

**Note: The Nation has already adopted a Hazard Mitigation Plan as required by FEMA.**

## **Muscogee (Creek) Nation Storm Shelter Program Policy**

**Purpose:** To create policy to implement with the Nation's Storm Shelter Program that is designed to provide safe shelter and protection from violent storms, tornados, and unforeseen disasters.

### **Definitions:**

- Applicant – an individual(s) who own(s) and occupy(ies) real property that is intended to be improved for safety and protection from natural disasters. Applicant must meet guidelines and be eligible for Storm Shelter Program.
- Application – a written form created and utilized by the Nation's Natural Resources program to be filled out, signed and dated by the Applicant which includes information the Nation needs to determine whether the Applicant is eligible and approved for the Storm Shelter Program. The form will be developed by the Nation's Natural Resources program.
- Primary Residence – the dwelling in which the owner resides and to which he/she holds title. Title must be recorded for ownership. Applicants who are participating in the NAHASDA Lease to Own Program are eligible to apply. An individual may only have one Primary Residence. The Primary Residence must be within the jurisdictional boundaries of the Muscogee (Creek) Nation.
- Storm Shelter Program - to provide storm shelters for privately owned homes of Muscogee (Creek) citizens living within the jurisdictional boundaries.
- Rural – outside of city limits and towns with populations less than 3,000.
- Ambulatory disability- diagnosed medical condition resulting in a physical and permanent disability to such a degree that that an individual has serious difficulty walking or climbing stairs

### **Applicant Requirements:**

- Copy of Muscogee (Creek) Nation citizenship card
- Social Security cards for all household members
- Copy of warranty deed or quit claim deed to show proof of home ownership; Muscogee (Creek) Nation Lease with Option to Purchase (aka "Lease to Own") program participants should provide a copy of the Lease with Option to Purchase Agreement.
- Copy of proof of residency in applicant's name such as utility bill, voter registration card, income tax returns, or county assessor's office mail with name and address to show Primary Residence
- All required Application forms completed

- No accounts in default, outstanding debt owed, or delinquent status with the Muscogee (Creek) Nation Housing Department
- Documentation from physician indicating an ambulatory disability, if you are handicapped or disabled and requesting above ground shelter
- **Preference:**

The Storm Shelter Program will award preference points for each category an Applicant qualifies for. This point system allows for special consideration of those Muscogee (Creek) citizens who may be of higher risk of safety concern. The maximum amount of points awarded is seven (7) preference points and applicants will be ranked and selected based on total number of points awarded.

- Muscogee (Creek) Nation Elder citizens – 65 years and older Ages 65-74 receive one (1) preference point, Ages 75 and up receive two (2) preference points
- Muscogee (Creek) Nation citizens who are handicapped and/or disabled (must provide doctor's note or sufficient medical documentation) Please note: A preference point will be awarded for proof of disability but to be eligible for an above ground shelter, an **ambulatory** disability must be established as defined above
- Muscogee (Creek) Nation citizens providing caretaker services to a disabled or 75+ year old Muscogee (Creek) Citizen permanently residing in the home of the applicant
- Muscogee (Creek) Nation veteran citizens
- Muscogee (Creek) Nation citizens who reside in rural areas
- Muscogee (Creek) Nation citizens residing in mobile or manufactured homes that also own the real property the mobile home is placed on.

**General Information:**

The Muscogee (Creek) Nation will provide limited funding for the installation of approved storm shelters for eligible citizens who are homeowners. Eligible citizens must apply and be awarded. The payment will only be made after the Natural Resources Manager has approved the application and the Tribal citizen has received a letter of approval for the program and the Tribal citizen returns the vendor/contractor's invoice and proof of warranty after the shelter has been installed. The contractor will be selected by the Muscogee (Creek) Nation; Homeowner may not select a different contractor. Homeowners may install a below- or above-ground storm shelter as awarded. However, if an applicant is requesting an above-ground storm shelter, he or she must provide medically sufficient documentation of a physical disability that warrants an above ground safe room as indicated above and in the Definitions section.

**Income based Assistance for Concrete Slab Installations:**

If an awarded applicant ("awardee") qualifying for an above-ground shelter is found by inspection of the contracted shelter installer or other authorized personnel to lack sufficient infrastructure, specifically a sufficient concrete slab, to install the above ground shelter, the awardee may seek one of two options.

Option 1: In lieu of the above ground shelter, the awardee may request a below ground shelter to be installed.

Option 2: The awardee may apply for funding to have a concrete slab installed subject to funding availability and income based restrictions.

