONHIR books outlays as they are requested of Treasury onto the computerized accounting system. The Financial Officer supervises this activity. For more information on the processing of outlays, see Section 2200, "Disbursing."

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2800 Other Financial matters

POLICY. This chapter discusses the use and treatment of cash advances to employees and contractors, the OPAC system, and the management of cash and other assets.

2810 CASH ADVANCE - EMPLOYEES AND CONTRACTORS

Cash is sometime advanced by the Office for the following purposes:

- Employee specific travel advances.
- Employee educational advances.
- Contractor/Grantee operating advances.

I. Employees - Specific Travel Advances.

Specific travel advances may be provided to meet the travel status cash needs of ONHIR staff members who perform agency travel. Advances may not be made to cover expenses such as lodging or car rental if those expenses would normally be paid for using a Diner's Club Card. These advances are made on a trip-by-trip basis and settlement is to be made within a two week period after the trip is completed or canceled. Cash advances must be for a minimum of \$60.

a. Approval for Disbursement.

The in-house "Request for Travel Authorization and Booking" form is completed by the traveler who enters information such as preferred room rates, transportation needs and request for a travel advance. This form is approved by the traveler's immediate supervisor and forwarded to the Administrative Coordinator who is responsible for the booking of accommodations. After travel arrangements are made the "Request for Travel Authorization and Booking" form is forwarded to the Accounting Technician.

The Accounting Technician reviews the information for reasonableness and conformance to travel regulations and Prepares a GSA form 87 "Official Travel Authorization," unless a blanket authorization covering the trip is already in the fiscal file. The traveler's name, travel dates, destination, purpose of travel, mode of transportation and allowances are taken from the "Request for Travel Authorization and Booking" form. Other information needed can be found in the traveler's fiscal file or may be requested from the traveler. The Accounting Technician routes the GAS form 87 to the Deputy Director and the Executive Director for approving signatures, taking care to avoid delays in the processing of the advance payment.

The "Request for Travel Authorization and Booking" is completed and an SF-1038 "Advance of Funds Application and Account: is prepared and approved by the Accounting Technician and signed by the traveler. Generally, advances are available for 80% of the expected cash outlays of the trip. When all approvals are received, the disbursement of the advance can be made from imprest funds or via a check (See Section 2250.4 for more information on imprest advances or

Section 2210.7(c), for information on the request of checks). The "Request for Travel Authorization and Booking," the GSA form 87, and a copy of the SF 1038 are attached to the disbursement documents which will be sent to the fiscal file after they are processed. The travel record sheet in the fiscal file is used to record the advance and the Accounting Technician retains the original SF 1038 on file until the advance is applied, repaid, or otherwise retired.

b. Repayments and Retirements.

Specific travel advances can either be applied to actual travel costs with any balance due the traveler paid by check or from imprest, or repaid by cash or check from the employee.

In order to apply travel costs the advance holder must submit a properly completed SF-1012, "Travel Voucher" with sign off from his or her Immediate supervisor in block 14. The supervisor affirms the purpose of the trip and the correctness of the facts presented on the voucher by his or her approving signature. The Voucher is examined by the Accounting Technician or the Accountant for reasonableness and compliance with Federal travel regulations and Agency guidelines for travel. The Deputy Director approves the voucher by signing as the Authorized Approving Official in block 16.

If a balance is due the Office, the traveler should attach a check or give repayment in cash to the imprest cashier or Accountant, requesting a receipt. If a balance is due the traveler it may be paid from imprest funds, or by check at the discretion of the Accountant. Section 2250.4 gives more information on imprest advances and Section 2210 on the processing of requests for checks. The SF-1012, is attached to the payment documentation which will be sent to the fiscal file after Processing. The recap sheet in the fiscal file is used to record travel activity. If no balance remains, the travel voucher is sent directly to the fiscal file for documentation purposes, as no further processing is needed.

The Accounting Technician maintains a file of specific advances and performs a review and follow-up on advances outstanding. If her requests for the submission of a travel voucher or repayment of an advance are ignored, she may consult with the Financial Officer and the Deputy Director regarding payroll deduction of the amount owed the ONHIR and the suspension of travel advance privileges. A specific advance may not be held indefinitely in anticipation of a canceled trip being rescheduled.

2. Employees - Educational Advances.

Educational advances are provided for ONHIR staff members who are approved for college or university attendance under agency sponsorship when the cost of the tuition and textbooks exceeds \$75.00 per semester. The government may not advance or pay for the cost of qualifying a person for his position, including the cost of obtaining any licenses required for the position.

A subsidiary ledger detailing the activity of "Educational Advances" by employee name is used to track any receivables of this nature owed to ONHIR by an employee. Educational advances are a privilege, not a right, and may be recalled by the Deputy Director at any time.

a. Approval for Disbursement.

In order to initiate the processing of an educational advance, the employee must submit a completed college or university attendance package to the Administrative Coordinator. This package must include:

-A completed in-house "Training Request Form" which lists the courses for which approval is requested, justification for training, and noting that an advance will be requested. This form must be approved by the employee's supervisor, the Deputy Director and the Training Officer.

-An SF-182 "Request, Authorization, and Agreement and Certification of Training" which is fully completed on side 1, including approving signatures, with the exception of blocks for the appropriation/fund information, the certification of training completion (Section F), and the approval of the budget (Section E). (See Section 2610.3 for more information.)

Upon receipt of this package indicating that an educational advance is requested, the Administrative Coordinator prepares the in-house agreement, which the employee must sign in order to obtain the advance. This agreement states:

-The amount of the advance;

-The courses covered by the advance monies;

-That payment is contingent upon satisfactory completion of the course with appropriate documentation;

-That in the event of the employee's termination prior to completion of the noted courses, the advance will be reimbursed the agency by the employee;

-That in the event of the employee's voluntary separation, ten days written notice will be given, during which time a determination concerning payment will be made;

-That in the event of the employee's failure to meet the terms of the agreement, ONHIR may collect monies owed by the employee through withholding of payments due the employee by the Government, or by any other methods approved by law; and

-That the employee is not receiving financial assistance for course attendance from any other sources, Governmental or private.

The Administrative Coordinator secures the employee's signature on the in-house advance agreement, and completes the SF-182 with assistance from the Accountant. The #7 (finance) copy of the SF-182 and the original advance agreement are then forwarded to the Accountant for preparation of a fiscal activity document input sheet to record the expenditure for the advance and to request the check.

The Administrative Coordinator maintains a file containing the SF-182 and the original in-house "Training Request Form."

b. Repayments and Retirements.

Educational advances can either be retired through application or repaid by cash or check submitted for deposit to the Financial Officer. For the advance to be applied, it must apply to documented educational costs associated with approved courses which have been satisfactorily completed by the employee.

The Administrative Coordinator requests completion of the #9 (evaluation) copy of the SF-182 by the employee receiving training and his supervisor within 60 days of the course completion date stated on the SF-182. If, for any reason, the course has not been satisfactorily completed at this point, the employee will so indicate on the #9 copy and return it to the Administrative Coordinator, who will provide a photocopy of this form to the Financial Officer for follow-up action. If 90 days past the course completion date pass without receipt by the Administrative Coordinator of the completed #9 copy, a photocopy of the SF-182, containing a note with pertinent information will be forwarded to the Financial Officer for follow-up action.

If the employee has failed the course but plans to re-enroll in the following semester, the advance may be retained by the employee until such time as the following semester ends, or until it becomes evident that the course will not be satisfactorily completed that semester. If the employee cannot produce evidence of a passing grade after re-enrollment and attendance for the second time, all advance monies related to the failed course are due and payable to ONHIR upon the employee's receipt of the information that he/she has failed the course. The #9 copy of the SF-182 must also be completed and returned to the Administrative Coordinator.

In the event the employee receives an incomplete course grade, but that employee intends to complete the course, the agency's policy corresponds with that of Northern Arizona University. This policy, which became effective in the Fall Semester of 1983, provides for the completion of an incomplete grade within the period of one month after the close of the semester following that semester in which the incomplete grade was earned. After that point, all advance monies related to the incomplete course are due and payable to ONHIR upon the employee's receipt of the information that he/she has not completed the course. The #9 copy of the SF-182 must also be completed and returned to the Administrative Coordinator.

The completed #9 copy of the SF-182 is forwarded by the Administrative Coordinator to the employee's personnel file. Any tuition or textbook receipts, grade reports, or documents of a similar nature are forwarded to the Financial Officer for processing. To retire an education advance, the advance holder must provide the Financial Officer with the proper documentation of costs incurred. This includes:

-Tuition. A copy of the SPIF or similar document provided by the institution which shows courses in which the employee is enrolled, the amount of tuition and fees paid. A canceled check made payable to the institution by the employee for a substantiated amount is also acceptable.

-Textbooks - Reimbursed textbooks become the property of ONHIR and as such may be removed from the possession of the employee when deemed appropriate by the Training Officer. Bookstore receipts or

photographs of textbook price tags, when the book is submitted for retention by the agency, are acceptable. Only books required or recommended, as stated in the course syllabus are reimbursable.

-Parking- Reasonable and necessary parking fees are also reimbursable when a receipt or canceled check is submitted for this expense.

Failure to provide adequate cost documentation will not only result in the advance remaining outstanding, but will endanger the employee's eligibility for future advances.

The other documentation required for educational advance retirement is the grade report from the institution demonstrating satisfactory (grade of "D" or better) completion of the course. Transcripts may be provided, at the employee's expense, in lieu of the grade report.

If ordinary requests, verbal and written, do not result in the retirement of educational advances due ONHIR, payroll deduction may be utilized to collect the amounts due, upon approval of the Deputy Director.

4. Contractor/Grantee Advances.

Advances to contractors and grantees may be provided to meet the cash needs of small organizations which provide services and products to the agency but are unable to operate on credit alone, or would directly pass the costs of a line of credit on to the agency.

An advance is usually given at the start of the contract year and carried forward until the project is completed and has been closed. The contractor/grantee must include advance information on the monthly expenditure statement prepared to accompany billings.

a. Request for Advance and Approval.

Advances are requested in letter form, with details as to how much is required and for what reason. The Administrative Contract Specialist reviews each case and refers legitimate requests to the Contracting Officer for final approval of the advance. Usually not more than one month's operating expenses are advanced.

b. Processing of Disbursement.

After the advance has been approved by the Administrative Contract Specialist and the Contracting Officer, they initial their approval on the letter which requested the advance and the letter is forwarded to the Financial Officer for processing. The Financial Officer reviews the amount requested in light of the budget for the contract/grant and if appropriate, prepares the entry to disburse the funds, attaching the letter so it will be routed to the fiscal file. Potential problems such as failure of the contractor or grantee to promptly retire previous advances or to follow budget guidelines are discussed with the Administrative Contracts Specialist.

The entry to disburse contractor/grantee advances is prepared as any other request for disbursement (see Section 2210) except that notes are made both on the obligation and payment record recap sheet and in the comment section of the fiscal file indicating that an advance was made. These notes serve to remind the Financial Officer of the advance when the contract/grant is closed out later.

c. Retirements.

Contractor/Grantee advances can either be repaid by check submitted for deposit to the Financial Officer, or retired through application of the advance to operating costs which are approved for payment by the Administrative Contracts Specialist. Frequently a combination of these approaches is used whereby the advance is applied against the final month's expenditures with any balance repaid to the ONHIR.

The Administrative Contracts Specialist and the Financial Officer must be alert to the status of these advances when the final billing period arrives to ensure that overpayment does not occur due to failure to apply the advance.

d. Final Settlement.

Final settlement is the process of determining that the work ordered in the contract/grant has been properly completed and that all payments have been made. Usually this process does not include the direct participation of the fiscal section, except for the physical closure of the fiscal file, unless an advance has been made.

To close out an advance, the Financial Officer reviews the fiscal file, where he finds notes to indicate that an advance was made. The obligation and payment history is reviewed to ensure that all reported figures are accurate. Final month's expenditures under the contract/grant are applied against the advance after the regular approval of the Administrative Contracts Specialist. A balance due the contractor/grantee is processed as any disbursement, and any remaining unliquidated obligation is reversed. If a balance is due the ONHIR, a letter requesting payment is prepared by the Administrative Contracts Specialist, with a copy to the fiscal file.

The contract/grant is not closed out until repayment has been received.

The Financial Officer reviews open items on a quarterly basis and refers to any unliquidated contract/grant items to the attention of the Administrative Contracts Specialist. Contract/grant fiscal files are never marked complete until final settlement has taken place, even if they are fully liquidated.

Volume No. 6
Personnel Procedures

The Personnel sections of the ONHIR Management Manual have been superseded by 5, U.S.C. Regulations can be found at Title 5, CFR

SECTION 4000

SUBJECT DOCUMENTING PROCUREMENTS

PROCEDURES.

A. PROCUREMENT REQUESTS:

General. All requests for goods or services required for ONHIR operations shall be submitted in writing to the Procurement and Contracting Branch.

1. Initiating a Procurement Request. Requests shall be submitted on a two-part Procurement Request (PR) form, available from the Supply Office (see attached example). With the exception of recurring requests (see #3) the staff member who requests the goods or services shall initiate the procurement request by filling out the PR form as completely as possible, depending upon the nature of the request. The PR form must identify the staff person who is the designated authorized receiver.

In the case of large and/or complex procurements, the requesting branch shall provide detailed specifications and technical assistance to the Procurement Branch. The requesting staff member will sign the procurement request and obtain the necessary approvals. This may require putting the request in the form of a memorandum with specific details.

Imprest Fund. Small purchases under \$50 which are paid from the Imprest Account will require a PR form even though no purchase order will be prepared. The imprest cashier will keep the PR form to document the disbursement.

2. Approving a Procurement Request. The procurement request must be approved by the branch supervisor. In addition, the following procurements will require the approval of the Deputy Director:

- a. Requests for fixed assets and equipment.
- b. Requests which will be paid from New Lands revenues.
- c. Requests which will be paid from discretionary funds.

d. Requests which will be paid from range monies. In this case, the procurement request must also be signed by the Supervisory Range Conservationist and the Land Use Manager.

3. Recurring Requests. Requests for goods or services which are renewed annually, such as subscriptions, maintenance contracts, utilities, advertising, blanket purchase orders, etc. will be initiated by the Purchasing Agent. The Agent will develop the procurement request from the Document Master list, and will submit the partially completed request form with a cover

memo to the concerned branch supervisor for confirmation and approval. Renewals will be prepared by August 1 annually in order to be processed by October 1.

4. Logging the Requests. After the approvals have been obtained, the requesting staff person will deliver the request to the Procurement and Contracting Secretary. Within 1 day of receipt, the Secretary will log the request in the PR/PO Log, and will route the request to the Contracting Officer.

5. Review by Contracting Officer. The Contracting Officer will determine the type of procurement action to be taken and will assign the procurement to the appropriate Procurement Branch staff. The Officer will attach transmittal form ALH7 147 and all related documentation to the procurement request. As necessary, the Officer will enter detailed instructions on the automated PMTS system.

6. Authority to Approve Procurements. The following positions may approve procurements up to the following limitations:

Deputy Director, acting as Contracting Officer	\$ Unlimited
Contracting Officer	1,000,000
Contracting Specialist	25,000
Purchasing Agent	5,000

7. Action of the Financial Branch. The Accountant or Financial Officer will enter the appropriate vendor and document numbers, accounting code, and verification of funds on the transmittal form. The Financial Branch will return the request and transmittal form to the Purchasing Agent, or other procurement official, for preparation of the appropriate procurement documents.

B. PURCHASE ORDERS:

General. The Purchasing Agent will prepare a purchase order (PO) on Federal form OF 347. The following information will be included on the PO.

1. Authorized Receiver. The purchase order will identify the staff member who is authorized to receive the goods or services ordered. In most instances the authorized receiver will be the ONHIR Supply Technician. Other staff persons will be authorized to receive and account for specific goods and services only as specified on the original PR form.

2. Blanket Purchase Agreements. In the case of a blanket purchase agreement, the PO will identify the staff member(s) authorized to sign receipts. If the vendor operates more than one outlet or location, the PO will identify the location from which the goods/services will be obtained. The PO will be issued to the vendor with a cover letter listing staff members who are authorized to sign receipts, and the maximum amount for which they may sign.

3. Service Agreements. In the case of a service agreement, the PO will identify the staff member(s) authorized to sign that services have been received.

4. Amended Purchase Orders. Purchase orders will be amended when there is a change in persons authorized to receive goods or services; i.e. a change in personnel through hiring, transfer or resignation. Purchase orders will also be amended when there is an approved increase in the amount of funds obligated for the procurement.

5. Tax and Shipping Costs. The Purchasing Agent will enter the amount of tax and shipping costs (if applicable) on the PO, if known. If unknown, the PO will state: "plus applicable taxes and shipping costs."

6. Additional Information. The Purchasing Agent will enter the vendor's phone number, including the area code, in the vendor address block. The Agent will also enter any additional necessary information, including: FOB Origin, FOB Destination, any discount terms applicable, etc. Contracts and PO's for personal services will also show the vendor's social security number or the employer ID number. The payment address should be indicated if it is different from the vendor's address.

7. Utility Purchase Orders. The Purchasing Agent will contact the appropriate program personnel to obtain meter numbers for utilities. The meter numbers will be entered on the purchase order. The Agent will prepare PO amendments for any new meters which are added to the system after the procurement renewal is issued. If the meter number is not known when the amendment is prepared, a location will be used to identify the meter. When the procurement renewal is prepared the following year, the new meter number will be added to the PO.

Branch supervisors will be responsible for informing the Procurement Branch of any changes in service which occur after the PO has been issued.

8. Confirmation Purchase Orders. In the event that a vendor will accept a telephone order on the condition that it will be followed by a written purchase order, the Purchasing Agent will mark the purchase order "Confirmation Order - Do Not Duplicate".

9. Approval of Purchase Orders. When the Purchasing Agent has completed preparing the purchase order, it will be submitted to the appropriate Procurement Branch staff member for review and approval. The reviewing official will verify as a minimum that the following information is included and is correct:

- PO number, vendor number, and document number
- Vendor address and phone number.
- Items or services being ordered.
- Identity of authorized receiver(s).
- Tax and shipping, if applicable.

- Period of service; or latest acceptable date of delivery.
- Signature of Contracting Branch official.
- FOB point.
- Mathematical accuracy of totals.
- "Confirming PO" if items have already been sent.
- PO's for advertising will specify that tearsheets be included with invoices.

10. Distribution of Purchase Order. After the appropriate Procurement Branch staff member has approved the purchase order, the Purchasing Agent will distribute copies of the form as follows:

- a. The original (white copy) will be issued to the vendor.
- b. The 2nd and 3rd copies (blue and yellow copies) with the original PR and transmittal memo and any other relevant documentation will be routed to the Financial Branch. Finance will create an obligation on the books for the amount of the PO, and will open a file on the account.
- c. The green copy will be retained by the Purchasing Agent.
- d. The pink copy will be routed to the staff member who is authorized to receive the item or service, as stated on the PR and PO. The pink copy will be used as a receiving report when the items are received.
- e. The final (blue) copy will be routed to the Supply Technician through the Procurement and Contracting Secretary. The Secretary will check off the procurement on the log before routing it to the Technician.

