COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN MARIANA ISLANDS

VOLUME 21 NUMBER 02



FEBRUARY 18, 1999

COMMONWEALTH REGISTER

COMMONWEALTH REGISTER

VOLUME 21 NUMBER 02 FEBRUARY 18, 1999

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MERCENSTANDAMENT AMENDMENT TO THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

Statutory Authority:

1 CMC §8117.

Short Statement of Goals & Objectives:

To provide consistent means to address need for financial austerity, from time to time, upon request of Governor.

Brief Summary of the Proposed Rules:

To allow for suspension of provisions in the Personnel Service System Rules and Regulations that require increases in civil service employees' salaries due to permanent or temporary promotions, acting or detail assignments, reallocation or reclassification of positions, and step increases based on attendance at workshops or other training programs.

For Further Information Contact:

Norbert S. Sablan, Executive Director, Civil Service Commission, Building number 1211, Capitol Hill.

Phone: 322-4363 Fax: 322-3327

Citation of Related and/or Affected Statutes, Regulations and Orders: Parts III, IV, and VII of the Personnel Service System Rules and Regulations are affected, especially Parts IV.B5, IV.B6, IV.B7, IV.B12, and IV.B15.

Need for Emergency Adoption:

The Governor has declared a need for financial austerity within the government due to receiving less revenue than projected. For reference, see, Directive No. 209 and Memorandum from Governor to Vicente M. Sablan, both dated January 11, 1999.

Date:

Submitted by:

Vicente M. Sablan, Chairman Civil Service Commission

Approved for Emergency Enactment:

B

Ported P Amorio

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TO THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

Under the authority of 1 CMC §8117, the Civil Service Commission hereby notifies the general public that it has adopted emergency amendments to the Personnel Service System Rules and Regulations ("PSSRR") and proposes to adopt those amendments as permanent. The emergency and proposed amendments follow this notice.

SUBJECT: The amendment will suspend all provisions in the PSSRR that require increases in civil service employees' salaries as the result of a permanent or temporary promotion, acting or detail assignment, reallocation or reclassification of positions and step increases based on completion of workshops or other training programs.

EMERGENCY NEED: Due to unexpectedly low revenues, the Governor has declared the need for enactment of austerity measures.

INTENT TO ADOPT: The public is encouraged to submit written comments on the proposed adoption of a permanent form of the emergency amendment. The comment period will close thirty days after publication of this notice. Address your comments to the Chairman, Civil Service Commission, and send to P.O. Box 5150, Saipan, MP 96950; deliver to Building #1211. Capitol Hill; or fax to (670) 322-3327.

Date: <u>(/29/99</u>

Submitted by VICENTE M. SABLAN.

Chairman

Received by:

Jose I. DeLeon Guerrero SAA. Office of the Governor

Date: 2/16/99

Filed by:

Soledad B. Sasamoto Registrar of Corporations

Pursuant to 1 CMC §2153, as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved by the CNMI Attorney General's Office.

Date: 2 11 19

Elliott A. Sande Assistant Attorney General

NUTISIA PUT MA ADAPTAN GOTPE NA NISISDAT YAN PRINIPONEN PETMANENTE SIHA AMENDASION GI REGULASION YAN AREKLAMENTON SISTEMAN SETBISIUN PETSONAT

Sigun gi aturidat ginen1 CMC §8117, I Civil Service Commission ginen este ha infofotma I pupbliku henerat na estas ha adapta I gotpe siha na amendasion para Areklamento yan Regulasion Sisteman Setbisiun Petsonat ("PSSR&R") yan prinipone para u ma adapta ayu siha na amendasion komu petmanente. I gotpenanisisidat yan prinipone siha amendasion para u tattiyi este na nutisia.

SUHETU: I amendasion para u masuspendi todu prubinsion gi PSSR&R ni manisisita hatsada gi apas ayu siha na empleao I manggaige gi Civil Service Commission komu resuttan masubin petmanete pat tempurariu, acting pat matulaikan pusision, reallocation, reclassification yan step increase sigun gi hafa siha na klasen workshop yan program ineyak ma atiende.

