

Chapter 1 GENERAL PROVISIONS AND ENTERPRISES, DIVISIONS AND BOARDS

**Salt River Pima-Maricopa
Indian Community**
10005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER: - SRO-472-2015

TO AMEND CHAPTER 1, ARTICLE III, DIVISION 3, SEC. 1-354 THROUGH SEC. 1-392 OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY CODE OF ORDINANCES IN ITS ENTIRETY AND ADOPTING A REVISED SEC. 1-354 THROUGH SEC. 1-392 TO CLARIFY AND ENHANCE SERVICES AND OUTREACH TO SENIORS AND DISABLED INDIVIDUALS IN THE COMMUNITY

BE IT ENACTED THAT:

Chapter 1, Article III, Division 3, Sec. 1-354 through Sec. 1-392 of the Salt River Pima-Maricopa Indian Community Code of Ordinances is hereby repealed in its entirety and a revised Chapter 1, Article III, Division 3, Sec. 1-354 through Sec. 1-392 is hereby enacted as follows:

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ARTICLE III. COMMITTEES

DIVISION 3. SENIOR HOME REPAIR OR REPLACEMENT PROGRAM COMMITTEE

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Sec. 1-354. Title.

The Salt River Pima-Maricopa Indian Community Council (Community Council) established the Senior Home Repair or Replacement Program (SHRRP).

(Code 1981, § 15.6-1; Code 2012, § 1-155; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-155, 5-30-2012)

Sec. 1-355. Purpose.

- (a) *Generally.* The purpose of the SHRRP is to provide assistance to senior or disabled Community members to improve their housing conditions by providing them the opportunity for a safe and healthy home that facilitates a suitable quality of life.
- (b) *Historic needs.* The program is intended to address and reverse historic patterns of inadequate housing within the Community, and to ensure that seniors, elders and people with disabilities continue to live within the reservation as a way to preserve the culture and traditions of Community.
- (c) *Need based program.* The SHRRP is a social benefit program established pursuant to the sovereign authority of the Community in order to promote the general welfare and meet specific needs of the Community. The program is intended to qualify for tax-free assistance to the extent permitted under the IRS general welfare doctrine. As such, all benefits are provided on a needs basis (which may be based on individual and/or Community need); program benefits may not be conditioned on the performance of services; and all program expenditures must serve a social benefit to the Community. Only those benefits administered pursuant to the IRS requirements shall be provided on a tax-free basis.

(Code 1981, § 15.6-2; Code 2012, § 1-156; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-156, 5-30-2012)

Sec. 1-356. Senior home repair or replacement program (SHRRP) committee.

- (a) A SHRRP committee shall be established for the purpose of administering this program. The committee shall consist of seven representatives, one designee from each of the following:
 - (1) Senior Services Department;
 - (2) Health and Human Services Department;
 - (3) Engineering and Construction Services Department;
 - (4) Community Council Representative;
 - (5) Senior and Disabled Community Advisory Committee (SDCAC) Representative;
 - (6) Lehi Community Representative; and
 - (7) Salt River Community Representative.
- (b) The two Community representatives shall be from the senior and disabled population of the Community (one from Lehi and one from Salt River), and the committee representatives under Sec. 1-356(a)(4)-(7) shall be appointed by the Community Council and will serve a two (2) year term in duration.
- (c) The committee shall adopt policies and procedures for the purpose of carrying out this Division and ensure compliance with the requirements of those policies and procedures.

(Code 1981, § 15.6-3; Code 2012, § 1-157; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-157, 5-30-2012)

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Sec. 1-357. Definitions.

The following words, terms and phrases, when used in this division within this Community Code of Ordinances, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building Code means construction, safety, and development standards adopted by the Community.

Community member means an individual duly registered on the Community enrollment rolls.

Disability or *disabled* means a Community member with a chronic impairment (physical, mental, emotional, psychological or social) and including those receiving regular dialysis treatment which interferes with meeting their needs for self-sufficiency.

Non-Enrolled member means an individual not duly registered on the Community enrollment rolls.

Primary residence means the home or dwelling located in the Community where the applicant is physically residing for at least one (1) continuous calendar year.

Senior means any individual 55 years of age or older.

(Code 1981, § 15.6-3.1; Code 2012, § 1-158; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-158, 5-30-2012)

Sec. 1-358. Eligibility and prioritization.

(a) *General criteria.* An individual (applicant) applying to SHRRP shall:

- (1) Be a Community member; and
- (2) Be a senior or disabled; and
- (3) Have an existing home that is used as the applicant's primary residence; and
- (4) Have a home that creates life, safety, health and welfare risks to the applicant due to building code violations or other risk factors.

(b) *Priority status.* Prioritization for services to applicants will be based upon critical life safety concerns and related needs.

(c) *Needs basis.* All benefits under this program must be administered on a needs basis. Before benefits are paid, a determination must be made that the benefits are necessary to satisfy an individual need of the applicant and/or an overriding need of the Community:

- (1) *Community need determinations.* Repairs that are necessary to keep a home in compliance with Community health and safety building codes are presumed to meet an overriding need of the Community.
- (2) *Individual need determinations.* Individuals who have income below 100 percent of the Maricopa County area median income, as adjusted annually by the United States Department of Housing and Urban Development (HUD), shall be presumed to have a financial need.
- (3) *Facts and circumstances.* Individuals who have income above the median income guidelines may demonstrate financial need on a facts and circumstances basis, for example, by showing household expenses and financial obligations that evidence a financial need. The committee may also consider Community need determinations based on individual circumstances that do not fit within an existing Community health and safety code; provided that the committee determines that repairs are necessary for the overall health and safety of the Community regardless of individual need.