C. RECEIVING REPORTS:

General. Only the staff member who is the designated authorized receiver should accept delivery of an item. The authorized receiver for the item(s) will maintain the pink copy of the purchase order in a running manual file until the items ordered are received by the ONHIR. When the agency receives delivery of equipment and/or supplies, the staff person will use the back of the pink copy as the receiving report. The staff person who receives delivery will perform the following actions.

1. Accepting Delivery. The staff person will examine the items delivered and/or inspect the services performed and determine whether or not to accept delivery. If the delivery is accepted, the staff person will sign the bottom of the freight bill and the back of the receiving copy. If the staff person accepts the delivery but notes damage to the items, or any deviance to the delivery instructions contained on the PO, the staff person will write the problem on the back of the pink copy of the purchase order and also on the freight bill. The receiver may consult with the Supply Technician regarding the best way of resolving problem deliveries; or may refer the problem to the Supply Technician for resolution.

2. Routing the Receiving Documents to the Financial Branch. After accepting delivery and completing the receiving report, the staff person will staple the freight bill and the packing slip (if there is one) to the pink copy of the purchase order. These documents will be routed or mailed to the Financial Branch by close of business the day the item(s) are received.

3. Blanket Purchase Orders. On blanket PO's, the signature of an authorized receiver on the vendor's invoice will constitute the receiving report. This person must write "received by" before their signature and also put the date next to their signature. The pink copy may be retained by the office requesting the procurement until the fiscal year has ended, or the contract is final.

4. Gasoline Purchases. The tissue copies of gasoline purchases will constitute the receiving report. These copies will be retained by the Supply Technician. Periodically the Technician or Accountant may check the tissue copies against the stiff copies which are attached to the vendor's invoice.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4100	Major Duties of Key	APPROVED
			Procurement Staff	01/16/90

SECTION 4000 PROCUREMENT PROCEDURES

SUBJECT 4100 Major Duties of Key Procurement Staff

AUTHORITY

POLICY.

The purpose of this manual is to describe the internal procedures by which ONHIR procures goods and services. The manual does NOT supplant 41 CFR and the FAR. Agency staff who have procurement responsibilities must familiarize themselves with all federal laws and regulations which apply to their duties.

This manual focuses on the division of responsibilities of key procurement staff, lines of authority and communication within the agency, and how branches and specific staff interface in the procurement process.

4110 CONTRACTING OFFICER (CO).

Unless another staff member is designated in writing by the Executive Director, the Director of Management serves as CO for the agency on all procurements. The duties and authorities of the CO are as follows:

- Has the sole authority among agency staff to obligate ONHIR in procurement matters. Accordingly, the CO signs all contracts on behalf of the agency unless he/she delegates authority to the Contracts Administrator to sign contracts which do not exceed a specified dollar amount.
- Approves change orders, task orders, contract amendments which change the amount of the contract price.
- Appoints the Contracting Officer's Technical Representative for each contract.
- Reviews and approves periodic progress and financial reports submitted by the contractor and agency staff.
- Is ultimately responsible for ensuring that both the agency and the contractor comply with the provisions of the contracts and with applicable federal laws and regulations.
- Has the sole authority within the agency to terminate a contract.
- Supervises the Administrative Contracts Officer (ACO) in day-to-day administration of contracts and in other CO responsibilities as may be delegated.
- Negotiates contracts in excess of 200,000 dollars and in problematic situations.
- Consults with and provides direction to agency staff in their respective duties in contract administration.

The CO may delegate any of the above responsibilities with commensurate authority except as prohibited by the FAR.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4100	Major Duties of Key	APPROVED
			Procurement Staff	01/16/90

4120 ADMINISTRATIVE CONTRACTING OFFICER (ACO).

The ACO is a regular position in the Office. Basically, the ACO oversees and coordinates the daily administration and management of contracts according to the responsibilities listed below and as delegated by the CO.

- Writes or arranges for the writing of bid documents, contract narratives and provisions, change orders, task orders, and amendments, and may draft related correspondence for signature by higher authorities.
- Compiles progress and financial data to each contract and prepares monthly report for the Office.
- Maintains official contract files.
- Directly supervises the Contracting Officer's Technical Representative (COTR) in his/her performance of COTR duties.
- Coordinates periodic staffings to review status of contracts.
- Approves invoices for payment of amounts not to exceed 50,000 dollars. Recommends action to the CO on invoices which exceed that amount.
- Reviews reports from the COTR and the contractor and recommends appropriate action to the CO unless the CO has delegated approval authority to the ACO.
- Coordinates all phases of contract acquisition, including advertisement, bid opening, negotiations, and pre- and post-award conferences.
- Ensures the sound management of all contracts. Reports immediately to the CO any serious problems which need the CO's attention.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4100	Major Duties of Key	APPROVED
Procurement Staff				01/16/90

4130 PROCUREMENT AND PROPERTY MANAGEMENT SPECIALIST (PPMS).

- Supervises Supply Technician.
- Responsible for all procurements not to exceed 2,500 dollars.
Researches best method of procurement, arranges for advertisements, etc.
- Assists ACO in review of procurements which exceed 2,500 dollars. May assist in drafting scopes of work and special conditions. May participate in post-award conferences, contract status reviews, special meetings with COTR's.
- Updates written procurement procedures as needed.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4100	Major Duties of Key	APPROVED
Procurement Staff				01/16/90

4140 CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR).

The COTR reports to the ACO in his/her capacity as COTR. The CO appoints the COTR from the agency staff unless the required expertise is available only from an individual from another agency, in which case the CO makes appropriate arrangements. The duties of the COTR are technical and advisory in nature.

- Monitors the technical aspects of the contractor's work in accordance with the specifications.
- Informs the contractor of work which does not conform to specifications. Reports any such violations to the ACO immediately.
- Submits periodic contract status reports to the ACO per a predetermined schedule.
- Reviews invoices for accuracy and recommends action by the ACO.
- Analyzes and interprets technical details of all contract documents, including primary specifications, change orders, task orders, and amendments.
- Keeps detailed records of all contacts with the contractor. Records observations of work in progress.
- Has authority to stop work only under exceptional circumstances, such as matters of life and death or where costly errors are occurring, otherwise, the CO or ACO will be responsible for issuing stop orders.
- Participates in periodic staffings to review contract status.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4100	Major Duties of Key	APPROVED
Procurement Staff				01/16/90

4150 FINANCIAL OFFICER (FO).

The FO is a regular position in the Office of Navajo and Hopi Indian Relocation. The FO reports directly to the CO. Basic duties in relation to contracting are as follows:

- Maintains in full set of financial records according to GAAP.
- Prepares periodic financial reports on each contract and submits same to CO and ACO.
- Analyzes financial reports and advises CO and ACO on potential budget problems.
- Processes payments to the contractor.
- Serves as agency consultant in the evaluation of the contractor's accounting system.
- Participates as needed in contract status reviews.

SECTION 4000 PROCUREMENT PROCEDURES

SUBJECT 4200 Acquisition Planning

AUTHORITY

POLICY.

Acquisition planning is a process by which the efforts of all personnel responsible for an acquisition are coordinated and integrated through a comprehensive plan for fulfilling the agency's need in a timely manner and at a reasonable cost.

Acquisition planning may occur at any level of a procurement matter, from small, simple acquisitions to costly and complex procurement actions. For high level procurements, formal, written acquisition plans may be initiated by the Contracting Officer, who may designate a procurement staff member as the acquisition planner for a specific project. The written plan should follow the elements described at _____, as applicable to the project.

Less formalized acquisition planning may be accomplished for minor procurements through discussions between procurement staff and the requiring branch. The Procurement and Property Management Specialist (PPMS) shall meet at least annually, preferably at the beginning of the fiscal year, with all agency supervisors and management personnel to discuss projected acquisition needs. The PPMS should review the nature, target date, approximate cost, and special features or technical requirements property or service to be acquired. The PPMS may, if needed, assist the requiring branch in completing a requisition for the desired goods or services.

The PPMS shall summarize the anticipated acquisition needs of each branch in the form of a written report to the CO through the Administrative Contracting Officer for fiscal management purposes.

Effectively done, acquisition planning will enable the agency to:

- Acquire quality goods and services timely.
- Comply with Government procurement regulations.
- Save agency funds.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4300	Small Purchases	APPROVED
				(Less than \$25,000)_____01/16/90

SECTION 4000 PROCUREMENT PROCEDURES

SUBJECT 4300 Small Purchases (Less than \$25,000)

AUTHORITY

POLICY.

All requisitions (when required by the amount, cost or availability of items to be ordered) must be submitted first to the Supply Technician who reviews the requisition for completeness and detail. The Supply Technician may return the requisition to the ordering department if more information is needed.

A requisition for supplies and/or services is required from the ordering department for all orders EXCEPT for trivial amounts of expendable, in-stock supplies, such as a few pens or pencils, pads of paper, staples, etc. The Supply Technician has discretion as to when a requisition is required for small orders.

The employee must sign for the receipt of all supplies and equipment even if no requisition was submitted. A "Property Signout Sheet" shall be kept by the Supply Technician for issuing small amounts of supplies. Procedures for the receipt of other types of property are described at _____.

Since this agency is statutorily required to adhere to the FAR, procurements of less than \$25,000 shall be accomplished in accordance with the procedures stipulated in FAR, Part 13.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4300	Small Purchases	APPROVED
_____ (Less than \$25,000) _____				01/16/90

4310 ESTIMATED COST OF LESS THAN \$25,000.

The Supply Technician routes the completed requisition, documentation of quotes, and any other pertinent information to the Procurement and Property Management Specialist for approval. The Procurement and Property Management Specialist may consult with the Administrative Contracting Officer if further direction is needed.

Upon approval, the Procurement and Property Management Specialist shall instruct the Supply Technician to prepare a purchase order, GSA requisition, or to arrange the purchase under a blanket purchase agreement (BPA) or from Imprest Fund as applicable. The ordering document shall be signed by the Procurement and Property Management Specialist, Administrative Contracting Officer or the Contracting Officer.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4300	Small Purchases	APPROVED
_____ (Less than \$25,000) _____				01/16/90

4320 ESTIMATED COST OF LESS THAN \$ _____ BUT MORE THAN \$ _____ .

The Supply Technician routes the completed requisition to the Procurement and Property Management Specialist, who determines if the order is adequately justified.

The Procurement and Property Management Specialist may consult with the Administrative Contracting Officer if the item in question seems superfluous or luxurious. Otherwise, the Procurement and Property Management Specialist has purchasing authority for orders within this price range.

The Procurement and Property Management Specialist may either solicit quotes him/herself or delegate that process to the Supply Technician. Once the procurement process is completed, the Procurement and Property Management Specialist shall route all documentation to the Supply Technician, who will prepare a Purchase Order for signature by the _____, Administrative Contracting Officer or Contracting Officer.

If the order is disapproved, the Procurement and Property Management Specialist shall provide to the ordering department a written, detailed explanation of the denial. The ordering department may appeal the denial to the Administrative Contracting Officer.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4300	Small Purchases	APPROVED
_____ (Less than \$25,000) _____				01/16/90

4330 ESTIMATED COST OF LESS THAN \$ _____ BUT MORE THAN \$ _____ .

The Supply Technician routes the completed requisition to the Procurement and Property Management Specialist, who submits a written recommendation to the Administrative Contracting Officer as to disposition. The Administrative Contracting Officer shall have approval for authority for orders within this cost range, but may consult with the Contracting Officer if further direction is needed.

Upon approval, the Administrative Contracting Officer shall route the requisition to the Procurement and Property Management Specialist, who shall process the procurement to the point before entering into a verbal agreement or issuing a purchase order. At that point, the Procurement and Property Management Specialist shall forward the completed, unsigned purchase order with all quotation documentation to the Administrative Contracting Officer for final approval.

The Administrative Contracting Officer signs the Purchase Order and routes it to the Administrative Contracting Officer, who shall complete the procurement process.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4300	Small Purchases	APPROVED
				(Less than \$25,000)_____01/16/90

4340 BUDGETARY CONSIDERATIONS.

On a monthly basis, the Contracting Officer shall provide the procurement staff with a schedule showing the amount of funds available for supplies, equipment and services. The schedule should include the amount budgeted, expended, encumbered and forecasted for the remainder of the fiscal year. The Administrative Contracting Officer and Procurement and Property Management Specialist shall consider this information before approving any requisition.

At any time during the fiscal year, the Contracting Officer may issue special instructions in writing to the Administrative Contracting Officer regarding availability of funds. Such instructions may indicate cost limitations on pending for future purchases; special procedures for funds approval through the Finance Director; freezes on the purchase of specific classes of property.

SECTION 4000 PROCUREMENT PROCEDURES

SUBJECT 4400 Major Procurements

AUTHORITY

POLICY.

A major procurement is any procurement for supplies and/or services that exceeds \$25,000 in the estimated or actual contract price. All such procurements shall be managed in accordance with Parts 14 and 15 of the FAR.

The FAR specifies procedures designed to maximize competition among prospective contractors regardless of whether the procurement is done by formal advertising or by negotiation. In the case of a noncompetitive, negotiated contract, the Contracting Officer shall adhere strictly to Part 15.105 to enhance the possibility of that contract being let competitively in the future.

1. Selection of Procurement Method.

The Administrative Contracting Officer shall analyze each acquisition plan or alternative procurement proposal to determine the appropriate procurement method. The Administrative Contracting Officer makes a comprehensive written recommendation to the Contracting Officer as to the use of formal advertising or negotiation, with applicable citations from the FAR and determinations and findings if needed.

The Contracting Officer has final approval authority to approve any procurement method except noncompetitive, negotiated contracting, which must be approved by the Commissioner of the ONHIR.

2. Preparation of Solicitation Documents.

The Administrative Contracting Officer shall prepare, using other qualified ONHIR staff as necessary, the Invitation For Bid or Request For Proposals in accordance with Parts 5, 6, 14.101, 14.2, and 15. The Contracting Officer has final approval authority over all solicitation documents.

Prepared on SF-33 when applicable, the Invitation For Bid or Request For Proposals shall contain a clear, accurate and complete description of the supplies/services to be procured. All pertinent clauses, certifications and representations shall be attached or incorporated by reference as appropriate. No solicitation document shall be written in a manner that will unduly restrict competition.

The Administrative Contracting Officer shall synopsize the proposed contract in a form consistent with Part 5.207 for publication in the Commerce Business Daily at least once a month . A copy of the

published synopsis shall be placed in the contract file.

The Administrative Contracting Officer shall also post the synopsis on the bulletin board in the ONHIR waiting room and at any other locations the Administrative Contracting Officer deems desirable to enhance competition. When in the best interest of ONHIR, the Contracting Officer may authorize the use of newspaper advertising or other media announcements to publicize proposed contracts.

3. Dissemination of Solicitation Documents.

The Administrative Contracting Officer shall, upon written request by an interested party, send such party a complete solicitation. The written requests and copies of the cover letter from the Administrative Contracting Officer shall be placed in the solicitation file for that procurement.

4. Receipt of Solicitation Packages.

The Administrative Contracting Officer shall inform the administrative support staff of anticipated receipt of solicitation packages. The Administrative Contracting Officer shall also instruct those staff in the proper handling and routing of those documents.

Despite the fact that solicitation packages should be clearly labeled per the solicitation instructions, clerical staff should be alerted to avoid accidental opening or mis-routing of bid/proposal envelopes.

The Administrative Contracting Officer shall secure under lock and key all solicitation packages until the time and date of opening. The Administrative Contracting Officer is directly responsible for the safekeeping of all solicitation documents.

5. Opening the Solicitation Documents.

The Administrative Contracting Officer is in charge of the opening of offers but should have two other ONHIR staff, including at least one other procurement staff member to assist in the opening.

The opening shall conform to the requirements as set forth at Part 14.402 for sealed bids.

MANAGEMENT SECTION 4000 PROCUREMENT _____
MANUAL SUBJECT 4500 CONTRACT ADMINISTRATION APPROVED _____
SUBHEADING Revenue Producing Agreements 11/09/93

SECTION 4000 PROCUREMENT

SUBJECT 4500 CONTRACT ADMINISTRATION

SUBHEADING Revenue Producing Agreements

POLICY. The Contracting and Procurement Branch will have operating responsibility for producing contract documents for agreements which will produce revenue or which provide for reimbursement to ONHIR of the costs of services and materials or rent of facilities to other governmental entities, businesses, or individuals. The Contracting Officer will obtain the assistance of the requesting branch supervisor or agency officer in preparing the contract documents.

PROCEDURES .

General. Requests for agreements which will result in a payment or reimbursement to ONHIR will follow the same basic procedure as requests for agreements which will result in the disbursement of ONHIR funds. The program offices most frequently involved in negotiating revenue producing agreements are New Lands, Personnel, Housing Acquisition, and Executive Direction. Examples of revenue producing agreements are:

- Interagency agreements providing for the reimbursement of some or all of the costs incurred by ONHIR. These would include reimbursable details of ONHIR employees for the Voter's Rights Program, U. S. Forest Service fire fighting, fence building, instructing training courses, etc.
- Lease, rental and royalty agreements for New Lands properties and facilities.
- Project agreements with tribal governments and/or departments which include reimbursement for some or all of the costs incurred by ONHIR.
- Agreements for the sale of properties purchased or otherwise conveyed to ONHIR by clients.
- Agreements with utility companies for reimbursement of construction costs.
- Agreements for refundable deposits.

1. Initiating a Procurement Request. When a branch supervisor or executive official embarks upon discussions with another agency, entity or individual which will result in a revenue producing agreement, the program or executive official will submit a procurement request to the Contracting Officer. The procurement request will describe briefly the type of agreement being negotiated, type and source of anticipated revenue and/or reimbursement,

and the agencies/entities involved. The procurement request will ask the Contracting Officer to prepare the appropriate document for signature by the participating entities.

2. Coordination Between the Contracting Officer and the Program Official. The Contracting Officer will contact the program official after receiving the procurement request, to obtain additional information about the proposed agreement. The actual contract document may be prepared in draft or final form by the program official who is taking the lead in formulating the agreement. The Contracting and Procurement Branch will finalize documents submitted in draft format.

3. Assignment of Document and Vendor Number, and Payment Instructions. **cross reference Accounting Manual MM#2300.** The Contracting Officer will route a Transmittal Form (example attached) to the Finance Branch for assignment of a document number and vendor number. The Contracting Officer will assure that these numbers are incorporated into the final written agreement, along with instructions to the payor on how and when to make the payment(s). The Contracting Officer will obtain the agency location code and telephone number of accounting officials in the other agency(ies) and incorporate this information into the agreement in the section containing instructions for payment(s) to ONHIR.

4. Contract Signing and Distribution. The program supervisor may take the lead in distributing the final contract for signature by all parties. The Executive Director, Deputy Director or Contracting Officer must be the signer for ONHIR. The original contract will be routed to the Contracting Officer, who will make copies and distribute them to the contract signatories and any other appropriate offices. After copies have been distributed, the original contract will be routed to the Finance Branch.

5. Finance Branch. The original contract will be filed in a document file and payments due will be tracked (see MM#2300).

SECTION 4000 PROCUREMENT PROCEDURES

SUBJECT 4600 Contract Files

AUTHORITY

POLICY.

In accordance with the regulations and procedures detailed in Part 4.8, this agency shall establish and maintain a comprehensive filing system to ensure that all contracting activities are properly documented and that records are easily accessible to principal users.

Due to the small size and staffing pattern of the agency, the number and type of official files for each contract will be consolidated. Procurement staff may develop their own working files as needed for immediate use of key contract documents.