GOTPE NA NISISIDAT: Put I rason na gof takpapa I kontribusion salape, I Gubetno ha deklara na nisisariu este I inadahen fainasiat.

INTENSION PARA U MA ADAPTA: Manmasosoyu I pupbliku henerat para u fanmansatmiti halom komentu gi tinige' put I priniponen ma adapta komu petmanente este I gotpe na nisisidat amendasion. I tetminu para muna'halom komentu siha u mahuchom gi trenta (30) dias dispues di ma publika huyong este na nutisia. Debi todu I komentu u fanma adres guatu gi sigiente na adres I Chairman, Civil Service Commission, yan mana hanao guatu para P.O. Box 5150, Saipan, MP 96950; pat chule' quatu qi Building #1211, Capitol Hill: telefon (670) 322-4363/6954, pat fax

guatu gi (670) 322-3327.	, , , , , , , , , , , , , , , , , , ,			
Fecha: //29/99	Masatmiti as: VICENTE M. SABLAN Chairman Civil Service Commission			
Fecha:	Rinisibi as: JOSE I. DELEON GUERRERO SAA, Ofisinan Gubetno			
Fecha: 2/16/19	Ma file as: SOLEDAD B. SASAMOTO Rehistradoran Kotporasion			
Sigun gi 1 CMC §2153, ni inamenda ni Lai Pupbliku 10-50, I areklamento yan regulasion ni chechetton guine esta manmaribisa yan apreba ni Ofisinan Attorney General guine giya CNMI.				
Fecha:	ELLIOTA OATTI ED			
	FILIOTA SATTLED			

ARONGORONGOL ADOPTIONUL EMERGENCY ME POMWOL PERSONNEL SERVICE SYSTEM

Mellól bwángil 1 <u>CMC</u> §8117, <u>Civil Service Commission</u> ekke arongoronga toulap bwe a <u>adoptaay</u> lliiwel kkaal reel mille <u>emergency</u> ngáli Alléghúl <u>Personnel Service</u> Systemme ekke pomwoli ebwe <u>adoptaay</u> lliiwel kkaal reel ebwe <u>permanent</u> lo'. Reel emergency me pomwol lliiwel kkaal nge ebwe attabweey arong yeel.

<u>SUBJECT</u>: Reel lliiwel kkaal nge ebwe akkayúúló mwo alongal féérúl meta (provision) mellól <u>PSSR&R</u> ikka efil reel ebwe yoor sássár reel abwóssuur schóól angaangal llól <u>civil service</u> reel igha ebwe <u>permanent</u> lo' ngare <u>temporary promotion</u>, <u>acting</u> ngare <u>detail assignment</u>, <u>reallocation</u> nagre <u>reclassification</u> <u>of position</u> me <u>step increase</u> aloongáli igha e atakkaaló <u>workshop</u> ngare akkááw <u>progróómaal tereening</u>.

EFIL EBWE <u>EMERGENCY</u>: Bwelle reel igha eghi sóssól <u>revenues</u>. Sów Lemelem a <u>declared</u> li bwe efil ebwe kkáyil fis meta bwelle reel <u>austerity measures</u>.

EBWE ADOPT: Rekke amwescháliir toulap rebwe ischilong yaar mángemáng ngare ayegh bwelle reel pomwolil adoptionul permanent form bwelle reel lliiwel kkaal reel mille emergency. Ischilongol mángmáng ngare ayegh nge ebwe tittiló llól eliigh (30) rál mwiril towowul arong yeel. Reel yóómw mángemáng ngare ayegh nge ubwe isch ngáli Chairman, Civil Service Commission, reel address yeel, P.O. Box 5150, Saipan, MP 96950; Building #1211, Capitol Hill; telefoon (670) 322-4363/6954, ngare fax no. (670) 322-3327.