Those income based restrictions shall be consistent with **80% of the Median Family Income (MFI)** of the United States as referenced by NAHASDA based on **family size**. (For FY 2017, MFI is \$68,000.00 per Office of Native American Programs, Office of Public and Indian Housing, Program Guidance Document No. 2017-04 May 18, 2017.) **For this program, family size reflects family members living in the home more than half of the year**. Awardee shall complete and submit the application for supplemental slab funding within fifteen (15) days of notification of insufficient existing infrastructure for an above ground storm shelter. Awardee shall attach proof of annual income such as:

1. the most recent years tax return filing,
2. the most recent years' W2 or 1099,
3. past two months of paystubs,
4. bank statements,
5. income verification letter issued by the awardee's employer,
6. Annual Retirement or Disability benefits letter verifying amount awarded,
7. Other sufficient and official documentation establishing income.

Upon applying and establishing eligibility, Awardee's slab installation will be cost estimated and performed by a contractor selected by the Nation. Awardee's applying for supplemental funds shall be awarded first come, first served until funding is depleted. After depletion of funds, Awardee's may chose Option 1 or decline the shelter and reapply for a shelter in the next funding cycle.

**Program Process:**

1. The Applicant will request or pick up application from the Division of Agriculture and Natural Resources, available in person or online.
2. Applicant will complete application and submit all necessary support documentation to the Division of Agriculture and Natural Resources. DO NOT SUBMIT ORIGINAL DOCUMENTS SUCH AS DEEDS.
3. The Director of Agriculture and Natural Resources or other designated employee shall review application, award applicable preference points, and approve eligible Storm Shelter Program applications.

4. Award or denial letters will be mailed out to applicants. Awarded applicants will also receive information authorizing installation of storm shelter by the approved contractor.
5. Awarded applicants have 15 days to confirm receipt of letter and to accept award.
6. Awarded Applicant will work with approved vendor/contractor to get preapproved storm shelter ordered and installed.
7. Nation will issue payment directly to contractor after all necessary documents are received (Certificate of Inspection, original invoice, and proof of warranty of storm shelter).

**Allowable Uses:**

The storm shelter program is designed to provide safe shelter and protection from violent storms, tornadoes, and other unforeseen natural disasters. The Storm Shelter Program assistance is a type of tribal grant awarded to eligible citizens that is paid directly to the vendor or contractor or appropriate agency that requires specific types of fees for permits, fees, or licensing requirements to install a storm shelter, and will be FEMA certified.

**Unallowable Uses:**

Storm shelters shall not be used for storing items such as electronic equipment, household items, household furniture, or any other unnecessary items. Only necessary emergency items may be kept in the shelter.

**Payment:**

For storm shelter installation, the Nation will make direct payment to the party performing the work. At no time will payments be made directly to the homeowner for any material or contractor invoices. The cost for any extra amenities, such as handrails, extended steps or ladders, or any other addition(s), will be at the sole expense of the Homeowner. Please be aware of the type of shelter you choose. Some shelters will have an additional cost(s) associated with them. The program will be dependent upon availability of funds. There are no income limitations on shelter awards. There are income limitations on concrete slab installation funds. See above.

**Inspection:**

For storm shelter installation, Muscogee (Creek) Nation Building Inspector will conduct an inspection during installation of the project with the homeowner. A certification of completion will be issued by the inspector prior to final payment being issued.

All completed work must be inspected to assure that work completed meets any Housing Quality Standards established by the Muscogee (Creek) Nation Housing Department, if applicable.

All home must be inspected prior to being installation of storm shelter in assure that the proper level of environmental review has been conducted in accordance with the National Environmental Policy Act (NEPA) and any other applicable statutes and regulations.

**Resale Restriction:**

Documents for the Storm Shelter Program shall include resale restrictions and a binding agreement. (For example, if the owner applicant sells or transfers title to the home within a timeframe established by NAHASDA, if applicable, the entire amount or a designated percentage of the cost of storm shelter may be required to be paid back to the Nation or the Nation's Housing Department.)

If, at any time, the owner applicant sells or transfers title to the home, the owner applicant must repay the Nation any balance due, as stated in the binding agreement.

**Program Restrictions:**

- Applicant is only eligible for a storm shelter for their Primary Residence
- If Applicant lives in a mobile home, they must own both the mobile home itself and the land it is located on to be eligible
- Storm shelters are awarded one time only to each family in order to meet the needs of all Muscogee (Creek) Nation citizens
- Apartment complexes, duplexes, and other multi-family residences are not eligible for this program. If you live in a rent home you are not eligible for this program.
- If you previously installed a storm shelter it does not qualify for retroactive eligibility.
- The homebuyer/homeowner/applicant shall be responsible for having any necessary warranty work performed on the storm shelter installation at their home.
- All eligible applicants selected to participate in the storm shelter program shall sign a Storm Shelter Program Agreement with the Nation upon acceptance of the award.

**Appendices:**

- Sample Storm Shelter Program Application
- Sample Storm Shelter Program Agreement
- Sample Storm Shelter Program Waiver
- Sample Storm Shelter Slab Funding Application