An individual file shall be kept on each contract or task order for major procurements. Individual vendor files may be kept for small purchases. All official contract files will be physically located in the Finance Clerk's office.

The Administrative Contracting Officer is responsible for the accuracy, completeness and security of the files and shall promptly report any evidence of tampering, loss or damage of the files to the Contracting Officer.

1. Contents.

Each contract file shall contain the documents listed in Part 4.8 as applicable. Particular attention shall be given to recording actions taken by procurement staff, especially those actions which deviate or appear to deviate from the contract terms and conditions or federal regulations.

2. Organization.

The file folder should be a durable, six-part classification folder that is uniformly divided so that the same type of information is kept in the same section of the folder for each contract.

3. Working Files.

Procurement staff are encouraged to keep informal working files on contracts at their desks for immediate use. If such files are kept, the employee must not use the working file as a substitute for filing official contract documents.

The Procurement and Property Management Specialist and the Supply Technician keep working files by vendor for small purchases and for property

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4600	Contract Files	APPROVED
				01/16/90

acquired through federal sources.

These files will be used for tracking acquisitions, monitoring small purchases and for reference in placing future orders.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4700	Review of ONHIR Procurements	APPROVED
By Outside Agency_____				01/16/90

SECTION 4000 PROCUREMENT PROCEDURES

SUBJECT 4700 Review of ONHIR Procurements by Outside Agency

AUTHORITY

POLICY.

The Administrative Contracting Officer shall arrange for an external federal agency to conduct a review of all agency procurements greater than \$25,000. The review shall consist of an examination of the procurement file to determine whether the appropriate procurement method was selected and properly implemented and that all necessary documentation exists in the file.

After each procurement has been processed up to the point of execution, the Contracting Officer shall send all procurement documents to the reviewing agency for analysis and comment. Upon receipt of the reviewer's comments, the Administrative Contracting Officer shall confer with the Contracting Officer and make any necessary changes in that procurement.

MANAGEMENT	SECTION	4000	PROCUREMENT PROCEDURES	_____
MANUAL	SUBJECT	4800	Prohibition Against Illegal	APPROVED
			Activities	01/16/90

SECTION 4000 PROCUREMENT PROCEDURES

SUBJECT 4800 Prohibition Against Illegal Activities

AUTHORITY

POLICY.

The Contracting Officer shall review all proposed contracts to determine if the potential for problems, misunderstandings or misinterpretations exists within the contract Scope of Work which may inadvertently lead to prohibited activities on the part of the contractor. If the Contracting Officer decides that any such potential for wrongdoing exists, he/she shall draw the contractor's attention to the issues and shall fully explain the parameters within which the contractor must work. Furthermore, the Contracting Officer shall insert into any such contract a clause which:

- Clarifies the legal parameters of the work.
- Admonishes the contractor not to engage in prohibited activities.
- States the consequences for engaging in prohibited activities.

SECTION 5000 PERSONAL PROPERTY MANAGEMENT PROCEDURES

**SUBJECT 5100 Major Responsibilities of Staff Involved in
Personal Property Management**

AUTHORITY The authority for the development and issuance of this manual is stated in 41 CFR ch. 114-60.100, "Supplemental Regulations," and 31 USC 66a, which direct agencies to establish regulations for the proper implementation of Federal Property Management Regulations (IPMR).

POLICY.

The purpose of this manual is to describe policies and procedures for the management of personal property under the control of the Office of Navajo and Hopi Indian Relocation (ONHIR). These policies and procedures are in conformity with federal regulations and law as cited in Section I of this manual.

1. Contracting Officer (CO).

- Supervises Administrative Contracting Officer.
- Approves final disposition/acquisition of excess property.
- Reviews internal audits and recommends action to Executive Director.
- Has oversight responsibility for property management system.

2. Administrative Contracting Officer (ACO).

- Supervises Procurement and Property Management Specialist.
- Serves as Accountable Officer for the agency.
- Approves issuance to staff of non-expendable property already in stock and having a purchase value greater than \$300 dollars.
- Reviews property accounting records for accuracy, completeness, and timeliness at least annually.
- Reviews and approves/disapproves invoices for payment in excess of \$500 dollars.
- Coordinates the disposition/acquisition of excess property.

3. Procurement and Property Management Specialist (PPMS).

- Supervises Supply Technician.
- Analyzes property management needs and recommends alternatives to ACO.
- Develops, drafts and updates property management procedures for management approval.
- Evaluates unassigned and potentially excess property and makes recommendation to ACO for disposal or retention.
- Maintains list of unassigned property to avoid procurement of property which is already in stock.

4. Supply Technician (ST).

- Maintains adequate, on-going stocks of frequently used consumable supplies.
- Implements inventory system of agency supplies, furniture, electronic equipment and other types of property.
- Responsible for vehicle fleet management, including dispatching, servicing and repair, submitting GSA reports, submitting accident reports, determining needs for new or additional units.
- Serves as principle contact for building maintenance and custodial service problems.
- Receives deliveries/shipments of property. Check condition, quantity, size, color, etc., against packing slip, purchase order, and invoice.
- Serves as agency security officer. Responsible for alarm system. Responsible for locks, keys to equipment.

5. Contracting Officer's Technical Representative (COTR).

- Monitors contractor's use of government property and reports any misuse, abuse or loss to the ACO.
- Recommends to ACO appropriate action on requests from contractor to be assigned government property.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5100	Major Responsibilities of	APPROVED
			Staff	01/16/90

6. Finance Officer.

- Responsible for all financial transactions and record-keeping relating to the purchasing of personal property.
- Conducts periodic, unannounced internal audits of all personal property activities and functions and reports findings to Executive Director.

5110 DEFINITIONS - (SEE 41 CFR 114-60.100).

1. Personal Property.

Any kind of supplies, materials, equipment, furniture, machinery, unless or until incorporated in or permanently affixed to real property. Excludes real property (land, permanent structures, or improvements which cannot be practically removed from real property).

a. Expendable Property.

Materials, supplies, and any other property which is consumed or loses its identity when put to use. Also includes property which is non-expendable by definition but is considered and treated as expendable because of its high rate of breakage in service, short service life, or relatively insignificant value.

b. Non-expendable Property.

Property which has a continuing use; is not consumed in use; does not lose its identity when put to use; or does not ordinarily become a component of other equipment or facility. Includes furniture, equipment, vehicles, or machinery.

c. Sensitive Items.

Property which is highly subject to misuse or misappropriation, such as cameras, calculators, staplers, pens, pencils, paper, etc..

2. Negligence.

The failure to observe that degree of care and precaution which the circumstances justly demand whereby the Government suffers loss, damage, or destruction of property.

3. Accountable Officer.

The Agency official designated by the Executive Director as responsible for ensuring the establishment and maintenance of adequate property accounting records and effective control over property which is controlled by the agency. Unless the Administrative Contracting Officer's position is vacant, the Administrative Contracting Officer is the Accountable Officer.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

SECTION 5000 PERSONAL PROPERTY MANAGEMENT

SUBJECT 5200 USE OF GOVERNMENT PROPERTY

SUBHEADING 5240 GOVERNMENT VEHICLES

The vehicles available to ONHIR program staff for official travel and the performance of official duties include both vehicles leased from the General Services Administration (GSA), and vehicles purchased by the agency. The ONHIR Fleet Manager is responsible for defining and administering internal agency procedures for vehicle use, consistent with applicable GSA requirements.

Regardless of the amount of damage, all motor vehicle accidents and all other incidents involving Federally-owned or leased vehicles will be investigated and reported on by a Board of Review (**cross reference MM#5250**).

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

5241 REQUIREMENTS FOR DRIVERS.

General. All drivers must possess a valid state driver's license and a government driver's license issued by ONHIR.

1. Reporting Citations. All citations, including parking tickets, received during the operation of a government vehicle must be reported to the Fleet Manager within two working days of receipt.

2. Reporting Suspension of License. An employee whose driver's license has been suspended by the State must report it to the Fleet Manager as soon as he/she learns of the suspension. Failure to report suspension of license may result in disciplinary action.

3. Verification of Driving Record. Every six months the Fleet Manager will contact the Arizona Department of Transportation to obtain a five year history on the driving records of agency employees and verify the status of their driver's licenses.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

5242 PERMANENTLY ASSIGNED VEHICLES.

General. Certain positions within ONHIR require extensive travel, or require a vehicle in the performance of job duties (i.e. Solid Waste Technician). Government vehicles may be permanently assigned to staff members holding these positions.

1. Request/Approval of Permanent Assignment. The branch supervisor should first discuss the need for permanent vehicle assignment with the Deputy Director. The Fleet Manager may be requested to obtain specifications on vehicles which will meet job requirements. After informal agreement has been reached regarding permanent vehicle assignment, the branch supervisor will confirm the request by submitting a written Procurement Request for approval by the Deputy Director. The Procurement Request must describe specifically the type of vehicle needed and amount and nature of anticipated use.

2. Assignment of Vehicle. Based upon the requirements stated in the Procurement Request, the Fleet Manager will assign a vehicle from the motor pool, or will obtain a vehicle, as instructed by the Contracting Officer. The Fleet Manager will equip the vehicle as required for the performance of job duties.

3. General Requirements for Permanent Assignment. The responsibilities associated with permanent vehicle assignment are the same as for vehicles checked out from the loan pool, with the following minor exceptions:

a. Vehicle Dispatch and Trip Report. The employee will fill out the trip report daily and turn in the completed reports at the end of each week, with gas receipts stapled to the upper left corner.

b. Cleaning the Vehicle. The driver to whom the vehicle is assigned is responsible for cleaning the interior of the vehicle. Drivers with a Sanders or Chambers duty station are responsible for washing the vehicles as needed.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

5243 AGENCY LOAN POOL VEHICLES/CHECK OUT PROCEDURES.

The ONHIR maintains a loan pool from which staff members who do not require a permanently assigned vehicle can check out vehicles on an as-needed basis.

1. Request for Vehicle Assignment. A staff member who needs to use an agency vehicle for travel during or to/from official assignment will fill out form MM# 5240.1, Vehicle Reservation Form, as soon as he or she identifies the need for a vehicle. The Vehicle Reservation Form is available from the Fleet Manager.

2. Vehicle Reservation Form. The staff member must provide the following information on the Vehicle Reservation Form:

- a. Name of staff member requesting vehicle.
- b. Date the request is submitted.
- c. Type of vehicle: highway or high clearance and/or 4-wheel drive. If the staff member isn't sure what type of vehicle is appropriate, the Fleet Manager will advise him or her.
- d. Destination. If the vehicle will be used for travel to several locations, each destination should be listed on the request form.
- e. Departure date and time. The staff member will note whether the departure hour is a.m. or p.m.
- f. If the official travel requires the staff member to travel over a weekend or holiday, the Deputy Director must approve the Vehicle Reservation Form.

3. Assignment of Vehicle. The Fleet Manager will check the Vehicle Dispatch Log, form MM#5240.2, to determine if the type of vehicle requested will be available on the specified date. If a suitable vehicle is available, the Fleet Manager will record the assignment on the Vehicle Dispatch Log.

a. Assignment of Different Vehicle. The Fleet Manager will assign a different type of vehicle if he determines that the type of vehicle requested is not appropriate for the use described: i.e., employee requests a 4-wheel drive vehicle for highway driving, no bad weather expected.

b. Cancellation of Travel. If the type of vehicle needed is not available, the employee may cancel their travel plans with the supervisor's approval. For example, if a high clearance/4-wheel drive vehicle is needed for travel to a remote area but no such vehicle is available, the employee may have to postpone travel until a 4-wheel drive is available. Travel may be rescheduled on the basis that travelling on bad roads/bad weather in an unsuitable vehicle poses a risk of the employee becoming stranded.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

c. Use of Personal Vehicle. If no vehicle is available and/or the staff member is willing to use their own car, the employee will be reimbursed in accordance with Government Travel Regulations. Information on rates is available from the Finance Branch.

4. Vehicle Request Log. The Vehicle Request Log lists all vehicles in the ONHIR motor pool which are available for assignment. Each sheet covers a week at a time. The log is used to record vehicle assignments and track the amount of usage of motor pool vehicles.

5. Picking Up the Keys. The Fleet Manager's office will normally be open 7:30 a.m. to 4:30 p.m. Monday through Friday unless otherwise posted. Drivers may pick up vehicle keys during these hours. In the event that the Fleet Manager is not available during the day, the Grants and Contracts Secretary will issue the keys. Drivers leaving before 7:30 a.m. should pick up the vehicle keys the night before.

6. Returning Keys. Keys must be returned to the Fleet Manager's office when the vehicle is returned to the parking lot. If the vehicle is returned after hours, the keys must be left on the shelf of the Fleet Manager's office door, unless the Manager has left other written instructions; i.e., the Manager may leave a note that the keys should be left on the desk of the employee who will take the car the next day.

7. Government Credit Card. A Government credit card is attached to the vehicle keys and imprinted with the vehicle tag number. The cards are good only for the vehicle identified on the card. The operator may purchase gas, oil and miscellaneous supplies such as windshield washer fluid.

8. Buying Gas. Operators are required to use only self-service pumps with regular unleaded fuel. Operators who utilize full-service pumps or who use premium fuel may be required to pay the full credit card charge. Because not all service stations accept Government credit cards, the operator should check with the vendor before filling the gas tank. GSA and ONHIR are not required to reimburse staff for fuel purchased from a vendor who does not accept the Government credit card.

9. Buying Supplies or Paying for Repairs. The driver may purchase minor items or services needed for emergency repairs in the field such as tire repair, broken engine belts, etc. with a limit of \$50. The driver must report any minor repairs on the Trip Report, form MM#5240.3, and attach the receipt to the trip report.

All repairs other than minor repairs under \$50 will be arranged by the ONHIR Fleet Manager.

10. Trip Report. The driver will pick up a copy of form MM#5240.3, Trip Report, when he or she picks up the vehicle keys. The driver must complete all entries on the form. Before the trip, the driver will check the routine maintenance items listed on the bottom of the form. All stops during

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

the trip must be logged. When the trip is over, the driver will sign the Trip Report and turn it in to the Fleet Manager with the vehicle keys. All gas receipts and receipts for minor repairs must be stapled to the upper left corner of the form, and the driver must report any problems with the vehicle.

11. Returning the Vehicle. If the gas gauge shows 3/4 tank or less, the driver must fill the vehicle with gas when the trip is over. The vehicle must be returned to the ONHIR parking lot. A key to the parking lot is attached to the vehicle key and credit card, in case the lot is locked when the driver leaves or returns from travel. The driver must return the keys to the Fleet Manager, or to the next staff person who will use the vehicle, if so instructed by the Manager.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

5244 PARKING PROCEDURES.

1. Securing Government Vehicles in Locked Parking Areas. All government vehicles will be parked in designated lots at night and over weekends, unless the operator is on approved travel away from the official duty station. The parking lot will be locked. The ONHIR has secured parking areas in Flagstaff and in Chambers. Employees working out of the Sanders office must park their vehicles overnight and weekends at the Chambers facility.

2. Leased Parking Spaces in Flagstaff. As of the date of these procedures, the ONHIR leases the following parking spaces for the Flagstaff office:

(1) forty-four (44) spaces in the fenced parking lot on the southeast corner of Aspen and Verde, signed for use by ONHIR;

(2) six spaces in front of the building at the corner of Birch and Agassiz;

(3) eleven spaces in back of the building on Verde Street.

3. Government Vehicles. Government vehicles will be parked in the fenced parking lot. Each government vehicle will be assigned to a specific space in the lot. The spaces will be numbered one through 26, and the vehicle assigned to the space will have the same number. Vehicle drivers will receive a laminated card with the space/vehicle number when they check out the vehicle. If the driver wants to leave their private vehicle in one of the leased parking spaces while they are on official travel, they must park their car in the space assigned to the government vehicle and place the laminated card on the dashboard of their car.

4. Spaces Reserved for Executive Officials. Four of the eleven parking spaces located on Verde Street are designated for use by ONHIR Commissioner. These spaces are reserved for the Commissioner, Executive Director, Deputy Director, and Legal Counsel.

5. Employee Parking. Parking spaces which are not reserved for government vehicles or for executive staff are available for use by employees on a first come, first served basis.

6. How to Park. Drivers must stay between the white lines. Employees who take up two spaces by parking on the white line or parking perpendicular to the marked space, or who block other vehicles by parking in back of them will be asked to move their cars. Cars which are not moved will be towed.

7. Towing Vehicles. Vehicles which are improperly parked are subject to towing at the owner's expense.

8. Parking Spaces at the New Lands. There is a secured government

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

parking lot at the Chambers range office. Designated staff will be responsible for locking the lot(s) in the evening and over weekends.

The Sanders office parking lot is not deemed secure for nighttime and/or weekend parking. All staff assigned to the Sanders office must park assigned government vehicles in the Chambers yard. Employees leaving vehicles overnight at the Sanders office will be responsible for all damage or loss which may occur.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

5245 ACCIDENTS.

1. Cellular Phones. Cellular phones are available for check out by employees. They should be checked out by all employees doing field work on the reservation, and used to report any vehicle malfunction, accident or emergency which occur in the field.

2. Notification of Authorities. If a staff member has an accident, however minor, while driving a government vehicle, they must immediately notify, in order of priority:

- a. local law enforcement/emergency authorities
- b. the ONHIR Fleet Manager
- c. the employee's supervisor

The ONHIR Fleet Manager will notify GSA if the vehicle is a GSA vehicle.

3. Accident Packet. There is an information packet located in the glove compartment of each ONHIR vehicle. The operator shall familiarize him/herself with the contents, and must refer to the packet for instructions in the event of an accident.

4. Employee Report. In addition to immediate verbal notification, within one working day the employee must submit an accident form and a memo to the Fleet Manager explaining how the accident happened, and providing detailed information about the incident.

5. Board of Review. Boards of review will be convened to investigate and report on all motor vehicle accidents involving government vehicles or employee-owned or rented vehicles while being used on official business regardless of the amount of damage. The board of review will also investigate and report on injuries to the driver or passengers resulting from an accident involving government vehicles or employee-owned or rented vehicles used on official business. **Cross reference MM#5250, Board of Review.**

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

5246 VEHICLE MALFUNCTIONS AND BREAKDOWNS.

Employees are responsible for safeguarding and taking care of vehicles entrusted to them. Poor judgement or negligence which results in damage to the vehicle or compounds damage from a vehicle malfunction may be brought before the Board of Review. An employee may be liable for damages to the vehicle if he/she continues to drive it after a malfunction has occurred.

1. Vehicle Malfunction/Breakdown. When a driver has a breakdown or malfunction, he/she should not continue to drive the vehicle unless the vehicle is in a location where additional damage will occur; or the driver is in a situation where their safety and well being is threatened. The driver should park and secure the vehicle.

2. Reporting Vehicle Malfunctions/Breakdowns. The problem must be reported to the Fleet Manager as soon as possible. The driver should use the cellular phone to call for help and report the problem. If the driver does not have a phone and assistance is available (local resident, contractor) the driver may request transportation to the nearest phone to report the problem and await instructions.

5247 GENERAL INSTRUCTIONS.

Employees are responsible for adhering to the following instructions regarding vehicle use, whether the vehicle is permanently assigned or checked out of the loan pool.