`	•		
Ral: _	1/29/99	Mereel: _	VICENTE M. SABLAN Chairman
			Civil Service Commission
Ral:	2/16/99	Bwughiyal	
			JOSE / DELEON GUERRERO
			SAA, Bwulasiyol Sow Lemelem
Ral·	2/16/99	Isaliyal:	Le french
1			SOLEDAD B. SASAMOTO
			Registrar of Corporation
			regional of corporation
ikka a	i autol 1 <u>CMC</u> §2153, i <u>y</u> a appasch nge atakkal <u>nev General's</u> .	ye a lliiwel m amweri me a	ellóll Alléghúl Toulap 10-50, reel allégh kkaal appelúghúló mereel <u>CNMI</u> Bwulasiyol
Ral:			
		-	ELLIOTA. SATTLER
			Assistant Attorney General

PROPOSED PERMANENT AMENDMENT TO THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

The following new Part XII is added to the Personnel Service System Rules and Regulations:

PART XII SPECIAL PROVISIONS

XII.A FINANCIAL AUSTERITY MEASURES

At anytime the governor declares by directive the need for financial austerity measures that affect the Civil Service System, all provisions in these regulations that require increases in employees' salaries due to permanent or temporary promotions, acting or detail assignments, reallocation or reclassification of positions, and step increases based on attendance at workshops or other training programs, will be suspended upon announcement by the Civil Service Commission of such suspension in the Commonwealth Register. The suspension shall expire upon subsequent notice in the Commonwealth Register.

DECLARATION

I, Vicente M. Sablan, Chairman of the Civil Service Commission, do hereby certify that the emergency amendment and proposed permanent amendment set forth above is an accurate copy of the emergency amendment and proposed permanent amendment to the Personnel Service System Rules and Regulations adopted by the Civil Service Commission at its January 21-22, 1999. meeting.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 29th day of January, 1999, on Saipan, Commonwealth of the Northern Mariana Islands.

Vicente M. Sablan

NOTICE OF IMPLEMENTATION OF FINANCIAL AUSTERITY MEASURES

By memorandum of the Governor, dated January 11, 1999, the government is experiencing a period of economic difficulty, which requires financial austerity measures affecting the Civil Service System to be implemented.

Therefore, The Civil Service Commission gives public notice that, effective immediately, Part XII of the Personnel Service System Rules and Regulations is in effect.

DECLARATION

I, Vicente M. Sablan, Chairman of the Civil Service Commission, do hereby declare that the implementation of Personnel Service System Rules and Regulations, Part XII was duly adopted by the Civil Service Commission at its January 21-22, 1999, meeting.

I declare under the penalty of perjury that the foregoing istrue and correct and that this declaration was executed on the 29th day of January, 1999, on Saipan, Commonwealth of the Northern Mariana Islands.

Vicente M. Sablan



SAIPAN, MP 96950 TEL*(670) **664-3200**/1 FAX *****(670) **664-3237**

. O . BOX 861

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PUBLIC NOTICE OF INTENT TO PROMULGATE NEW VENDOR SITE REGULATIONS

CONTENTS: PROPOSED MARIANAS VISITORS AUTHORITY VENDOR SITE REGULATIONS:

PUBLIC COMMENTS: All interested persons may submit written comments about the proposed Vendor Site Regulations to the Managing Director, Marianas Visitors Authority, P.O. Box 861, Saipan, MP 96950, on or before Wash. 1999.

Authority: The Governor of the Commonwealth of the Northern Mariana Islands, as the Chief Executive and ultimate Appointing and Contracting Authority for the Executive Branch of the Commonwealth Government, has delegated the authority to MVA to develop and promulgate regulations for the Vendor Sites under the jurisdiction of MVA.

PERRY JOHN P. TENORIO

Managing Director

2-16-99 Date

Received by:

JOSE I DELEON GUERRERO

Special Assistant for Administration

Date

Pursuant to 1CMC §2153, as amended by Public Law 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney

General's Office.