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- (4) *Individual certification.* Each applicant shall certify his or her eligibility for program benefits under penalties of perjury. Applicants receiving individual income based benefits and who are above the presumptive income guidelines will be required to provide additional financial information as requested by the committee. All certifications of eligibility may need to be verified periodically for continued program eligibility.
- (5) *Committee certification.* The committee shall certify on each application that it has made a determination that program benefits are necessary to achieve a stated program purpose and benefits satisfy an individual need of the applicant and/or an overriding need of the Community.
- (d) *Committee role.* The committee shall be responsible for determining whether an individual meets all applicable Sec. 1-358 criteria and will determine prioritization of services based upon life safety needs.
- (e) *Non-Enrolled members.* Non-Enrolled members of the Community who meet the eligibility criteria in this subsection (e) may receive SHRRP assistance upon recommendation from the committee to the Community Council for approval. To meet the Non-Enrolled member eligibility criteria the applicant shall:
 - (1) Be a senior or disabled; and
 - (2) Have an existing home that is used as the applicant's primary residence; and
 - (3) Have a home that creates a risk to the life, health, safety, or welfare of the applicant due to building code violations or other risk factors.

(Code 1981, § 15.6-4; Code 2012, § 1-159; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-159, 5-30-2012)

Sec. 1-359. Categories.

SHRRP assistance will be provided, subject to the availability of funds, in the following categories:

- (a) Category "A": For repairs to housing to meet life and safety compliance standards;
- (b) Category "B": For emergency repair service;
- (c) Category "C": For new housing or structural renovation to an existing house.

(Code 1981, § 15.6-5; Code 2012, § 1-160; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-160, 5-30-2012)

Sec. 1-360. Purpose of category "A."

The purpose of category "A" assistance is to provide for maintenance or repairs to eligible applicants. No applicant may receive maintenance or repair service to more than one (1) primary residence under this category "A."

(Code 1981, § 15.6-6; Code 2012, § 1-161; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-161, 5-30-2012)

Sec. 1-361. Purpose of category "B."

The purpose of category "B" assistance is to provide weekend and evening emergency home repairs for eligible applicants. Only repairs needed to the applicant's heating/cooling system (HVAC) or plumbing will qualify for category "B" assistance. No applicant may receive emergency repairs to more than one (1) primary residence under this category "B."

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(Code 1981, § 15.6-7; Code 2012, § 1-162; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-162, 5-30-2012)

Sec. 1-362. Purpose of category "C."

- (a) The purpose of category "C" assistance is to construct a new home or structurally renovate an existing home when the SHRRP committee determines that the applicant's current home cannot be repaired pursuant to category "A" life and safety compliance standards.
- (b) To inform and educate category "C" applicants on the maintenance of their home, use of utilities, insurance and basic home repairs.
- (c) No applicant may receive more than one (1) renovated or replacement home under this category "C."

(Code 1981, § 15.6-9; Code 2012, § 1-164; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-164, 5-30-2012)

Sec. 1-363. Application.

An applicant shall apply for assistance and provide any information determined necessary by the committee. A SHRRP representative shall be responsible for assisting Community members in gathering the information necessary for completion of the application process.

(Code 1981, § 15.6-10; Code 2012, § 1-165; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-165, 5-30-2012)

Sec. 1-364. Application review.

- (a) Upon completion of the application process, a SHRRP representative shall present the applications to the committee. Applicants meeting all applicable Sec. 1-358 requirements will be reviewed and ranked by the committee to determine whether:
 - (1) Assistance is to be provided;
 - (2) The type of assistance to be provided; and
 - (3) The order among recipients by which assistance will be provided.
- (b) The factors the committee shall consider when reviewing and ranking applications shall include health, welfare and safety issues, urgency of need, and financial need. The committee shall make a decision according to the criteria identified in this section.

(Code 1981, § 15.6-11; Code 2012, § 1-166; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-166, 5-30-2012)

Sec. 1-365. Funding.

Funding for SHRRP will be provided for from net gaming revenues. Assistance is limited to funds available. The SHRRP committee makes no guarantee that funds for the program will be available or that successful applicants will receive the maximum benefit under any category of assistance. Program benefits cannot be assigned, pledged or alienated, and shall be considered unfunded for tax purposes.

(Code 1981, § 15.6-12; Code 2012, § 1-167; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-167, 5-30-2012)

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Sec. 1-366. Appeals.

Appeals from decisions of the committee may be made to the Community Council. Appeals shall be in writing, under the rules and procedures established by the Community Council. Decisions of the Community Council are final.

(Code 1981, § 15.6-13; Code 2012, § 1-168; Ord. No. SRO-320-07, 9-26-2007; Ord. No. SRO-402-2012, § 1-168, 5-30-2012)

Secs. 1-367—1-392. Reserved.

C E R T I F I C A T I O N

Pursuant to the authority contained in Article VII, Section 1(k), of the Constitution of the Salt River Pima-Maricopa Indian Community (as amended), ratified by the Tribe on February 28, 1990, and approved by the Secretary of the Interior on March 19, 1990, the foregoing Ordinance was adopted this 5th day of August, 2015, in a duly called meeting of the Community Council at Salt River, Arizona, at which a quorum of 8 members was present, by a vote of 8 for; 0 opposed; 0 abstaining; and 1 excused.

SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COUNCIL

Martin Harvier

Martin Harvier, Vice-President

ATTEST:

Erica Harvier
Erica Harvier, Council Secretary

Approved as to Form by the
Office of the General Counsel
Niccole L. King
January 7, 2015
Niccole L. King