1. Report Damage or Loss Immediately. Any damage to the exterior or interior of the vehicle, from whatever cause, must be reported to the Fleet Manager immediately, followed by a report to the employee's supervisor. Similarly, any loss of assigned vehicle equipment must be reported to the Fleet Manager and supervisor. The report shall be in writing. The Board of Review will be convened to investigate and report on damage or loss exceeding \$50 (see MM#5250, Board of Review).

2. Use of Vehicles for Official Purposes Only. Government vehicles may be used only for official purposes. While on official travel the vehicle may be used for reasonable travel to lodging and meal accommodations. When an employee returns to the official duty station the assigned vehicle must be returned to the secured government parking lot. Pursuant to 31 U.S.C. 1344 an employee may park the vehicle at their residence or use a vehicle for transportation between their residence and duty station only for compelling operational considerations which are approved in writing, in advance, by the Deputy Director. The Fleet Manager will maintain a log of all such approvals and will furnish a copy of the written approval to GSA if the vehicle is provided by GSA.

3. Locking the Vehicle and Equipment. The driver is responsible for locking the vehicle when returning it to the government parking lot and when it is parked while on official travel. Equipment issued with the vehicle must be locked in the vehicle. Spare tires must be mounted in the tire rack.

4. Warming Up Vehicle/Leaving Vehicles Running Unattended. Vehicles may not be left unattended with the engine running. This practice is a waste of fuel and is harmful to the engine, and constitutes a security risk. When the driver gets out of the vehicle he or she must turn off the engine. If it is necessary to warm up the engine on cold mornings, the vehicle should idle only long enough for the driver to be able to scrape the windshield. The driver may not leave the vehicle while it is warming up.

5. Cleaning the Vehicles. The Fleet Manager will arrange for the vehicles to be washed as needed. However, the driver is responsible for cleaning out the interior of the vehicle. When an employee returns from a trip they should remove any trash, wipe out mud and dirt, etc. Trash should be placed in the dumpster or other designated receptacle. Smoking in government vehicles is prohibited.

6. Passengers. The vehicle operator must be a government employee, approved contractor, or subcontractor. Passengers may be transported in government vehicles for official business; i.e. other agency employees, relocation clients, official visitors or tribal representatives.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	
MANUAL	SUBJECT	5200	Use of Government Property	APPROVED
	SUBHEADING	5240	Government Vehicles	7/19/96

Non-official passengers, such as dependents or friends, may not be transported in government vehicles without prior approval of the Deputy Director. Since the transportation of non-official passengers creates the possibility of tort claims, requests for the transportation of non-official passengers will be discouraged. Incidental transportation of non-official passengers may be approved on a case-by-case basis provided:

(1) Transportation of the passengers will not alter the official purpose or itinerary of the trip, nor delay accomplishment of business;

(2) Transportation of the passengers will not displace other passengers travelling on official business;

(3) The vehicle operator must have prior written approval of the ONHIR Deputy Director.

7. Insurance. The US Government is self-insured. Costs associated with accidents which occur during official travel by an ONHIR employee may be paid by the Government depending upon the cause of the accident and nature of the claim.

In the event of damage or loss to an employee's vehicle or other personal property while under a POV travel authorization, employees must seek reimbursement from their private insurance carrier. Employees may file a claim under the Military Personnel and Civilian Employees' Claims Act for up to the deductible amount in the employee's personal vehicle insurance policy.

8. Seat Belts. Drivers and passengers must use seat belts at all times.

9. Emergency Supply Kits. Emergency supply kits for use in travel to remote areas in bad weather are available for check-out from the Fleet Manager. As with all equipment, the kits and items which they contain must be kept locked in the vehicle when they are not being used. The kits are sealed. The contents of the kit will be inventoried if the seal is broken when the driver returns.

10. Firearms. Firearms are not permitted on Government property or in Government vehicles without specific statutory authorization. No ONHIR employee is authorized to bear firearms or to have firearms in a government vehicle.

11. Modifications of Vehicles. Drivers may not modify vehicles, including permanently assigned vehicles, without permission from the Fleet Manager. This covers "adornments" such as bumper stickers and decorations hanging from rearview mirrors, as well as mechanical or equipment modifications.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5300	Requesting Assignment of	APPROVED
			Property	01/16/90

SECTION 5000 PERSONAL PROPERTY MANAGEMENT PROCEDURES

SUBJECT 5300 Requesting Assignment of Property

AUTHORITY

POLICY.

The Office of Navajo and Hopi Indian Relocation provides its staff with supplies and equipment essential to the accomplishment of work. The agency maintains a stock of commonly used property and may procure, subject to availability of funds and proper justification, property not kept in stock. To maintain inventory control and to ensure that property is assigned where the need is greatest, a requisition procedure must be followed.

1. Requisition Procedure.

To obtain supplies/equipment, the employee fills out a "Procurement Request Form" and submits it to the branch supervisor for approval. The completed form is routed to the Supply Technician for action.

The Supply Technician evaluates the PRF for clarity, accuracy and acquisition value for each item. If any single item has an acquisition value greater than \$2,500, the ACO must approve the Procurement Request Form. The Supply Technician has authority to approve the issuance/procurement of items with an acquisition value not to exceed \$500 unless the ACO authorizes a greater amount in writing.

After necessary approvals have been obtained, the Supply Technician shall process the Procurement Request Form within two working days or sooner if warranted by genuinely urgent circumstances.

In filling the order, the Supply Technician first determines the availability of each item in stock. Items are checked off as the order is filled from stock supplies. When all in-stock items have been identified and are ready for issuance, the Supply Technician notifies the requesting branch. As the property is issued, the Supply Technician and the employee sign and date the Procurement Request Form to acknowledge agreement. For items classified as assets, the employee to whom the property will be assigned must sign a Property Receipt.

The Supply Technician makes appropriate entries into the supply/asset inventory program. The processed Procurement Request Form is filed according to agency branch when all items on the Procurement Request Form have been issued. Where outside procurement is required, the Procurement Request Form will be placed in a ticket file until the order is received and issued.

The signout procedure will be used for trivial amounts of supplies, generally defined as less than one unit (box, dozen, etc.) of a particular

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5300	Requesting Assignment of	APPROVED
Property				01/16/90

item. No procurement request or requisition is required.

For larger amounts of supplies, such as one or more units of a given item, a Procurement Request Form will be required.

The Supply Technician will purchase items not in-stock according to established agency procurement procedures. The employee will be notified when the order is placed and when it is expected to arrive.

As ordered items are received and issued, a copy of the initialed Procurement Request Form will be provided to the employee. Property receipts will also be signed as required for issuing assets and appropriate computer entries made for inventory purposes.

If an order is not received within two weeks after the anticipated delivery date, the Supply Technician will contact the vendor and request a new delivery date. The employee should be kept informed of delays in delivery so that alternative measures can be taken to meet the employee's needs.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5300	Requesting Assignment of	APPROVED
Property				01/16/90

5310 STOCK REPLENISHMENT.

The stock of commonly used consumable supplies shall be monitored regularly by the Supply Technician to determine points of re-order. The methods of monitoring may involve a combination of visual inspections, usage counts and pending requisitions.

A re-order point shall be established for each type of consumable supply item, based on the following considerations:

- Shelf life (e.g., felt tip markers).
- Available storage space.
- Average rate of issue per month.
- Length of time from placing order until delivery, using most economical vendor.
- Critical nature of item.
- Discounts.

The Supply Technician shall ensure that an adequate supply of necessary supplies is maintained. When a re-order point for an item is reached, the Supply Technician shall notify the Procurement and Property Management Specialist, who will initiate the procurement of that item. It is essential that re-order points are monitored closely to avoid depletion of essential items, necessitating an emergency purchase which would likely result in a much higher cost to the Government.

MANAGEMENT	SECTION	5000	PERSONAL PROPERTY MANAGEMENT	_____
MANUAL	SUBJECT	5300	Requesting Assignment of	APPROVED
			Property	01/16/90

5320 RECEIVING.

Pursuant to 41 CFR 114-60.200, the receipt of all property acquired by ONHIR shall be properly documented by a responsible ONHIR official. The purpose of receiving procedures is to ensure that property acquired by NHIRC conforms to the quantity and specifications of the order, and that the agency does not pay for goods that it does not receive.

1. Inspection.

The Supply Technician thoroughly inspects all property upon delivery to the Office or upon pickup at the vendor's place of business. The inspection shall determine the correctness of the order in terms of quantity, model or stock number, color, size, gauge, and other specifications as described in the ordering document, plus any defects in or damage to the property. Articles which require technical identification or inspection shall be examined also by other qualified agency employees at the request of procurement staff.

The Supply Technician will note any discrepancies as to quantity and/or specifications between property received and property ordered on the invoice or packing slip as appropriate. If goods are damaged, the Supply Technician will notify the carrier and the vendor as stipulated in the vendor's and the carrier's procedures. If goods are defective, the Supply Technician will notify the vendor according to the vendor's procedures. The Supply Technician will further document the receipt of defective or damaged goods by filling out the receiving report section on the back of the purchase order.

The receiving document and invoice are routed to the Finance Office for payment, but retains a photocopy of all such documents in the vendors' files.

2. Labeling.

Assets received in acceptable condition shall be promptly labeled in accordance with 41 CFR 114-60.300. The agency has adopted a nine-digit numbering system which identifies each asset by class, type, subtype, and ID number (The last two digits of the label are not currently used). For example, 1-15-03-01-00, refers to a piece of equipment (1) that is a typewriter (15) that is a Selectric III (03) with an ID number of 01, meaning it was the first item of its kind to be numbered.

SECTION 5000 PERSONAL PROPERTY MANAGEMENT PROCEDURES

SUBJECT 5400 Storage and Security

AUTHORITY

POLICY.

1. Storage.

The Supply Technician is directly responsible for the proper storage of all ONHIR personal property which is not currently assigned to an employee. The Supply Technician will ensure that both indoor and outdoor storage facilities and methods are maintained in accordance with 41 CFR 114-60.4. The following factors will be considered in the storage of personal property; space and labor, accessibility, protection, arrangement and rotation. At least annually, the Administrative Contracting Officer will inspect all ONHIR storage facilities and review storage methods for compliance with IPMR.

2. Security.

The Supply Technician is the primary security officer for the agency. He/she is the first point of contact for police and fire department officials for disasters, property damage and answering security alarms.

5410 INVENTORY.

1. Assets.

An asset is defined as any item of non-expendable personal property with an acquisition cost of \$50.00 or more. This agency uses an automated asset inventory system which tracks assets by the following information:

- Inventory (item) number
- Description
- Manufacturer
- Serial number
- Acquisition cost
- Current value
- Date of acquisition
- Useful life (months)
- Current location
- Previous location
- Date of transfer
- Date of disposition
- Condition
- Disposition

After an asset has been received, inspected and labeled, the Supply Technician enters the applicable data into the computer.

The automated inventory system generates reports of property by item number and by location. The Supply Technician should run the report by item number each time an item of property is added to or removed from the asset inventory. These printouts are the official inventory records of the agency and shall be utilized in conducting the physical inventory.

The Supply Technician conducts a physical inventory of all agency at least annually. An inventory is also taken by location when an employee changes location or terminates from the agency.

To conduct a physical inventory of all agency property, the Supply Technician takes the report by location to each location and notes the presence or absence of each property item listed on the report. A property present in the location but not listed on the report will also be noted and an explanation obtained from the employee. If the employee has transferred property from another employee, the procedures detailed in _____ must be followed.

Any major discrepancy in the inventory must be reported immediately to the Accountable Officer, who will take appropriate measures to resolve the discrepancy. These measures may include:

- Searching the building.
- Notifying law enforcement or GSA, etc.

If the item is not found, the Accountable Officer will prepare a Certificate of Lost or Stolen property if the item has an acquisition value of less than \$100, or convene a Board of Survey if the acquisition value exceeds that amount. See _____ for detailed procedures.

2. Supplies.

Supplies shall be accounted for by the perpetual inventory system program in the agency's ADP system.

MANAGEMENT SECTION 5000 PERSONAL PROPERTY MANAGEMENT _____
MANUAL SUBJECT 5500 Lost, Damaged, Destroyed or APPROVED
Unserviceable Property_____ 01/16/90

SECTION 5000 PERSONAL PROPERTY MANAGEMENT PROCEDURES

SUBJECT 5500 Lost, Damaged, Destroyed or Unserviceable Property

AUTHORITY

POLICY.

1. General.

All employees are required to exercise due care in their use of government property. Any loss of or damage to government property resulting from an employee's intent to defraud, misconduct, failure to follow prescribed procedures, failure to use property for official purposes, failure to provide such supervision over subordinates as normally might be expected to detect delinquencies, or failure to report such delinquencies to proper authorities (see 41 CFR 114-60.106).

Any employee who observes property to be lost, missing, stolen, damaged, destroyed or unserviceable shall promptly report the matter to a member of the Procurement and Property Management Staff and to the employee's own supervisor.

2. Board of Survey.

When Government property is lost, damaged or stolen, the Executive Director shall appoint a Board of Survey in accordance with 41 CFR 114-60.160 and 114.60.9. The Board of Survey will conduct a full investigation of the facts and circumstances surrounding such loss, damage or destruction and submit a written Report of Survey of its findings to the Executive Director for final action.

The Board of Survey, in its Report of Survey, will make written recommendations for:

- relieving the Accountable Officer of accountability for the property; and
- establishing the possibility of personal, financial liability for missing or damaged property.

MANAGEMENT SECTION 5000 PERSONAL PROPERTY MANAGEMENT _____
MANUAL SUBJECT 5600 Property Assigned To Or APPROVED
Purchased by ONHIR Grants/Contractors__01/16/90

SECTION 5000 PERSONAL PROPERTY MANAGEMENT PROCEDURES

**SUBJECT 5600 Property Assigned To Or Purchased By ONHIR
Grantees Or Contractors**

AUTHORITY

POLICY.

The Office of Navajo and Hopi Indian Relocation retains accountability of all personal property which is assigned to or purchased by its grantees or contractors with ONHIR funds. The Supply Technician is responsible for informing the Contracting Officer's Technical Representative of the items of property in which ONHIR has an interest so the COTR can monitor the management of that property in accordance with 41 CFR 115-60.10, appendices A & B as applicable. As a general rule, grantees and contractors are required to adopt and implement property management procedures for property acquired wholly or partially with government funds. These procedures must be consistent with federal regulations. Grantees and contractors may use their own procedures if they observe the standards set forth in 114-60.10.

The Procurement and Property Management Specialist and the Supply Technician shall evaluate, not less than annually, the inventory of unassigned property. This evaluation shall address such factors as:

- The projected agency need for the property, including consultation with agency staff.
- The condition of the property.
- Storage expense.
- History of use.

Upon determining that an item is no longer needed, either at the time or in the future, by the agency, the Procurement and Property Management Specialist shall recommend in writing to the Contracting Officer through the Administrative Contracting Officer that the property be declared excess. If the Contracting Officer authorizes a declaration of excess, the Procurement and Property Management Specialist shall prepare all documentation in accordance with 114.43.

SECTION 5000 PERSONAL PROPERTY MANAGEMENT

SUBJECT 5800 SAFETY EQUIPMENT

POLICY:

The following policy sets forth the procedures for the acquisition of OSHA approved steel safety footwear (boots) and safety prescription glasses, for the use of ONHIR employees who normally wear corrective lenses for work, and will affect the New Lands Range Crew Staff who are engaged in laboring, equipment operation, facilities maintenance/repair work, and range operation duties.

5800.1 Safety Footwear

a. Annual Inspection. The Land Use Manager will conduct an annual inspection to determine which New Lands Staff are in need of replacement safety footwear. The Manager will then document his findings concerning the footwear to be replaced, ie., the type of damage to the boot, when the damage occurred, and why the replacement of the safety footwear is necessary in lieu of having the safety boot repaired. These findings will then be delivered to the Deputy Director for approval.

b. Accident on Duty which Requires Replacement. In the event of an on-the-job accident before the year has elapsed in which the footwear is so severely damaged that it must be replaced, the ONHIR will provide replacement safety footwear.

c. Off-Duty Use. In the event the safety footwear wears out or is damaged off-duty before the year has elapsed, replacement of the safety footwear shall be the sole responsibility of the employee at his/her expense.

d. Employee responsibility to obtain replacement footwear. Employee(s) shall have no more than two (2) weeks from the date they are notified that authorization for replacement of the footwear has been granted within which to obtain (place an order for) replacement safety footwear.

Any amount expended by the employee for the safety footwear over and above the ONHIR annual allowance shall also be the responsibility of the employee.

5800.2 Safety Prescription Glasses

a. Replacement. The cost of replacement of safety prescription glasses will be borne by the ONHIR and will be authorized annually only for those employees who require prescription glasses for work subject to the conditions set forth in paragraphs b. and c. below. A request for payment, along with the required documentation, shall be submitted to the Deputy Director who shall have the sole authority to grant or deny the employee's request.

b. Prescription Changes. The employee must submit sufficient proof to establish that his/her prescription has changed within the last year and that it is necessary that the glasses be replaced in order for the employee to perform his/her job duties.

c. Damage to Safety Glasses. The safety glasses have been accidentally damaged during the course of the performance of the employee's job functions.

d. Off-Duty Damage to Safety Glasses. In the event the safety glasses are damaged while the employee is off-duty then the responsibility for replacement of the safety glasses shall be that of the employee.

e. Employee responsibility to obtain replacement glasses. Employee(s) shall have no more than two (2) weeks from the date they are notified that authorization for replacement safety glasses has been granted within which to obtain (place an order for) replacement safety glasses.

Any amount expended by the employee over and above the ONHIR annual allowance shall be the responsibility of the employee.

5800.3 Procurement Request

Subsequent to the approval of the Deputy Director for the replacement of safety footwear or safety prescription lenses, the Land Use Manager shall submit the requisite Purchase Order to the Procurement Branch. The Procurement Branch will solicit pricing information from vendors in accordance with the FAR (Federal Acquisition Regulations) to determine the amount of money which will be allocated for the purchase of the equipment. The Procurement Branch will then notify the Land Use Manager of the amount that has been authorized.

GUIDELINES AND PROCEDURES

Executive Order 12780 titled Federal Agency Recycling and the Council on Federal Recycling and Procurement Policy, issued 10/31/91, requires all federal agencies to initiate programs to promote cost-effective waste reduction and recycling of reusable materials. Pursuant to this Order, the Office Of Navajo and Hopi Indian Relocation has defined a program to recycle office paper products.

The ONHIR produces the following waste paper products which can currently be recycled through the local market for recyclable materials.

1. Newspaper.
2. Used computer paper.
3. Used ledger paper (Xerox and typing paper).
4. Corrugated cardboard.

1. Recycling Coordinator. The Management Analyst will function voluntarily as the recycling coordinator, and will ask for assistance from one staff member in each of the following branches:

- ADP
- New Lands (Flagstaff office only)
- Housing
- Counseling
- ICB

2. Collection Boxes. Two cardboard storage boxes or the equivalent will be placed in a designated location in each of the branches listed above. The boxes will be used to collect (1) used Xerox and other non-colored and non-glossy office paper, and (2) used computer paper. There will also be a box for ledger paper in the copy room and in the coordinator's office, and a box for computer paper in the file room.

3. Computer Printouts. Consistent with the practices of other local agencies which recycle confidential materials, the ONHIR will develop an agreement with Northland Recycling for confidential handling of computer printouts. Printouts will no longer be shredded, but will be placed in used Xerox or other boxes with tops which can be taped shut and delivered to Northland for handling under the Confidentiality Agreement.