Dated this day of ______, 1999

Maya Kara

Attorney General (Acting)

Filed and recorded by:

SOLEDAD B. SASAMOTO Registrar of Corporations

Date

NUTISIAN PUPBLIKU PUT INTENSION PARA U MAESTABLESI NUEBO NA REGULASION PUT LUGAT MANMANBENDE

SUHETU: I MAPROPOPONE NA REGULASION MARIANAS VISITORS AUTHORITY PUT LUGAT MANMANBENDE:

LUGAT MANMANBENDE:
KOMENTON PUPBLIKU: Todu maninteresante sina na petsona siña manmansatmiti halom komento gi tinige' put i mapropopone na Regulasion Lugat Manmanbende guatu gi Managing Director, Marianas Visitors Authority, P.O. Box 861, Saipan, MP 96950, gi osino antes di, 1999
Aturidat I Gobetnon Commonwealth i Sangkattan Siha Na Islas Marianas, komu guiya i Magas Eksekatihu yan itmas tatkilo qi Aturidat Manapunta yan Kontrata gi Executive Branch gi halom Gubetnamenton Commonwealth, ha aturisa i MVA para u famatinas yan establesi regulasion Put Lugat Manmanbenda gi papa aturidat MVA.
2-16-99
PERRY JOHN P. TENORIO Fecha
/ Managing Director
Rinisibi es: 3/16/99
JOSE 1. DELEON GUERRERO Fecha
Special Assistant gl Administrasion
Sigun gi 1 CMC \$2153, ni inamenda ni Lai Pupbliku 10-50, i areklamento yan regulasion ni chechetton guine esta manmaribisa yan apreba komu ligat yan sufisiente na fotma ni Ofisinan CNMI Attorney General.
Ma fecha gi mina'na dia, guien na mes, 1999
Maya kara
Attorney General (Acting)
11a TITE vall mm/10 3/16/99
1 Trief rill in a

Rehistradoran Kotponasion

SOLEDAD B. SASAMOTO





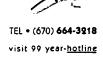
P. O. BOX 861

SAIPAN, MP 96950

TEL•(670) 664-32001

FAX • (670) 664-3237

mvb@saipan.com



The proposed Marianas Visitors Authority Vendor Site Regulations are submitted for review and publishing in the *Commonwealth Register* to solicit public comment. As required by Governor's Directive No. 183, the following information is provided to describe and summarize the proposed new section:

Citation of Statutory Authority: Pursuant to PL 11-15 § 11, the Marianas Visitors Authority is authorized to develop and promulgate regulations governing MVA's designated Tourist Sites.

Short Statement of Goals and Objectives: The proposed Vendor Site Regulations will replace the existing Regulations and will redefine and clarify the rights and obligations of vendors and MVA in relation to MVA's designated Tourist Sites.

Brief Summary of the Proposed New Section: The proposed Vendor Site Regulations establishes the responsibilities of vendors and MVA regarding Vendor Permits on MVA Tourist Sites. The proposed Vendor Site Regulations include a yearly cost of permits (excluding motorized and non-motorized sporting rental permits) of \$200 per year. The proposed Vendor Site Regulations also include an equitable system of awarding on a site by site basis motorized and non-motorized sporting rental permits to the highest qualified bidder.

For Further Information Contact: Mr. Perry John P. Tenorio, Managing Director, Marianas Visitors Authority, telephone 664-3200/01 or facsimile 664-3237.

Citation of Related and/or affected Statutes, Regulations and Orders: None.

MARIANAS VISITORS AUTHORITY VENDOR SITE REGULATIONS

ARTICLE I GENERAL PROVISIONS

SECTION 1. Purposes.

- (a) The Marianas Visitors Authority ("MVA") has adopted these Vendor site regulations so that a uniform policy can be implemented and maintained for all vendor permits issued by MVA in the Commonwealth of the Northern Mariana Islands.
- (b) Purposes and Policies. The underlying purposes and policies of these regulations are:
 - (i) to maintain the natural beauty and preserve the historical and cultural importance of attraction sites in the CNMI, as well as provide for safe and enjoyable recreational activities;
 - (ii) to promote the manufacture of indigenous handicrafts and products;
 - (iii) to collect funds so that the maintenance of designated Vendor Sites may be self-sustaining;
 - (iv) to ensure that designated Vendor Sites are kept in a safe, clean and sanitary condition for the betterment of the tourist industry and the people of the Northern Mariana Islands.

SECTION 2. Authority and Effect.

These regulations are promulgated under the following authority:

- (a) Public Law 11-15 gives MVA the authority to encourage, authorize, license, regulate, and control commercial uses on or near Tourist Sites. Tourist Sites under MVA's jurisdiction are attached hereto as Saipan (Appendix A) Tinian (Appendix B) Rota (Appendix C).
- **SECTION 3.** Severability. If any provision of the regulations or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect consistent with the purposes and policies of these regulations without the invalid provision of the application, and to this end, the provisions of this regulation are severable.

SECTION 4. Definitions. As used in these regulations the following definitions apply:

(a) "Indigenous Handicrafts" shall mean: Craft items created and made in the Commonwealth which are traditional in their type or style or which in some way depict the culture or history of the Mariana Islands.

- (b) "Vendor Site" shall mean: A physical site set forth in the appendices of these regulations over which MVA has the authority to encourage, authorize, license, regulate and control commercial uses.
- (c) "Vendor Stand" shall mean: A specific area within a Vendor Site within which an individual vendor's operation must be confined.

ARTICLE II DESIGNATED VENDOR SITES

SECTION 1. Vendor Sites. The following places in the Northern Mariana Islands are governed by these Regulations:

(a) MVA: Saipan (Appendix A) Tinian (Appendix B) Rota (Appendix C)

ARTICLE III PERMITS

SECTION 1. Permit Required. Any person who intends to sell, lease, or otherwise transfer for gain or profit, any merchandise or service specified in Article IV, Section 1 of these Regulations within a designated Vendor Site as specified in Article II shall first obtain a permit from MVA. All vendor permits issued by MVA must include a permit from CRM if the Site is within 150 feet of the high water mark. All vendor permit holders must secure and maintain a valid business license from the Department of Commerce. All permits issued by MVA are non-transferable unless by prior written authorization by MVA.

SECTION 2. Application Forms. Applications for permits will be accepted only on forms approved by CRM and MVA.

SECTION 3. Fees. A fee of \$200.00 shall accompany an application under Section 2 of this Article. In the event the application is not approved, the fee shall be refunded.

SECTION 4. Accompanying Documents and Information. In addition to the fee specified in Section 3, an application must be accompanied by the following:

- (i) if applying to sell food, or beverages, a valid health certificate issued by the Department of Public Health;
- (ii) proof of adequate insurance according to type of operation being permitted;
- (iii) any other permits or certificates required by law to operate the vendor's business at that location;
- (iv) a mailing address where notices may be mailed:

- (v) any other information MVA may require for consideration of the application.
- (vi) For motorized and non-motorized sporting rentals permit applications only: Each motorized and non-motorized sporting rentals permit application must include an applicants Sealed Bid for a one year permit.

SECTION 5. Designation of Vendor Sites.

- (a) MVA may designate one or more Vendor Stand locations within each Vendor Site under its jurisdiction. For each designated Vendor Site MVA shall determine which, if any, category or categories of operation, as specified in Article IV, Section 1 may be conducted at a Vendor Site under its jurisdiction. Not more that one permit for each category of operation will be granted for each Vendor Site.
- (b) MVA may designate new Vendor Sites and new categories of operation for existing Vendor Sites, if the designations do not violate existing laws.