4. Newspapers. As the ONHIR does not receive a lot of newspapers, there will not be a box set up for discarded newspapers at this time. Newspapers can be delivered to the Coordinator's office. Any other staff who are interested in collecting discarded newspaper should let the Coordinator know.

5. Removal of Materials. When the boxes in the branch offices get full, the branch coordinator should bring them to the Coordinator's office, or contact the Coordinator to come get them. Staff should be careful not to let

the boxes get too heavy to be moved safely. The Coordinator will be responsible for delivering the boxes to Northland Recycling. Any other staff member willing to help out on this should contact the Coordinator.

6. Payment for Materials. At the present time there is not a very good market for recyclable paper products. As of the date of these procedures, Northland Recycling is paying 2 cents per lb. for computer paper and 1/2 cent per lb. for newspaper, and nothing for ledger paper or corrugated cardboard. Any money received for the recycled paper will be used for the following:

a. The money will be contributed to the USGS day care program, which is available to ONHIR staff if there is space available.

b. The staff member who delivers the material to Northland may donate the receipts to the organization of his/her choice.

ALTERNATIVES:

The City of Flagstaff has started a program for recycling office paper and is setting up bins at a parking lot at Beaver and Aspen. We still have to sort and collect the material, but we can deliver it to the city bins rather than taking it to Northland. The City will log the amount collected from offices, in order to get an idea of the quantity which is being produced, and will use any money received to offset the costs of the program.

There is also a summer intern who is willing to pick up the boxes of paper from us and take them to the city bins for a fee of about \$5 per week.

SECTION 6000 GENERAL ADMINISTRATIVE SERVICES
SUBJECT 6080 Making Agency Documents and Audiovisual
Materials Available in Accessible Formats

AUTHORITY: 25 CFR Part 720; U.S. Department of Justice
Memorandum dated 8/21/92.

POLICY.

The Office of Navajo and Hopi Indian Relocation will assure that government documents and audiovisual materials, used in the course of program operations, which are available to employees, program participants, members of the general public, and other interested individuals will be provided in accessible format to disabled persons who are unable to use conventionally printed or filmed material. Documents and other materials will be provided to the extent that provision in accessible format does not place an undue financial or administrative burden upon agency operations.

This policy regarding the provision of agency materials in accessible format is an extension of the ONHIR's policies for non-discrimination on the basis of handicap in programs and activities conducted by the Office, which are published at 25 CFR Part 720.

PROCEDURES.

6080.1 Program Participants. Program documents and other materials required by handicapped clients during the course of case processing shall be made available to them in accordance with the individual case plan prepared for the client. Procedures regarding case planning for handicapped clients are administered by the Counseling Supervisor, in coordination with agency Legal Counsel.

6080.2 Requests for Information From Members of the Public and Other Interested Individuals. The majority of ONHIR documents and audiovisual materials are prepared for intra-office use or for specifically identified small audiences. The ONHIR has determined that as a general rule production of such materials in alternate formats for visually or audio impaired persons at the time of initial development is not practical nor cost effective for the agency. The ONHIR will make such written and audiovisual materials available upon authorized request in the format most suitable to the needs of the requestor, within agency resources.

Requests for access to agency materials in alternate format should be submitted to the Management Analyst. Requests which also constitute release of information under the Privacy Act/Freedom of Information Act will be reviewed and determined by agency Legal Counsel prior to determination of the accessible format suitable to the needs of the requestor. The ONHIR will utilize auxiliary aids appropriate to the type of materials requested, and may

assign agency personnel or contract services to provide assistance to persons with vision impairments, interpreters for persons with hearing impairments, scribes for persons with mobility impairments, or to provide other assistance needed by persons with disabilities.

The ONHIR has identified and produced alternate format materials in the Navajo and English languages for individuals who are not otherwise handicapped, but who are not fluent in the written or spoken English language. Program branch supervisors shall determine those materials which will be directed to a predominately Navajo speaking audience and which need to be produced in alternate language formats.

SECTION 6300 AGENCY RECORDS

SUBJECT 6310 CLIENT CASE FILES

POLICY.

The Office of Navajo and Hopi Indian Relocation will create a manual casefile for each Navajo and Hopi applicant who submits a completed application for relocation assistance (**cross reference MM#1110 p. 23**). The client casefile shall be the master record of all actions pertaining to the client's case; the original or a copy of every document obtained or generated in processing the client's case shall be filed in the casefile.

Information contained in the client casefile shall be handled in accordance with the requirements of the Privacy Act of 1974. Requests for release of casefile information to individuals other than the client or ONHIR staff who are working with the file shall be referred to the FOIA/Privacy Act Officer.

PROCEDURES.

General. Staff shall handle client casefiles with care and respect, acknowledging that the files constitute an irreplaceable record. Staff who abuse their responsibility for handling casefiles according to the procedures stated in this section, or who reveal information from casefiles in violation of the Privacy Act of 1974, may be subject to disciplinary action in addition to any penalties prescribed by federal law.

The procedures in this section may be supplemented from time to time by instructional memos issued by the Management Assistant, who is responsible for supervising the file room and the Mail and File Clerk.

6310.1 Creating the Client Casefile.

1. Completed Application for Relocation Assistance. The intake worker will assign a case number and create a casefile for an applicant upon receipt of a completed application for relocation assistance. Application formats have been revised over the years. In order to be valid, the application must be filled out and signed and dated by the client. The applicant's right or left thumbprint, identified as such, will suffice as a signature. The application must be notarized. The application must contain the following or an equivalent statement: "I do hereby apply to the Navajo and Hopi Indian Relocation Commission for any and all relocation assistance funds and benefits for which I am eligible. I hereby certify that all information contained in this application is true to the best of my knowledge and belief. I agree to voluntarily relocate after I have been certified eligible for relocation benefits and a plan has been made for my move".

2. Casefile Numbers. The primary means of accessing a client record is through the casefile number. The electronic records system, which replaced

earlier manual records (rolodex cards and logs), allows cross-reference of cases by name and/or tribal census number if the casefile number is not known. The casefile number is a 4 digit number. Client casefiles are numbered in sequential order according to receipt of completed applications, starting with "0001". If a record maintained by the ONHIR on an individual does not have a casefile number, it means that the individual did not submit a completed application for relocation assistance by the application deadline (see MM#6310.5, Non-Applicant Files).

3. Organization of the File. The file folder is a six part file which contains all of the documents relating to the processing of the client's case. Documents in the file will be organized according to program activity. Within each section, documents will be filed either (1) beneath file dividers, labelled according to subject; or (2) in sequential order as created or received during that phase of case processing.

Inside Front Cover: Application and associated documents submitted with the application; changes of address.

Section 2: Eligibility/certification documents, and documents pertaining to legal matters. All documents collected by the ONHIR in order to make a determination regarding the client's eligibility. Copy of the letter of certification or denial issued to the client. Subsequent to eligibility determination, letters relating to legal issues will be filed in this section: i.e. copies of Privacy Act requests, original or copies of letters from legal representatives or from the ONHIR Legal Counsel.

Sections 3 and 4: Housing documents, collected or generated by the Housing Branch during the housing acquisition process. A copy of the house blueprints will be folded and inserted into this center section of the casefile. Section 3 will have the Housing Branch Document Inventory Sheet.

Section 4: The "T" sheet (ONHIR Funds Obligation and Disbursement Record) will be on the top of documents filed in section 4. Housing documents will be organized as follows and filed under fifth cut file dividers beneath the "T" sheet in section 4:

- (1) Inspection reports; invoices; truss, termite and concrete trip tickets
- (2) Contracts, change orders, and time extensions
- (3) Worksheet, color sheet, infrastructure, OR (for off-reservation acquisitions) escrow documents, appraisal, deed restriction
- (4) Insurance
- (5) Initial interview documents, correspondence and miscellaneous

Section 5: The completed tracking form for the client

will be filed on top of other documents filed in this section.
Beneath the tracking form will be the homesite lease documents,
organized beneath fifth cut file dividers according to the following
subjects:

- (1) Utilities - electricity, solar, wind, etc;
- (2) Water and sanitation facilities
- (3) Feasibility study
- (4) Archaeological clearance
- (5) Homesite lease

Section 6: If the client went through the administrative appeals process, these materials will be filed in section 6, beneath documents collected by counseling. On top of the administrative appeals documents will be Counseling Branch forms and documents collected during the social counseling phase of case processing. After the client has relocated, reports of post-move visits by ONHIR or external agency counselors will also be filed in this section.

Tracking Form. Tracking forms which are voided when a case is returned to social counseling will be filed in the counseling section of the file (section 6). The final completed tracking form will be filed on the top of section 6.

4. Subsidiary Files. Manual sub-files identified by client name or case number have been created by ONHIR offices for specific program activities. These sub-files have included: appraisal files, BIA housing construction files, housing repair files, New Lands grazing permittee files, and post move services files created by NACA under contract to ONHIR. These sub-files are maintained in the program office or by the contractor until the activity is completed, when they are transferred to the ONHIR file room and integrated into the client casefile.

After the subsidiary file has been transferred to the file room, the Mail and File Clerk will be responsible for maintaining the subsidiary file.

a. Contact File. The contact file is an automated subsidiary file which does not duplicate manual documents inserted into the casefile. The contact file contains brief and succinct entries of staff contacts with the client; contacts with other people (i.e. ONLA or contractors) about the client's case; or efforts to contact the client. It is a running record of the frequency of contacts and the principal issues affecting a case. The contact file is accessed through the automated client file inquiry.

Contact file entries are made by caseworkers for certified clients while their case is being processed. After a case is closed, the complete contact file is printed and inserted into the client casefile. The automated

file is removed from the computer and saved in case it needs to be reactivated.

5. Label. The casefile will be labelled with the following information, typed in this order: first line: case number and applicant name (last name first, first name, middle initial). Second line: tribal census number. Interior sections of the file will be labelled with the program activity:

- (1) application
- (2) eligibility/legal
- (3) housing acquisition
- (4) housing acquisition
- (5) homesite lease
- (6) administrative appeal/counseling

6. Location of Casefiles. Client casefiles shall be located in locked filing cabinets in the ONHIR file room or other designated location. The file room will be managed by the administrative branch Management Assistant and staffed by the Mail and File Clerk. Files can be checked out by ONHIR staff and by other authorized persons according to the procedures in Appendix MM#6310A.

7. Maintenance of Casefiles. The original or a copy of each document received or created by the ONHIR in connection with case processing shall be routed to the Mail and File Clerk, for filing in the appropriate section of the casefile.

If a staff person is working with a casefile and receives or creates a document, the staff person should file the document in the appropriate section of the file before returning the casefile to the file room. Branch staff performing data entry of casefile information should file the source document(s) in the casefile before returning the file to the file room.

Staff who make copies of documents in a casefile are responsible for re-filing the material properly.

8. Casefile Inventories. Periodically, but no less than every six months, the Management Assistant will conduct a manual inventory of the client casefiles to assure that all casefiles are present. At this time, staff will be required to turn in any casefiles which they have checked out.

9. Re-Creating Lost Files. If the casefile inventory reveals that a casefile is missing and the file cannot be located anywhere, the Management Assistant will re-create the file to the extent possible. Information contained in the automated client files will be printed and inserted into a new manual casefile. Depending upon the stage which case processing has reached, the client may be asked to submit additional copies of documents; and staff working with the case will be asked to submit copies of any relevant documents which they may have retained in their working files.

6310.2 Automated Casefile Checkout System Procedures.

General Instructions.

This section contains general instructions for checking out and using files. Specific data entry instructions for the automated casefile check out system are contained in Appendix 6310A.

Automated casefile checkout procedures were originally issued 9/29/86. They are incorporated into this section of the Management Manual with minor changes which have been implemented since the date of original issue. Prior to 9/29/86, the NHIRC utilized a manual checkout system, whereby staff who needed to work with a file checked it out by removing the file from the filing cabinet and inserting an out card.

The main purpose of the Automated Casefile Checkout System (ACCS) is to provide optimal security for client casefiles while facilitating efficient access to those files for employees who need to use them. Client casefile security is one of the highest priorities of the ONHIR.

1. Employee Responsibility for Casefiles. An employee who checks out a casefile is fully responsible for the file until it is returned to the file room or transferred to another worker via the computer.

2. Taking Casefiles Out of the Office. At no time are casefiles to be taken out of the office. The only exception to this is in certain specific instances, such as court cases, where advance approval for a casefile to be used outside of the Office has been granted. Disciplinary action may result for any employee who disregards the procedures and takes a casefile out of the Office without advance approval from the Deputy Director.

3. Time Limit for Checking Out Files. There is no limit to the length of time an employee may keep a file. However, so that files will be available to other employees, and to maximize file security, staff should check out files only when they need to work with the file and should check it in immediately upon finishing the work.

Casefiles which are kept out overnight must be locked up in the employee's office.

4. Employee Number. Employees will be assigned a two-digit worker number to use in accessing the checkout system. An employee must first sign on to the computer with their user ID and password in order to access the file checkout system. Supervisors are responsible for making a written request of the computer operator to assign all new employees a user ID, password, and worker number.

5. Access to File Room. Only authorized personnel such as the Mail and File Clerk and the Management Assistant will be allowed in the file room. The file room will be locked when all authorized personnel are absent.

6310.3 Other Issues Concerning Client Casefiles: Changing Information in Casefiles; Transferring the Case to Another Client.

This section sets forth procedures which have been issued at various times in the past through instructional memos to staff.

6310.31 Adding to/Changing Information in Casefiles.

General. Information about clients is continually updated as the client goes through the relocation process. The various sections of the Management Manual contain instructions related to data collection and electronic data entry for the particular phase of activity described therein. This section 6310.31 contains general instructions only.

1. Sources of Information/Corroborating Documentation. Information which identifies a client to the ONHIR will be taken directly from information provided by the client. This includes such identifiers as: name, tribal census number, social security number, birthdate, marital status, family membership, employment, income. The client must supply appropriate supporting documentation (for types of required documentation, see particularly Management Manual sections #1100, #1714, #1716, #1725).

EXCEPTION: A client who is represented by another person through a power of attorney or guardianship will not be required to supply information personally. The legal representative may provide the information and supporting documentation.

2. Correcting Information in the Casefile. A client who claims that identifying information is wrong can correct it by supplying the correct information and the supporting documentation. In cases where the supporting documentation confirms the error (i.e. client name is spelled incorrectly on the birth certificate or Certificate of Indian Blood, or two clients have the same tribal census number) the client may need to go to court or follow tribal procedures to obtain a correction. The ONHIR will change the client record to reflect the information shown on official tribal, county, state or federal records.

The ONHIR will not amend or delete information pertaining to client claims of eligibility, or other statements regarding client activities. The client may supplement such information with additional statements, affidavits, and similar documentation which will be evaluated in making a determination regarding the client's eligibility for benefits.

3. Data Entry. After initial data entry which creates an electronic client record, additions or changes to client demographic information is generally performed by the Counseling Secretary or other authorized staff upon receipt of supporting documentation.

Changes to the following critical identifiers will be performed by the Information Systems (IS) staff upon receipt of a request from the appropriate

branch supervisor and copies of supporting documentation. These identifiers are: (1) client name (2) client census number (3) HPL residence.

4. Changes to Data Following Relocation. After the client has relocated, the manual client casefiles will be updated with documents relating to post move activities, as contacts occur. The electronic records will be updated to reflect continuing client contacts and activity as prescribed by the procedures for the specified activity (i.e. warranty, housing repair, and post move counseling visits). Identifying demographic information about the family will not be updated after the client signs the relocation contract, with these two exceptions:

- if the client dies during the two year post move period, the electronic records will be updated by IS staff to show that the client is deceased; subsequent mailings will be directed to the surviving spouse.
- mailing address will be updated during the two year post move period.

6310.32 Transferring the Case to Another Client/Changing the Name on the Casefile.

General. 25 CFR 700.145 and Management Manual #1790 and #1714 provide that the surviving household of a deceased client will be entitled to relocation assistance benefits. In order to receive the benefit entitlement, the surviving household members must have been identified by the client prior to his/her death as members of the household, and must meet household membership criteria as specified in MM#1714.

1. Transferring the Casefile to the Surviving Spouse. The surviving spouse must provide the ONHIR with a copy of the marriage certificate or marriage license and a copy of the client's death certificate. Upon receipt of an authorized request and supporting documentation, IS staff will change the electronic records to show the surviving spouse as the client. The client name and census number will be changed on the electronic client master file. The original client will be changed to "spouse - deceased" in the records. Other demographic information will be changed by the Counseling Secretary, who will re-enter the correct data for the new client and the now deceased spouse.

The Mail and File Clerk will make a new label for the casefile.

2. Conservatorships and Guardianships. After the ONHIR has received a court order appointing a guardian/conservator, the name on the case will be changed from that of the deceased or incapacitated client to that of the conservator, in this manner:

Last name conservator, first name. Note that there is no comma between the last name and conservator.

Example: Smith Conservator, Willie.

With longer names, not all of the first name may show up in the electronic records, as the computer will accept only 25 characters.

The conservator will be added to the household membership if he/she is not already part of the household. The file will show the conservator's relationship to the original applicant. A determination will be made about whether or not the conservator is to be included in the household benefit (see MM#1746).

The household membership record will be corrected to show the original applicant as "AP" (relationship code).

Other record changes will depend upon the circumstances of the case.

3. Deceased/Denied Clients/Case Under Appeal. If an appeal is received for a deceased applicant who was denied benefits, and whose surviving household is appealing the denial, the name on the case will NOT be changed until/unless the appeal results in certification of the denied applicant (see MM#1240 MM#1241.4 (6)).

If it is determined that the deceased client was eligible for relocation assistance, the name on the casefile and in the electronic records will be changed according to #1 or #2 above, depending upon whether the surviving household is represented by the applicant's spouse; or the surviving household is represented by a guardian/conservator.

6310.4 Closing Case Files.

General. A client casefile will be closed when all appropriate action has been taken and no further activity is required. Closure is signified by entry of a closure code in the electronic files which transfers the case to agency status "CL". There is no requirement that a manual form be inserted into the casefile to indicate case closure, although some files contain copies of an obsolete case closure form (DCC.F059), a memo to record, or similar document which states case closure.

A closed case can be reopened at any time if activity on the case resumes. Essentially, reopening a case means that the agency status (CL) is changed in the electronic records to another status and electronic data entry into the client record can resume.

Closed cases are retained in the file room or other designated location where they can be readily retrieved. A closed casefile may be checked out for review or research without being reopened.

6310.41 Reasons for Closure.

General. The ONHIR has identified, to date, 16 reasons for closing a casefile. The purpose for recording the reason is to identify the principal activity affecting the case immediately prior to closure. A case may be closed for one reason, reopened, and subsequently closed for a different reason. For example, a case which is closed for reason #1: all program services have been completed; may be reopened for housing repair and subsequently closed for reason #H or #I: housing repair completed or housing repair passed.

The original reason for closure is not retained in the electronic records.