SECTION 6. Permit Categories. A permit under Article III shall issue only to the following categories of operation:

- 1. food and beverages;
- 2. locally grown and processed foods, such as papayas, bananas, and coconuts;
- 3. motorized and non-motorized sporting rentals;
- 4. indigenous handicrafts (souvenirs, mwarmwars, etc.)
- 5. sundries such as cigarettes, films and photo supplies.

SECTION 7. Permit Decision.

For All Permit Categories Except Motorized and Non-motorized Sporting Rentals:

- (a) At least one month prior to the end of the permit year, MVA shall publish notices specifying a period of time in which persons may apply for available vendor permits. MVA shall receive all permit applications for which the fee has been paid, and shall consider the applications in the following manner:
 - (i) A determination shall be made as to whether the applicant has sufficient experience, resources and background to conduct the vending operation in a safe, healthy and successful manner.
 - (ii) Qualified applicants for each Vendor Site shall be separated according to category of operation.
 - (iii) If for any Vendor Site there are more qualified applicants for a given category of operation than Vendor Sites which allow that category of operation, MVA shall give preference to qualified businesses owned by local residents. As between two or more

- qualified businesses owned by local residents, MVA shall draw lots to determine which vendor shall receive the permit.
- (iv) At a Vendor Site where there is only one Vendor Stand, MVA shall have the discretion to issue a vendor permit for the Vendor Stand based on its determination of the best proposal for the site, regardless of the number of applicants.
- (vi) Each permit shall be granted for a maximum period of one year. All permits for a given Vendor Site shall expire on the last day of each calendar year regardless of when the decision on the application for a particular Vendor site is made. A permit shall automatically expire 30 days after its effective date if the vendor has not commenced operations within that 30-day period.

Permits For Motorized and Non-motorized Sporting Rentals:

- (a) At least one month prior to the end of the permit year, MVA shall publish notices specifying a period of time in which persons may apply for available motorized and non-motorized sporting rentals vendor permits. MVA shall receive all permit applications for which the fee has been paid, and shall consider the applications in the following manner:
 - (i) A determination shall be made as to whether the applicant has sufficient experience, resources and background to conduct the motorized and non-motorized sporting rentals vending operation in a safe, healthy and successful manner.
 - (ii) Each motorized and non-motorized sporting rentals permit will be awarded to an applicant deemed qualified by MVA to operate a motorized and non-motorized sporting rentals Vendor Site, and who submits the highest bid for the yearly permit for a specified Vendor Site. Payments will be calculated on a monthly basis and will be due on the first day of each month.
 - (iii) Each permit shall be granted for a maximum period of one year. All permits for a given Vendor Site shall expire on the last day of each calendar year regardless of when the decision on the application for a particular Vendor site is made. A permit shall automatically expire 30 days after its effective date if the vendor has not commenced operations within that 30-day period.

ARTICLE IV MISCELLANEOUS

SECTION 1. Structures. All structures, carts or booths, shall be:

- (i) of a type and size approved by MVA and other required governmental agencies;
- (ii) erected only in the Vendor Site assigned to the permit;