The reasons for closure, which are entered as codes in the electronic file, are:

- 1-post move warranty/counseling 2 year past
- 2-denied case
- 3-incomplete casefile
- 4-abandonment of appeal
- 5-included in other casefile
- 6-death of applicant
- 7-client request
- 8-other
- 9-Sands part two
- F-denied w/appeal - final action
- H-housing repair completed
- I-housing repair passed (no repair)
- S-Sands judgement
- J-housing repair other
- W-appeal withdrawn

R-rejected appeal/waiver

1. Post Move Warranty/Counseling 2 Year Passed.

Most cases are closed for reason #1: two years have passed since the date the client relocated, and all post move services (post move counseling and warranty repair) have been completed. Closure code #1 will be automatically entered in the client record by the computer two years after the date the client relocated, unless (1) there is an open warranty record, or (2) the IS staff have been requested in writing by an authorized staff person to keep a record open for continued post move counseling service.

2. Denied Case.

The computer will automatically enter a closure code for reason #2 at the end of 70 days if an applicant was denied and no appeal is received and entered in the automated client record.

3. Incomplete Case File.

Prior to the development of consistent procedures for opening casefiles, casefiles were created for various reasons. As a general rule, case numbers were assigned and casefiles opened upon receipt of a signed and dated application for relocation assistance. However, in some instances case numbers were assigned and files were opened for residents of the partitioned lands who were interviewed but declined to apply for relocation assistance; and in a few instances case numbers were assigned and casefiles were opened for persons whose names were supplied by a third party, but who themselves were never located and never submitted an application.

During the intensive certification review of 1984-85, all casefiles were thoroughly reviewed for missing documents. Individuals who had not submitted applications but had an address on file were notified of the need to submit an application and related documentation. Casefiles of individuals who did not respond to the ONHIR notification by filing an application by the application deadline of 7/7/86, were closed for reason #3: incomplete casefile.

A casefile closed for reason #3 may be reopened if the individual submits a request for eligibility determination pursuant to 25 CFR 700.138.

4. Abandonment of Appeal.

Client filed an appeal which was accepted by ONHIR, but failed to follow through. The client cannot be reached at the address(es) provided to ONHIR and the ONHIR has no way to contact the client.

5. Merged Files: Client is Included in Another Casefile.

A casefile will be closed if it is learned that the applicant is a member of a certified applicant's household, and is included in that client's benefits (see Management Manual MM#1110 p.5). Closure for reason #5 is entered by IS staff upon receipt of documentation.

When casefiles are merged the documents contained in the file being closed are placed in the casefile of the certified head of household. A memo to record will be inserted into the closed file explaining the action taken and referring staff to the file into which the documents were placed.

6. Death of Applicant.

A casefile will be closed automatically upon data entry of the death of a client, if the client had no household members and owned no improvements on the partitioned lands. If the client had a household to be relocated, the case will remain open and will be transferred to the surviving household as provided in #6310.12 above. If the client had no surviving household but had an appraisal on record, the casefile will remain open until the improvements are acquired by the ONHIR and an estate payment is issued.

7. Client Request.

This reason is no longer used. Pursuant to a determination issued by agency Legal Counsel June 11, 1987, "...a certified eligible client may not withdraw, cancel, close, or otherwise remove his/her case from processing by the Commission." Prior to that date a few cases were closed upon client request. However, these were not cases of certified applicants, but cases in which applicants (1) withdrew their applications from further consideration before an eligibility determination was issued, or (2) withdrew their appeal after appealing a determination of denial. Closure for reason #7 is entered by IS staff upon receipt of documentation.

8. Other.

The majority of cases closed for reason #8 were instances in which a second casefile was opened in error for an applicant (see Management Manual 1110 p.5). Closure for reason #8 is entered by IS staff upon receipt of documentation.

9. Sands Part Two.

Pursuant to the judgement issued in the case of Sands v. NHIRC, the ONHIR reopened all cases of persons denied for failure to submit requested

documents and information, and conducted an administrative eligibility review. When the review was completed, the casefiles were re-closed, and reason #9 was entered as the closure code. A closure code of 9 indicates that the casefile was originally closed for reason #2 but was reopened and subsequently closed for reason #9.

F. Denied With Appeal - Final Action.

A case is closed automatically for reason "F" when final agency action sustaining denial of eligibility is entered in the electronic client records.

H. Housing Repair Completed.

Cases admitted into the housing repair program were closed for reason "H" when the repairs were completed and the work passed inspection. The case closes automatically when a "Y" is entered in the field "ready to close?" in the electronic housing repair file.

I. Housing Repair Passed (No Repair).

Cases which were not admitted into the housing repair program because inspection revealed no original or latent defects or secondary defects, were closed for reason "I", no repair. The case closes automatically when a "Y" is entered in the field "ready to close?" in the electronic housing repair file.

J. Housing Repair Other.

Cases considered for inclusion in the housing repair program which were closed for reasons other than "H" or "I" were given a "J" closure code. "Other" reasons include: client received second replacement home; client was not eligible for housing repair program; client refused to authorize repairs to relocation house. The case closes automatically when a "Y" is entered in the field "ready to close?" in the electronic housing repair file.

S. Sands Judgement.

Cases opened in order to notify clients of their right to file an appeal of denial pursuant to the judgement in Sands v. NHIRC have been re-closed for reason "S" when the client failed to respond to the notification. The case closes automatically when an "S" is entered in the electronic appeal record.

W. Appeal Withdrawal.

A case shall be closed for reason "W" when a client who appeals a denial withdraws the appeal. The file will be closed automatically when a withdrawal code is entered in the electronic records.

R. Rejected Appeal/Waiver.

A case shall be closed for reason "R" when the ONHIR rejects a client's request to waive the deadline for filing an appeal. The file will be closed

MANAGEMENT	SECTION	6300	AGENCY RECORDS	
MANUAL	SUBJECT	6310	Client Case Files	APPROVED
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automatically when a reject code is entered in the electronic records.

6310.5 Non-Applicant Files.

Pursuant to 25 CFR 700.138, the ONHIR is responsible for notifying persons who have failed to take action by 7/7/86 to move voluntarily, but who are potentially subject to relocation, of the requirement to move. This notification and subsequent actions outlined in Sec. 138 is to be accomplished "as soon as practicable after July 7, 1986" and refers to the establishment of a deadline for action.

In order to satisfy this requirement at the point in time when it is determined that final action to clear the HPL will be initiated, the ONHIR will maintain records of individuals who may be residents of the HPL and may be subject to relocation. Determination of the eligibility for benefits of such individuals will be made according to the criteria listed in Sec. 138 when they respond to the ONHIR notification.

The initial identification of persons subject to the requirements of Sec. 138 was made in the 1970's, pursuant to P. L. 93-531, as amended, 25 USC 640d-12 Sec. 13 (a) and (b)(1), which directed that the report to be submitted to Congress by the Navajo and Hopi Relocation Commission include the names of all members of the Navajo Tribe residing in areas partitioned to the Hopi Tribe. While the majority of individuals enumerated subsequently applied for relocation assistance, some individuals did not apply and have not yet applied as of the date of these procedures.

Manual file folders have been created for these individuals, and are known as the "Non-Applicant Files". The files are retrievable by individual name. The manual files of persons who are known or believed to be residents of the partitioned lands are updated when information is received which may ultimately affect a determination of their eligibility. (NOTE: As of the date of these procedures, non-applicant files did not have casefile numbers and information from these records was not accessible through the electronic record system. Non-applicant HPL residents who meet the criteria of 25 CFR 700.138 and approach the ONHIR requesting relocation assistance are assigned the next sequential casefile number and manual and electronic files are created which integrate the information contained in their non-applicant records. Non-applicant records which were closed for reason #3 are reopened under the original number.)

A second category of "non-applicant files" has been created since the application deadline of July 7, 1986. Persons not identified by the ONHIR as potentially subject to relocation have approached the ONHIR to request relocation assistance. While these individuals do not meet the eligibility criteria of Sec. 138, the ONHIR has developed records of these contacts and the information provided by the persons, in case there are ever major changes to the Settlement Act which might impact such persons. These files are also retrievable by individual name.

Non-applicant files are located in the file room, but cannot be checked out according to the procedures in Appendix 6310A. Non-applicant files may be checked out manually by staff of the Eligibility/Appeals Branch.

INSTRUCTIONS FOR CHECKING OUT, RENEWING AND TRANSFERRING CLIENT CASEFILES

A. CHECKING OUT CASEFILES.

General. Casefiles may be requested from 7:30 a.m. until 4:00 p.m. each business day. The file room door will be closed at 4:00 p.m. so that returned casefiles can be secured by the close of business. Staff should check out only the number of files which they intend to work with that morning or afternoon. A maximum of 99 casefiles can be checked out at a time. Staff can be authorized to check out a larger number of files if their job functions require it.

Messages will appear on the computer screen to indicate inappropriate entries, such as invalid worker numbers or file numbers.

Specific steps for requesting a casefile:

1. From the main sign-on menu, select the option for "Client File Checkout," then press "Enter" (this is also the first step in renewing and transferring files). -----
2. From MENU: UFILE select #2, then press "Enter".

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3. When this screen appears, type your two digit worker number, then press "Enter."
-

4. If this screen appears, you have properly entered your worker number. Now type the casefile number (4 digits) desired, then press "Enter."

5. This screen indicates that the request has been accepted. You may now enter another casefile number as in step 4, or enter CMD 7.

The message indicator (MW) will be highlighted on the bottom of your screen when the casefile is ready to be picked up at the file room.

6. When your terminal bell rings, the Message Waiting light will appear in the lower left hand corner of your screen. From any menu, type "MSG" then press "Enter." The screen to the right will appear listing the casefiles ready for you. If you have requested more than five files, press "Enter" again and the next screen will appear. When the menu from which you entered MSG appears, all of the requested files have been displayed.

-

Steps 1-6 have shown the process when all entries have been properly made and the files requested are available. The following screens will show how entry errors and unavailable files are communicated to the user.

7. This screen indicates that the file has been requested by but not yet checked out to another employee. If your own name appears, you have already entered a request for that file. You may now enter another file number or CMD 7.

8. This screen indicates that the file has been checked out to another employee. You may now enter another file number or CMD 7.

9. If you request a casefile number which is greater than the highest existing file number, this screen will appear. You may now enter another file number or CMD 7.

10. If the computer accepts your request for a file and this screen appears, you have now reached the maximum number of casefiles allowed (99). In order to request more files, you must return some to the file room for the clerk to enter into the computer as returned.

11. This variation on #10 will appear immediately after you enter worker number (step 3) if you have the maximum number of files allowed. You must return some files in order to request more.

A staff member who has a legitimate need for more than 99 files can submit a request to ADP to override the maximum restriction.

12. This screen appears when you have entered a non-existing worker number. Type in your correct worker number and proceed as in Step 4.

13. This screen appears when you have entered another employee's worker number. Type in your correct worker number and proceed as in Step 4.

B. RENEWING CASEFILES.

After you have had a file checked out to you for five calendar days, you should renew the file at that time and every five days thereafter until you return it. You may not renew the file before the end of the five day period.

You will receive a printout weekly that shows which files are checked out to you, how long you have had them, and the number of days since the last renewal of each file. This report serves as a reminder to renew files if you still need to work on them, or return them if no longer needed. While there is presently no limit on the total number of days, including renewals, that a file can be checked out, security dictates that files should be returned to the file room as soon as the worker is finished with them.

The renewal process contains several message screens to inform you of data entry errors, much like the screens in the process for requesting files.

Specific steps for renewing a casefile.

1. From MENU: UFILE, select
#6, then press "Enter."

2. Type your worker number,
then press "Enter."

3. If you fail to enter your worker number, this screen will appear.

4. If you have correctly typed your worker number, this screen will appear.

5. Type the four digit casefile number that you wish to renew. The file number will appear as shown on this screen. Now press "Enter."

6. This screen will appear if you have entered a renewable casefile. You may now type another renewal file number or CMD 7.

7. If you have entered a file number which is not checked out to you, this screen will appear. You may now enter another file number or CMD 7.

8. If this screen appears after you have entered a worker number in Step 2, you have entered a worker number which does not exist. Type your worker number, then press "Enter."

9. If you have entered another employee's worker number, this screen will appear. Type your worker number, then press "Enter."

10. This screen shows that you have entered a file number which has not been checked out to you for five days, either from initial checkout or most recent renewal. Enter another file number or CMD 7.

C. TRANSFERRING CASEFILES.

The transfer process must be completed via the computer before one worker gives a file to another worker. This ensures that the responsibility for that file is transferred also.

For security's sake the transfer can be completed only by the worker to whom the file is being transferred. In fact, no entries at all may be made by the worker who is transferring the file to another worker.

The transfer process contains message screens to indicate incorrect data entries and to inform the user if the transfer is completed. Other screens inform the user if a file has been transferred to another worker or if the file is still in the data room.

Specific steps for transferring a casefile:

1. From MENU: UFILE, select
#8, then press "Enter."

2. When this screen appears,
type in the file number you
wish transferred to you, then
type in your worker number and
press "Enter."

3. This screen indicates that the transfer is completed. You may now enter another file number or CMD 7.

4. If this screen appears, you already have the maximum number of files checked out. You will have to return a file before transferring a file to yourself. Press CMD 7 to return to MENU: UFILE.

5. This screen indicates that you have attempted to transfer a file that is not checked out. You may request that file from the file room, enter another file number, or CMD 7.

6. This screen indicates that you have entered a file number but failed to enter your worker number before pressing "Enter." Press the --->| (tab forward) key, enter your worker number, then press "Enter."

7. This screen will appear if you fail to enter your worker number but not the file number before pressing "Enter." Press the <---| (field exit) key, enter the file number, then press "Enter."

8. This screen will appear if you have failed to enter both the file number and your worker number before pressing "Enter." Type in the file number, your worker number, then press "Enter."

9. If you request a file number which is higher than the highest existing file number, this screen will appear. Enter another file number or CMD 7.

10. This screen will appear if you have entered another employee's worker number. Type in your worker number and press "Enter".

D. RETURNING CASEFILES.

The worker does not use the computer to return a file to the file room. To return a file, you need only to place it in the space provided in the file room. The clerk will enter the file number in the computer as returned. Files may be returned until 4:00 p.m. each business day to allow the file room staff sufficient time to put all files back in the cabinets and enter the file numbers as returned in the computer.

7020.1 Computer Access.

General. Program supervisors will identify the positions within their branch which require use of a computer terminal for word processing, data entry, and file information access. An employee hired for a position which uses automated equipment will be assigned hardware and software by the ADP Branch. The Computer Assistant will maintain an inventory of the equipment and software assigned to users.

The Information Systems Manager will determine the security level and type of access which the employee will have. The Personnel Officer and branch supervisors will inform the ADP Branch of staff changes which result in reassignment of computer equipment and changes to computer access.

1. Personnel Officer. Immediately upon receipt of a resignation or upon processing a personnel action (termination, new hire, transfer, promotion, etc.) the Personnel Officer will inform the Information Systems Manager of the action so computer access may be modified. In the case of a termination, the Information Systems Manager will determine measures needed to secure automated data against unauthorized access. The Computer Assistant will route a copy of form MM#7020.1 to the supervisor with a cover memo requesting the supervisor to fill out all applicable entries.

2. Branch Supervisor. Within 1 day of a personnel action, as appropriate, the supervisor will fill out Part 1 of form MM#7020.1, Computer Access Request, when there are staff changes which require changes in computer access.

3. Information Systems Manager. The Information Systems Manager will discuss the access and proposed date of implementation with the branch supervisor as necessary. The Information Systems Manager will determine the actions required to accomplish the access requested, and assign them to ADP staff.

4. ADP Staff. ADP staff to whom the assignments are made will complete Part 2 of form MM#7020.1 as the actions are completed. The Computer Assistant will record the assignment of equipment. When all actions are completed, the designated staff member will inform the branch supervisor and employee of the access, and will provide training/orientation to the employee as necessary.

5. Deputy Director. Requests for computer access which fall outside of the usual access for the position in question will be staffed by the Information Systems Manager, the program supervisor, and the Deputy Director.

6. Form MM#7020.1 will be available from the ADP Computer Assistant. Completed Computer Access Requests will be maintained in the ADP manual files.

7020.2 Request for ADP Programming Support

General. A staff member who needs ADP support for recording, processing, and producing information will submit a written request to the ADP Branch.

1. Staff Request for ADP Support. A staff member shall fill out and submit form MM#7020.2, Request for ADP Support, when ADP assistance is needed in recording and producing information needed by the branch. Form MM#7020.2 is available from the ADP Computer Assistant. A requester may contact the Systems Manager or any of the other ADP staff for assistance in formulating a request. If the requester is not the branch supervisor, the supervisor's approval shall be obtained by either the requesting staff member or by the Information Systems Manager after the request has been sufficiently described to allow analysis by the Systems Manager.

2. Requests from Outside Agencies. Written requests for reports may also be submitted by outside agencies. The staff member who receives the request for report will submit it to the agency Legal Counsel, who will review it for conformity to the regulations at 25 CFR 700.325. Legal Counsel will submit the request to the Information Systems Manager, and will identify it as an FOIA request. The Agency Legal Counsel will be the contact person if additional information or clarification is needed by the ADP Branch in accomplishing the request.

3. ADP Review and Analysis. After approval by the branch supervisor, the written request will be submitted to the Information Systems Manager for analysis. The Information Systems Manager will contact the requester as necessary to clarify any questions about the request. The Manager will determine:

a. If similar or equivalent automated information exists, which can be updated or modified to meet the requester's needs;

b. Whether the requested information can most efficiently be produced through query or through a high level language program. If this will be a high level language program, the programs to be accessed and the interfacing information.

c. The anticipated amount of time required to produce the requested information.

d. If the request should be considered a major or minor assignment; and its place within the priorities and previously scheduled branch assignments.

e. If the requested information will contain data which is used by more than one agency branch, the Systems Manager may request a staffing to identify other possible uses for the automated information.

Unless the request requires extensive modification, the Information Systems Manager will complete the analysis of the request within one week of receipt.

4. Action of Deputy Director. When the Information Systems Manager has completed analysis of the request, the Request for Report form will be routed to the Deputy Director for review and approval. The Deputy Director will discuss the request with the Information Systems Manager as necessary.

5. Assignment to Staff. After approval by the Deputy Director, the Information Systems Manager will assign the automated information production and establish the completion deadline. The Manager or a designated ADP staff person will inform the requestor of the response to the request and the anticipated completion date.

October 30, 2001

SECTION 7000 INFORMATION SYSTEMS

SUBJECT 7030 COMPUTER SECURITY

POLICY. The Office of Navajo and Hopi Relocation will safeguard agency electronic equipment and records in order to protect Government property and maintain the integrity of program data. The Information Systems Branch will be responsible for monitoring and evaluating the security procedures established by the ONHIR and advising ONHIR management officials of the effectiveness of procedures and any changes needed.

Management officials will issue directives to staff as needed regarding computer security requirements. A staff member who fails to follow instructions for safeguarding equipment and data may forfeit the right to use agency electronic equipment and to access program data.

Vulnerability. The ONHIR does not create nor maintain records which relate to national security, or records which have widespread impact on federal operations. Vulnerability of the ONHIR computer system lies in (1) potential for theft; vandalism or misuse of equipment which could cause expense to the Government; and (2) intentional or unintentional changes to data which could alter or erase program records and cause confusion and/or liability to the Government.

INSTRUCTIONS.

7030.1. Equipment Security.

1. Access to ONHIR Offices. Access to agency offices and thus to agency equipment is secured by locked external doors and, at the Flagstaff office, by combination locks on doors leading into the office from internal building corridors. Building keys and the combination lock numbers are issued only to staff and to contracted facilities maintenance employees. Visitors are required to come through the reception area and check in with the receptionist.

Agency staff are instructed not to provide keys to the ONHIR offices nor the combination lock number to other persons, including family members, clients, contractors, or other persons having business with the agency.

2. Access to Mainframe. The agency mainframe is located in a locked room in the Information Systems Office. Only IS staff and the Supply Program Specialist have the combination to the lock. IS staff are instructed not to provide the combination to other persons.

3. Equipment Assigned to Staff Members. All staff are assigned either a personal computer (PC) or a terminal. Both types of units are connected to

October 30, 2001

the agency mainframe. Staff are responsible for taking care of the equipment assigned to them and reporting any problems to IS.

Some staff routinely lock their individual offices. IS staff will be provided with keys to locked offices so they may access computer equipment to resolve hardware/software or wiring problems. Agency management officials may require all staff to lock their office doors when they leave their offices, if it is determined that there is significant risk of theft or vandalism when offices are vacant.

4. Printers. There are several printers located throughout agency offices which are connected to employee terminals and PCs. Printers are accessible to persons having access to the offices or open areas in which they are located.

5. Software. A software license must be kept on file in the IS office for any software installed on agency PCs.

6. Unassigned Equipment. Unassigned computer equipment will be secured in a locked room. IS staff as well as procurement staff will have keys to the secured rooms.

7. Acquiring Equipment. It is the responsibility of IS staff to work closely with ONHIR staff and program managers to determine their hardware and software requirements, and to advise agency management of equipment and software options and costs. This is accomplished through discussion with staff and supervisors, analysis of work requirements, and research into available products, maintenance requirements, and costs.

8. Installing and Moving Equipment. IS staff will be responsible for testing equipment when it is received by the agency. IS staff will have primary responsibility for determining the wiring network for agency electronic equipment and installing or overseeing the installation of equipment. Staff may not install equipment without consulting with IS staff. If equipment needs to be removed from an office or moved around for rearranging furniture, cleaning, etc. IS will be consulted.

7030.2 Data Security.

1. Data Saves. The IS Branch performs eight data save processes during a week, and does a bimonthly system save which saves everything on the mainframe. These cartridges are kept off site at a secured fireproof location at the U.S. Geological Survey buildings.

2. Employee Menus. The IS staff will create an electronic "menu" for each employee. The content of an employee's menu will be determined by the employee's job functions. The menu will list the electronic programs which the employee can access, including word processing, "read only" file inquiry, and data entry. Items can be added to or deleted from an employee's menu to

October 30, 2001

reflect changes in the employee's job.

3. Passwords. Each employee will create a password to access his/her menu. Passwords are four digit codes comprised of letters, numbers, or a combination, which are valid for three months. Passwords may not be repeated within a twelve month period. The computer will notify the employee when the password is about to expire.

Employees should not create a password using their name, birthdate, address, or personal information known to others. Employees will be advised not to give their passwords to anyone else.

4. New Employees. The position supervisor or the personnel office will notify IS when a new employee is hired. The employee will be assigned the menu appropriate to that position and will receive instruction from IS in creating a password, basic computer operations, and the contents of the employee's menu.

5. Terminating Employees. Employees who leave ONHIR employment will be removed from computer access, usually their last day of employment. Employees who are terminated for cause, or whose continued access to electronic records is judged to place data at risk, may be removed immediately upon instruction from management officials.

IS will be informed when an employee leaves the agency. The IS Team Leader will change the employee's password to prevent continued access, and the list of word processing documents created by the employee will be printed out and given to the team leader or supervisor. The IS team leader will delete any personal non-program documents created by the employee. The employee's team leader will inform the IS team leader of documents which should be retained, deleted, or archived.

6. Computer Sign-Off. Employees are instructed to sign off the computer when they leave the office, to prevent someone coming into their office and accessing data and word processing documents. Terminals connected to the mainframe will be automatically disconnected after one hour if there is no activity on the keyboard.

7. Restrictions on Word Processing and Data Entry. An employee may provide another employee with access to a document which he/she has created. The employee who created the document may request IS to transfer the document to the second employee. The second employee may not then transfer the document to someone else.

Sensitive Client Data. Certain client data is considered sufficiently sensitive that the information can only be entered in the electronic records by IS staff following management action. Instructions regarding such data entry is generally contained in the program procedures. IS staff will maintain a file of data entry done upon special request.

October 30, 2001

Accounting Records. The ECS PC/ECS process security is established by the U.S. Treasury. Accounting file maintenance and batch entry is controlled by the agency Financial Officer.

8. Access to Data. Agency staff who need information which is not contained in the programs on their menu can request a report from IS, explaining their need for the information. Persons who are not agency staff may submit a request for program data to the FOIA Officer according to the provisions of the Freedom of Information Act.

MANAGEMENT

**SECTION 7000
AUTOMATED DATA PROCESSING**

MANUAL

**SUBJECT
7100 PERSONAL SOFTWARE ON PCs APPROVED**

9/25/00

**SECTION 7000
AUTOMATED DATA PROCESSING**

**SUBJECT
7100 PERSONAL SOFTWARE**

POLICY.

ONHIR

employees may load personal software which will assist them in their duties on their office computer. Prior approval will be required for the installation of personal software.

Instructions:

1. The installation of computer software can interfere with the computer operating system. The employee must be aware that if the software conflicts with the use of or slows down the PC, the software will have to be removed.

2. Software products carry license agreements. In purchasing a software product the employee agrees to the terms of the license. The employee must assure that loading the software on the office PC does not violate the terms of the license agreement. Personal software can only be loaded to the employee's PC from the original diskette or CD.

3. Employees may not download software from the Internet. Employees may not copy and load software belonging to someone else; this is a violation of the terms of the software license.

4. Use of music CDs does not require authorization. Playing music CDs on the computer should follow the same standards of office courtesy as playing the radio; the sound must not distract from the employee's work, and it must be played at a low volume so as not to bother other staff. Employees playing CDs will lower the volume or turn off the music if requested to do so.

5. Games may not be installed on the PC.

6. The installation of screen savers or wallpaper will follow the authorization procedures listed above, as these additions can also

interfere with the computer operating system.

MM#7100

-1-

ISSUED

March 28, 1994

POLICY MEMORANDUM #8

SUBJECT: RELOCATION SITE FEASIBILITY.

POLICY. The Office of Relocation shall exercise the right to approve the location of the homesite selected by the client for construction of the relocation house. This applies to both reservation homesite leases and lots acquired off-reservation. The determination about the acceptability of the homesite shall generally be made at the time of the initial feasibility study, for reservation leases; and at the time of plan review or resale inspection, for off-reservation locations.

DISCUSSION. Pursuant to 25 CFR 700. 53 and 700.55, it is the policy of the Office of Relocation to provide the client with a relocation house which is decent, safe and sanitary. In order to assure that the relocation house meets the standards established by the ONHIR, the Office has established construction inspection, warranty and home repair programs. However, the location of the site on which the house is constructed, and the siting of the house on the lot, have a significant impact upon the achievement of the standards of ONHIR's quality assurance programs. House construction may be adversely impacted and/or rendered prohibitively expensive by such features as: soils, topography, drainage patterns, flood plain location, bedrock, wind-blown sand, the presence of historic artifacts, access to water and power lines, and access to the site.

Water and power service installation are two of the most important requirements of a safe, decent and sanitary house. All relocation homes must be connected to water, sewer/septic and electricity at the time the client moves into the house (see Policy Memorandum #6). The Office of Relocation has determined that relocation houses built in remote sites and served only by individual cistern/septic and solar photovoltaic systems encounter maintenance problems which the client is not prepared to handle, and which cannot be repaired and maintained by the ONHIR or an existing service agency. For these reasons, the Office of Relocation shall require that reservation homesite leases be located within 1500 feet of an existing water line, and within one-half mile of an existing power line.

Client Advisement. Given the current availability of homesite lease sites in areas accessible to grid water and power systems, the ONHIR shall advise clients during the social counseling stage that the ONHIR will not process lease applications for remote sites. The clients will be instructed to select a site within 1500 feet of an existing water line, and

within one-half mile of a existing power line.

Clients shall also be advised to select an alternate site if the feasibility study demonstrates that there are other problems with the site, such as poor soils, drainage, access, etc.

Off-Reservation Building Lots. The majority of building lots selected by clients moving off-reservation are located in subdivisions which do not present the problems encountered in building on the reservation. Prior to a case being referred to Housing Acquisition the ONHIR will determine whether or not the site is located within a flood plain or presents other problems which will adversely impact the construction of a safe, decent and sanitary house. Any such locations will be rejected.

EXCEPTIONS. The ONHIR may approve and process a homesite lease application or off-reservation lot selection which does not meet site selection standards if the particular circumstances of the case warrant an exception. Waivers will be considered on a case by case basis, and circumstances justifying a waiver cannot be fully described here. Requests for waivers must be recommended by the Inspections and Compliance Supervisor and approved by the Deputy Director. Requests for waiver which are denied by the Deputy Director may be appealed to the Executive Director.

Among the circumstances which may be considered for a waiver are:

1) the client has made a documented effort to obtain local approval for a site with access to water/power, better soils or slope, etc. but no better alternative site can be obtained;

2) the client is currently living on the lease site while lease approval is being processed and has family and traditional use ties to the location and does not want an alternate site;

3) the client acknowledges the deficiencies of the site and has been informed of the potential impacts upon house construction, and makes a fully informed decision that the site is their choice for construction of the relocation house.

APPROVED /s/ Carl J. Kunasek
COMMISSIONER

DATE 8 April 1994

July 13, 1993

POLICY MEMORANDUM #7

**SUBJECT: NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE
FOR NEW LANDS DEVELOPMENT PROJECTS**

POLICY. The Office of Navajo and Hopi Indian Relocation (ONHIR) will not perform environmental assessments for any of the development projects on the New Lands including housing, roads, domestic water systems, electricity, telephone, range improvements and facility development. The ONHIR may, however, require that third party developers conduct environmental assessments for projects that are being funded from sources other than ONHIR appropriations.

DISCUSSION. The ONHIR has been exempted from performing environmental assessments by the following language that is included in Public Law 96-305:

"Sec. 11. The Act of December 22, 1974 (P.L. 93-531), is amended by adding at the end thereof, the following new sections:

Sec. 28.(a). No action taken pursuant to, in furtherance of, or as authorized by this Act, as amended, shall be deemed a major Federal action for the purposes of the National Environmental Policy Act of 1969, as amended."

It is the position of the ONHIR that to perform environmental assessments in light of this legislative language would be contrary to the intent of Congress to complete the relocation program as efficiently and expeditiously as possible. Therefore, for the ONHIR to perform environmental assessments would require special Congressional approval.

EXCEPTIONS. In situations where third parties wish to undertake development activities on the New Lands the ONHIR may require that environmental assessments be conducted prior to granting approval for the undertaking.

APPROVED /s/ Carl J. Kunasek
COMMISSIONER

DATE 20 July 1993

August 3, 1992

POLICY MEMORANDUM #6

SUBJECT: INFRASTRUCTURE PROVIDED TO RELOCATION HOUSES

POLICY. In order to assure that relocation clients receive a decent, safe and sanitary dwelling as defined in 25 CFR 700.55, the Office of Relocation will require that all replacement housing be connected to water, sewer, and electricity in good working order at the time the client moves into the house.

In order to provide infrastructure to relocation houses, the Office of Navajo and Hopi Indian Relocation may contribute to infrastructure projects up to one-hundred percent (100%) of project costs calculated on a per household basis for relocatees who are moving to the area to be served by the project. The ONHIR may contribute an additional thirty percent (30%) of per household costs for relocatees who moved to the community prior to the infrastructure project, and may contribute thirty percent (30%) for remaining project costs.

Contributions for clients moving to an infrastructure project area will be paid from the clients' infrastructure allocation. After the execution of an interagency agreement for the construction project, funds committed from the client infrastructure allocation will remain committed even though the client(s) change their relocation site and withdraw from the project. In such a situation, the amount committed for the project shall be deducted from the client(s) infrastructure allocation at their new site.

DISCUSSION. Due to past problems encountered in moving clients into homes which were constructed and occupied before water and power infrastructure was extended to the area, the ONHIR will no longer allow a client to move into a replacement house until water and power are connected and operational. In order to provide relocation homes with grid water and power systems, the Office of Navajo and Hopi Indian Relocation will engage in cooperative projects with such entities as the Indian Health Service and the Navajo Tribal Utility Authority to extend water and power infrastructure into communities in which relocation housing is being built. The utility provider will inform ONHIR of the total project cost and the number of homes which will be served by the project. After determining the per household cost of the project, the ONHIR may contribute 100% of the per household costs on behalf of relocation clients who are in the process of obtaining homesite leases in the community.

POLICY MEMORANDUM #5

SUBJECT: ACCIDENT INVESTIGATION - LOSS CONTROL

POLICY: It is the policy of the Office that a Board of Review will be convened to investigate and report on the following accidents or incidents:

1. All on-duty employee injuries requiring first aid, medical attention, continuation-of-pay or lost time, including any temporary or permanent disability, regardless of duration.

2. All motor vehicle accidents involving Federally- owned or leased vehicles and employee-owned or rented vehicles while being used on official business, regardless of the amount of damage.

3. All agency property or equipment damage, other than motor vehicles, when the amount of damage or loss exceeds \$50.00.

DISCUSSION: It is the responsibility of each Federal employee to properly use government-owned or leased property and safeguard against loss of, or damage to, such property. Our goal is to assure a safe workplace, adequate equipment, and working conditions which do not constitute hazards to employees. One method to aid in reaching this goal is to review each accident and injury to determine if: (1) Work methods or conditions need to be changed to eliminate or reduce risks which contribute to accidents or injuries; (2) Additional training of employees to identify and avoid risks or unsafe practices is warranted.

Boards of Review will be appointed by the Executive Director in accordance with the provisions of Attachment 1 to this policy memorandum.

EXCEPTIONS: Exceptions to the requirements in Attachment 1 may be made on a case-by-case basis by the Commissioner.

/S/ Carl J. Kunasek July 8, 1992
Carl J. Kunasek, Commissioner Date
Attachment 1, Policy Memorandum #5

ACCIDENT REPORTING

Consistent with the provisions of the Federal Property and Administrative Services Act of 1949, 68 Stat.1128, as amended; 18 USC 641; 41 CFR 101, 25 CFR 700, and FPM 930, the following procedures will be followed in the event of a motor vehicle accident or incident or other such incident as specified in Policy Memorandum #5.

1. Board of Review Composition and Responsibility:

The Board of Review is an ad hoc group consisting of a Chairman designated by the Executive Director, Agency Counsel, the Supervisor of the employee involved, and a peer representative designated by the employee involved. In cases of motor vehicle accidents or incidents, the Property Management Specialist will sit as a Board member. In cases of employee on-the-job injury, the Personnel Officer will sit as a Board member.

The Board of Review is to ascertain the primary cause of the accident or incident and not to recommend discipline or adverse action. The general procedures for conducting a Board of Review may consist of the following:

- The Board reviews the accident report.
- The involved employee describes what happened and answers questions from the Board.
- The investigating officer (if any) provides a report and answers questions from the Board.
- The supervisor describes the accident investigation, its findings, etc., and answers questions from the Board.
- The employee has the right to be represented before the Board of Review, by an attorney or other person.
- The Board, apart from the presence of the employee and the supervisor, considers all information and isolates identifiable causes.
- The Board reports in writing to the Deputy Director, with a copy provided to the employee.

2. Employee Responsibility: Each employee must report any motor vehicle accident or incident (e.g., fuel pump failure, steering

gear failure, etc.), other equipment damage or loss, or personal injury within 24 hours of the accident or incident. Employees must also cooperate with a Board of Review in describing the accident or incident, and answering the Board's questions.

Accidents/incidents require submission of the following:

- Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator
- Standard Form 91, Operator's Report of Motor Vehicle Accident
- Standard Form 94, Statement of Witness (if any)
- Appropriate CA forms in the event of employee injury
- Narrative statement of circumstances of accident, incident, loss or injury
- Law Enforcement Officer's investigative report (if any)

3. Supervisor Responsibility: Each supervisor must cooperate with a Board of Review to investigate the cause(s) of an accident/incident. The supervisor must also provide a narrative statement of their knowledge of the accident/incident, to accompany the employee's report. The supervisor's report must address, at a minimum, the following areas:

- Employee's accident/incident, equipment damage or loss history which may have a bearing on the accident/incident under review
- Any training provided the employee which may bear on the accident/incident under review

4. Fleet Manager Responsibility: The Fleet Manager must provide to the Board of Review a narrative statement of his/her knowledge of the accident/incident under review. The Fleet Manager may be requested to appear before the Board of Review to answer questions.

5. Personnel Officer Responsibility: The Personnel Officer will review any employee injury reports, and provide the Board of Review with information regarding the employee's history of on-the-job injuries. The Personnel Officer will provide the Deputy Director with information regarding the employee's history of disciplinary or adverse actions based on comparable accidents or incidents.

6. Deputy Director Responsibility: The Deputy Director will receive a report of findings from the Board of Review. After considering the findings, the Deputy Director will make recommendations to the Executive Director. Such recommendations may include additional training, changing practices or

procedures, or disciplinary or adverse action as warranted.

7. Executive Director Responsibility: The Executive Director will designate a Board of Review to be convened for each accident, incident, loss or injury as specified in this Policy Memorandum. The Executive Director will consider the Deputy Director's recommendations, and accept or reject them as he deems appropriate. The Executive Director may direct disciplinary or adverse action when warranted.

8. Discipline/Adverse Actions Resulting From Incidents:

The Office cannot risk the consequences of ignoring employee misconduct or negligence, especially as it relates to motor vehicle and equipment operation. Poor driving performance places employees and the public in jeopardy, places the government at risk of tort liability, and is a leading source of accidental loss in the government.

Initial training and remediation is a supervisory responsibility. Employee misconduct should be documented to support disciplinary and/or adverse actions that may be warranted at a later date.

9. Situations Where Adverse Actions May Be Warranted:

- A supervisor's failure to properly train subordinates, or failure to take remedial action to correct poor driving performance;
- Employee convicted of operating under the influence of alcohol or illicit drugs;
- Employee is found to have misused a government-owned or leased vehicle;
- Employee is found negligent as a result of a government vehicle accident. (Employees will not be held financially liable for damage or loss of a vehicle when the damage or loss is attributable to inadequate instruction, or inherent defects in the vehicle.)
- Employee is convicted of leaving the scene of an accident without making himself/herself known;
- Employee is convicted of moving traffic violations with a government vehicle;
- Employee's State license is revoked or suspended;
- Employee exhibits high accident frequency or

abnormally high dollar accident costs;

- Employee fails to comply with administrative orders relating to motor vehicle care and operation; and/or
- A qualified physician finds that the employee fails to meet the required physical standards.

10. Actions That May Be Taken Against Employees:

- If damage is a result of negligence, the employee may be held financially liable for the amount of loss, damage or destruction of government property; -
Suspension of government driver's license and government driving privileges;
- Letter of warning or official reprimand;
- Suspension from duty without pay; and
- Separation from employment in extreme cases.

11. Use of Personal Vehicles - Insurance and Financial Responsibility:

The use of personal vehicles for the benefit of the government is prohibited unless officially authorized. When such authorization is given, the employee is reimbursed on a mileage basis. Since the cost of collision and liability insurance is a component of the mileage rate-setting process, employees must seek reimbursement from their private insurance carrier for loss or damage to their personal property while under a POV travel authorization. Employees may file a claim under the Military Personnel and Civilian Employees' Claims Act for up to the deductible amount in the employee's personal vehicle insurance policy.

Employees cannot be held personally liable for damage or injury to third parties if properly acting within the scope and authority of their employment. This does not, however, indemnify the employee from discipline or adverse action for negligence.

October 30, 1991

POLICY MEMORANDUM #4

SUBJECT: CONTRACTOR SALES AND SOLICITATION PRACTICES

POLICY. The Office of Relocation will make every effort to assure that relocatees receive the full value of their housing benefit by eliminating to the maximum extent possible inappropriate behavior on the part of contractors and agency staff which results in increased housing costs and unethical practices. The ONHIR will provide clients with equal access to all contractors. The ONHIR will investigate and take appropriate action against contractors who offer inducements outside of the contract process, or who misrepresent or engage in improper sales practices in order to secure a contract for the construction of relocation housing. All consideration agreed upon by the client and the contractor must be incorporated into the construction contract and related documents, and a provision to this effect to be signed by both the client and the contractor will be added to the construction contract effective September 9, 1991.

DISCUSSION. The ONHIR has received complaints from relocatees and contractors about the methods used by certain contractors to solicit business. The complaints allege that certain contractors and/or their agents have paid incentives to secure construction contracts with relocatees. It has also been reported that contractor's agents have told clients that they "represent the Government" or have made similar statements intended to mislead the clients in the selection of a contractor. Finally, the ONHIR has received reports from contractors that staff of the agency have made recommendations to relocatees regarding the contractor they should select.

In order to curb these abuses, the ONHIR has issued a letter on September 6, 1991 to all contractors who do business with the agency identifying unacceptable activities and conduct on the part of contractors and agency staff. The ONHIR has adopted the following policy guidelines regarding contractor selection.

1. Relocatees will be instructed not to begin the process of selecting house designs and contractors until they have completed the initial housing interview.
2. Relocatees will be advised to select their contractors on the basis of the features which the contractor will provide in the home.
3. Relocatees will be advised that promises of payment to them of incentives such as cash, goods or furniture are not a part of the relocation construction contract and as such are not enforceable against the contractor.

February 15, 2001

POLICY MEMORANDUM NO. 11

SUBJECT: 25 CFR §700.709

**NEW LANDS GRAZING PERMITS
WAIVER OF REGULATIONS**

POLICY:

The Office of Navajo and Hopi Indian Relocation (Office) will not republish a notice establishing a date which closes the period for application for New Lands Grazing Permits. Those persons who are still eligible to receive a “guaranteed” New Lands Grazing Permit will be notified by the Office. The notice will be delivered personally if possible. If not, it will be sent by certified mail, return receipt requested, to their last known address. The notice will tell such persons that they are eligible for a New Lands Grazing Permit provided they apply for such permit within sixty (60) days of receipt of the notice. After such notification, the Office will determine the number of discretionary permits available under 25 CFR §700.709(a), and will proceed to issue permits as will best facilitate relocation.

DISCUSSION:

Pursuant to 25 CFR §700.13(b) the ONHIR (Office) may waive any requirement of its regulations if such requirement is not required by law and if the Office finds such waiver to be in the best interests of the individual Indian applicants, the Office, and the United States.

On June 9, 1992, the Office published in the Federal Register (Vol. 57, No. 111, at pg. 24363) a final rule regarding New Lands Grazing privileges. The rule, 25 CFR 700.709(d), provided that the Office would determine when the application period for New Lands Grazing Permits will close and that a notice of that date would be published. On March 20, 1997, at Vol. 62, No. 54, p. 13402, the Office published a notice establishing June 2, 1997, as the date that closed the period for application for New Lands Grazing Permits. The June 2, 1997, date was never implemented because of the ongoing implementation of the Settlement (Accommodation) Agreement, and the approximately 65 persons then eligible to receive a New Lands Grazing Permit were not contacted personally, as stated in the notice.

The Office has reviewed the list of persons who are eligible for a New Lands Grazing Permit and has determined that there are approximately fifteen (15) persons who have not yet relocated or have not signed Accommodation Agreements, or who have not received Ninety Day Notices to Vacate, who are still eligible for New Lands Grazing Permits. These persons will be notified of the sixty (60) day time period during which they must apply for a New Lands Grazing Permit and that their failure to do so will mean that they are no longer “guaranteed” eligibility for such a permit.

The Office has determined that publication of a new application date in the Federal Register would not effectively notify the persons still eligible for a permit and that it is in their best interests, and is in the best interests of the Office and the United States, to waive the requirement of 25 CFR §700.709.

After the Office notifies the fifteen (15) persons still eligible, the Office will proceed to issue discretionary New Lands Grazing Permits pursuant to 25 CFR §700.709(d), as will best facilitate relocation.

APPROVED /s/ C.J. Bavasi

DATE: 3/1/01

Executive Director

October 17, 2000

POLICY MEMORANDUM NO. 10

SUBJECT: ONHIR Internet Policy

POLICY: The ONHIR Internet Policy is hereby adopted.

DISCUSSION: On February 12, 1999, the ONHIR issued its Interim Internet Policy to all ONHIR employees which outlined the privileges and restrictions for Internet and E-mail use which all employees were required to adhere to. The Office has now determined that said policies, as amended, are appropriate and proper to ensure the security and integrity of the ONHIR computer systems and that these policies mandate permanent adoption and implementation.

EXCEPTIONS: There are no exceptions to this policy.

APPROVED /s/ Christopher J. Bavasi
Executive Director

DATE: 11/13/00

ONHIR INTERNET POLICY

Section 1: USE OF THE INTERNET

SCOPE.

Effective January, 1999, the Office of Navajo and Hopi Indian Relocation provided all employees with access to personal computers (PCs) which are capable of connecting to the Internet. The Internet provides a source of information which can benefit the professional and personal development of each employee of the Office of Navajo and Hopi Indian Relocation and can benefit the ONHIR through enhanced job performance.

In order to exercise this privilege, employees were required to participate in training scheduled by the agency and to familiarize themselves with the acceptable use of the Internet.

BACKGROUND.

The Internet is comprised of thousands of interconnected networks which provide digital pathways to millions of information sites. Because these networks subscribe to a common set of standards and protocols, users have worldwide access to Internet hosts and their associated applications and databases. Electronic search and retrieval tools permit users to gather information and data from a multitude of sources and to communicate with other Internet users who have related interests.

Access to the Internet provides government agencies with the opportunity to locate and use current historic data from multiple sources in their decision making processes. Employees are encouraged to develop the skills necessary to effectively utilize these tools in the performance of their jobs and to prepare themselves for future employment when the agency closes.

POLICY.

It is the policy of the ONHIR that employees will be encouraged to access the Internet using ONHIR computer equipment during work and personal time on agency premises to build their search and retrieval skills. It is expected that employees will use the Internet to improve their job knowledge; to access legal, regulatory, technical, and other information on topics which have relevance to the ONHIR; and to communicate with employees of other government and private agencies whose services and products relate to the work of the ONHIR.

Users must be aware that when they access the Internet using the ONHIR sign-on address they will be perceived by others as representing the ONHIR. Users may not use the Internet for any purpose which would reflect negatively on the ONHIR or its employees.

Improper or unauthorized use of the Internet, including the E-mail function discussed in the next section, may be grounds for restricting the employee's use, and/or disciplinary action.

DOWNLOADING INFORMATION.

With authorization, staff may download files or graphics for government business purposes only. Downloading is a process by which a copy of a document or file is transferred to and stored on a computer for future retrieval and use. Downloading files can result in operating system conflicts and can import viruses to the system and the PC. Consequently, with the exception of those key positions to which pre-approval has been granted, all staff must obtain advance approval from the IS Manager prior to downloading files onto their personal computer.

USE OF THE INTERNET.

The ONHIR computer system is for official use. Personal use is permitted in accordance with the guidelines below. Employees who are skilled at using the Internet are encouraged to guide and encourage other employees. **ONHIR employees are permitted to engage in the following activities:**

1. Access job-related information as needed to meet the requirements of their jobs.
2. Access information and graphics to enhance Internet use skills. It is expected that these skills will be used to improve the accomplishment of job assignments.
3. Search for job opportunities. Recognizing that the ONHIR is gradually phasing down, employees are encouraged to engage in job search to prepare themselves for other employment.

The following uses of the Internet are not allowed, either during working hours or on personal time, using the ONHIR equipment. Employees may not:

1. **Access or visit, retrieve, download, print, store, create, transmit or copy text from**, any Internet site which displays or advocates material which is sexually explicit in nature or related to sexual orientation, gambling, illegal weapons, terrorist activity, is offensive to co-workers or the public which shall include hate speech, and/or material which ridicules others based on race, creed, sex, religion, color, disability, national origin, culture or sexual orientation.
2. Access, retrieve, or print text or graphics which exceed the bounds of generally accepted standards of good taste and ethics.
3. Engage in any unlawful activity or any other activity which would in any way bring discredit to the ONHIR.
4. Offer services or merchandise for sale on the Internet.
5. Purposely engage in any activity or access an Internet site which would allow someone to invade the ONHIR computer system for the purpose of accessing, altering, or destroying agency records.
6. Engage in any fund raising activity, endorse any product or services, participate in any lobbying activity, or engage in any prohibited political activity.
7. Employees may not disclose their passwords to visitors or family members.

Visitors and family members are not permitted to access the Internet using an employee's PC.

USER RESPONSIBILITIES.

Employees shall limit the amount of time spent accessing Internet sites for personal use. As a guideline, personal use of the Internet should be limited to morning and afternoon breaks, lunch breaks, and after hours. Employees are specifically responsible for:

1. Following agency security policies and procedures in their use of Internet services and will refrain from practices which might jeopardize the ONHIR computer systems and files.
2. Familiarizing themselves with any special requirements for accessing, protecting and utilizing data, including Privacy Act materials, copyrighted materials, and procurement sensitive data.
3. Conducting themselves in a way that reflects positively on the ONHIR.

MONITORING.

The ONHIR is contracting for Internet service through NAU. The service screens out certain inappropriate sites from user access for all subscribers. These sites include pornography, gambling, drugs, militancy, dating, and violence.

The service provider routinely provides ONHIR with a report of the sites accessed by ONHIR employees. This report records the date and time the sites were accessed. These reports are intended to provide management with information about the extent and nature of Internet use by employees.

MONITORING EMPLOYEES.

If a supervisor is concerned that an employee may be spending government time accessing the Internet for personal use; or is accessing inappropriate sites, the supervisor may request the IS Manager to individually electronically monitor the employee's use of the Internet. Employees need to be aware that any site they visit on the Internet may be subject to scrutiny and accordingly should assure themselves that it is an appropriate site and that their action in visiting the site will not reflect poorly upon the ONHIR or the government. Staff are cautioned that although our server does screen out inappropriate sites, this process is not 100% effective and that ultimately the responsibility for the proper use of the Internet at work rests with the employee.

SUPERVISOR RESPONSIBILITIES.

When questions arise, supervisors with line authority shall be responsible for making the initial determination about the appropriateness of their employee's use of the Internet. This shall include the acceptability of Internet sites visited and the determination of personal time versus official work hours.

Issues of employee conduct with respect to Internet use which are not resolved at the supervisory level will be referred through the chain of command for resolution.

Section 2: USING E-MAIL

SCOPE.

With the installation of the Internet, ONHIR employees will have access to electronic mail. E-mail will allow ONHIR employees to communicate more efficiently and economically but there are responsibilities which accompany this new tool. Federal law and regulation about electronic mail is still evolving. In the meantime, existing laws and regulations, including the Federal Records Act, the Freedom of Information Act, and the Privacy Act, apply to electronic mail just as they do to paper and other media.

POLICY.

It is ONHIR policy to encourage all employees to take advantage of the increased efficiencies made possible by electronic mail in conducting agency business. Employees shall have desktop access to electronic mail for both sending and receiving messages. Electronic mail is by far the least expensive form of communication available and, absent other factors, it should be the communications medium of choice. Correspondence should be transmitted via electronic mail when possible. It is anticipated that electronic mail will be used as extensively as feasible for communications with other federal agencies, with state and tribal government agencies, contractors and vendors.

Employees may use electronic mail for personal communications with restrictions equivalent to those governing the use of government telephones. Employees are advised that there is no expectation of privacy with respect to their personal E-mail. Personal E-mail communications must be infrequent, brief, and present minimal cost to the government. E-mail may be used to communicate with offices and businesses which are only open during regular working hours, when it would be impractical for the employee to have to leave the office. E-mail may also be used to contact family members when necessary to communicate an urgent or important message.

Electronic mail messages may be government records. Supervisors shall apply management controls in order to ensure compliance with applicable laws and regulations and accepted standards for record keeping, accountability, and protocol.

GENERAL USE AND PROTOCOLS.

1. Some electronic mail messages may constitute official government records and as such they may be subject to release pursuant to the Freedom of Information Act and/or all other legal requirements that deal with government records. They also may be subject to the civil "discovery" process used by parties to litigation.

2. Since electronic mail messages can be official government records they are not private, however, they are generally kept confidential. They may be reviewed by supervisors in the same manner that mailed and faxed communications are reviewed. All electronic mail messages should be analyzed for their status as records or non-record materials under the Federal Records Act.

3. Client file information and other information which requires approval of the Freedom of Information/Privacy Act Officer for release from the manual records, also requires

approval for release via E-mail. Such requests should be directed to the FOIA/Privacy Act Officer.

4. The same standards of civility apply to electronic mail as to other forms of communication. Use of profanity, slang, racial or ethnic slurs, sexually harassing language, and slander are as inappropriate in electronic mail as elsewhere, and will not be tolerated. Users are cautioned to choose words carefully, as facial expressions and verbal inflection are not available to clarify the user's meaning or intent. E-mail must adhere to the same standard of conduct as expected in any written business communication.

5. Users need to be aware of the impact of over-sized files and extremely large volumes of mail on agency printing facilities and adjust their requests to printer availability accordingly.

6. Electronic mail may not be used to advertise personal services or goods for sale.

7. Staff are cautioned concerning the opening of E-mail and/or attachments from unknown sources as they may contain viruses which can result in damage to the ONHIR network and/or the personal computer.

8. Users are responsible for using the electronic mail professionally and considerately. Misuse of electronic mail facilities is cause for restriction on use and/or disciplinary action.

RESPONSIBILITIES OF USERS:

1. Employees are responsible for the general management and security of their mail, mailboxes and passwords. They are responsible for checking their own mail in a timely manner and for making arrangements for their mail to be checked when they are out of the office for extended periods of time. They may disclose their passwords to a supervisor or other staff who have need to know, such as a secretary who must retrieve E-Mail in the employee's absence. If a staff member is expecting business correspondence which needs prompt action (ie. letter from an insurance company or contractor) and plans to be out of the office, the secretary or supervisor should be able to retrieve the document for appropriate action.

2. Correspondence or memoranda which is sent via electronic mail must adhere to standard routing procedures. If a supervisor or team leader's signature or concurrence is required on a paper document, E-Mail will also require the team leader or supervisor's concurrence.

3. Correspondence sent by electronic mail should follow the standard correspondence addressing procedures. The layout and features should be as simple as possible. It should not contain bolds, underlines, special fonts, tables, or other features as they do not always translate well from other software to electronic mail and may create printing problems for the recipient.

4. Users are responsible for assuring that the ONHIR's manual files are complete and that the manual copies are filed in the appropriate section of the manual file. When E-mail is sent to or received from an outside agency, vendor, contractor, etc., it is the responsibility of the originating staff member (or receiving staff member) to print a copy of the electronic correspondence, with attachments, if any, for the manual file, which may be a project file, client file, contract file, or vendor file. The paper file copy of the electronic correspondence must contain

the transmission data, including the names of the sender and the addressee, the date the correspondence was sent, and the fact that the correspondence was sent by electronic mail. The same procedures shall be followed on internal E-mail (electronic correspondence or memoranda sent from one ONHIR staff member or department to another.) *The foregoing applies to all E-mail which is government business related and meets the definition of an "agency record."*

5. "Record" E-mails shall be maintained on the User's computer for a period of not less than 180 days before they are deleted.

6. Staff may receive E-mails which contain reference material or technical material which they may wish to maintain on their computer for future use. E-mails of this nature can be maintained on the employee's computer for an indefinite period of time at the discretion of the employee.

7. Electronic messages or mail of a temporary nature, such as notices of staff meetings, CFC Fund raising, in-house training, training courses, temporary acting delegations, agency functions of a social nature such as potlucks, etc., should be deleted from the electronic record when the event has been completed.

8. E-mails which are purely personal in nature should be deleted after being read by the addressee. Outgoing personal E-mails should be deleted by the employee as soon as is reasonable.

9. Employees are cautioned that compliance with the foregoing schedule is important. E-mail backups are created by capturing E-mails as they arrive from the server. These backups are for recovery purposes only and are written over on a weekly basis. Consequently, failure to properly save an important E-mail could result in it being permanently lost.

Employees are reminded that their use of the Internet is a privilege. There are no exceptions for the foregoing policy and compliance is mandatory. The Office has set in place monitoring functions to assure this compliance. Failure to adhere to these policies will result in disciplinary action. If you have questions concerning these policies, you may contact the Personnel Department and IS Branch.

April 24, 1995

POLICY MEMORANDUM NO. 9

SUBJECT: 25 CFR 700.1(a) - WAIVER OF REGULATIONS

WAIVER OF TIME LIMITS FOR FILING OF APPEAL OF NOTICE OF DENIAL OF RELOCATION ASSISTANCE BENEFITS.

WAIVER OF TIME LIMITS IN OTHER REGULATIONS AND POLICIES

POLICY.

1. The Office of Navajo and Hopi Indian Relocation will not consider requests for waiver of the time limit for filing an appeal of the notice of denial of relocation benefits from those applicants from whom the office received personally signed return receipts but who did not timely file an appeal.
2. Regarding requests for waivers or extensions by certified eligible relocatees of any other time limit for the filing of a claim or taking action under O.N.H.I.R. regulations, policy and the O.N.H.I.R. Management Manual, other than those mentioned above in Paragraph 1, the O.N.H.I.R. will consider such requests on a case by case basis to determine whether good cause exists for missing a deadline. Applicants will be required to demonstrate reasonable good cause through sworn affidavits and other relevant documentation explaining the circumstances which caused their failure to take timely action.

DISCUSSION

The O.N.H.I.R. has received requests for waiver of the time limit for filing an appeal of denials of relocation assistance. Under the decision in Sands v. N.H.I.R.C., applicants who were denied relocation benefits but from whom the agency received personally signed return receipts for the Notice of Denial but did not timely file an appeal, are not allowed to file for a waiver pursuant to the decision. The O.N.H.I.R. will therefore not consider requests for such waivers from such applicants.

Regarding requests from certified eligible relocatees for waivers or extensions of other time limits contained in O.N.H.I.R. regulations, policy and the O.N.H.I.R. Management Manual, such requests will be considered on a case by case basis according to the policy stated above.

EXCEPTIONS

At the present time there are no exceptions to this policy.

APPROVED /s/ C.J. Bavasi **DATE:** 4/24/95
Executive Director