- (iii) removed by the end of each day unless otherwise stated in the permit granted.
- **SECTION 2.** Display of Permit. A vendor shall at all times conspicuously display the permit issued under these regulations.
- SECTION 3. Occupation of Area. A vendor shall occupy only the area specifically assigned by MVA within the designated Vendor Site.
- **SECTION 4.** Sign. Each vendor shall display a sign no larger that 2 ft. by 4 ft. indicating the business's name, the products or merchandise being sold or rented and their values. The sign shall be attached to the vendor's structure.
- **SECTION 5. Solicitation.** No vendor shall solicit, advertise or sell any of his/her product or merchandise outside his/her vendor site. This prohibition does not include advertisement in the newspaper, radios or cable TV.
- **SECTION 6. Cleanliness and Orderliness.** Vendors shall maintain their vendor site in a clean and orderly fashion. Vendors shall remove all trash, refuse, and other materials from the Vendor Sites at the end of each day and shall not use the MVA trash containers.
- SECTION 7. Vendor Employees: Vendors shall limit the number of employees at the Vendor site to three persons. Vendors shall be responsible for ensuring that people who are not employees or customers of the vendor's operation do not loiter and disturb other vendors and tourists, and shall further be responsible for ensuring that employees wear some kind of visible emblem of identification. In addition, vendors shall provide MVA and CRM with a current list of employees and shall not employ any person with a record of conviction for a felony, or who is on probation or parole for a felony adjudication.
- **SECTION 8. Destruction of Trees and Improvements.** No sign or other items may be attached to trees, shrubs or park improvements.
- **SECTION 9. Parking.** All vehicles must be parked within the area designated by MVA as parking areas. Under no circumstances is parking allowed on any beach within MVA's juristdiction.
- SECTION 10. Other Laws. All vendors shall comply with other applicable laws in the Northern Mariana Islands, including but not limited to zoning, coastal protection, parks and recreation, and Coastal Resources Management and Boating Safety rules and regulation.
- **SECTION 11.** Amplified Sound. No vendor shall use amplified sound to advertise his/her product or merchandise at the Vendor Site. No vendor shall use amplified sound for any purpose including pleasure listening at levels which may disturb other vendors or tourists.
- SECTION 12. Permit Requirements. Vendors shall notify MVA of any changes regarding insurance, certificates, or permits required as part of the application process under Article III, Section 4 of the existing regulations. Vendors shall be responsible for maintaining required insurance, certificates, or permits as a condition of a permit issued under these regulations.

ARTICLE V PENALTIES

SECTION 1. All vendors shall comply with the provisions of these regulations. In the case of a suspension, MVA shall have authority to impose additional requirements on the vendor as a condition of reinstatement, including a monetary payment up to \$200.

SECTION 2. Any suspension, revocation, hearing or appeal shall be conducted in accordance with the CNMI Administration Procedure Act, 1 CMC § 9101 et. seq.

APPENDIX A SAIPAN

.1.	Laderan Banadero (Suicide Cliff)	11.	Old Japanese Jail
2.	Puntan Sabaneta (Banzai Cliff)	12.	Japanese Hospital
3.	Banadero (Last Command Post)	13.	Sugar King Park
4.	Grotto	14.	Tank Display (Beach Road)
5.	Bird Island Look-Out	15.	Japanese Peace Memorial (Susupe)
6.	Japanese Government Memorial Park	16.	89ers Memorial (Airport)
7.	Korean Peace Memorial	17.	Ladder Beach
8.	Okinawa Peace Memorial	18.	Obyan Beach
9.	Yamatomi Resthouse	19.	73rd Bomb Wing
10.	3 Memorial Triangles		

Beach Areas Fronting: (20) Saipan Grand Hotel, (21) Saipan Diamond Hotel, (22) Saipan Beach Hotel, (23) Hyatt Regency Saipan, (24) Hotel Nikko Saipan, (25) Coral Ocean Point Resort Club, (26) Pacific Islands Club, (27) Pacific Gardenia Hotel, and (28) Chalan Kanoa Beach Club.

APPENDIX B TINIAN

1.	Tachonga Beach	6.	Taga Beach
2.	Kammer Beach	7.	Chulu Beach
3.	Taga House	8.	Taga Well
4.	Suicide Cliff Memorial	9.	Japanese Peace Memorial
5.	Korean Peace Memorial	10.	Atomic Bomb Pit
	. A	APPENDIX ROTA	C
1.	Village Entrance	7.	Japanese Cannon
2.	Japanese Gun	8.	Tweksberry Beach
3.	Japanese Train and Sugar Mill	9.	Swimming Hole
4.	Tatgua Beach	10.	Sabana Peace Memorial
5.	Taga Stone Quarry	11.	Tatachug Beach
6.	Tonga Cave	12.	Guata Beach



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866

234-9447 234-7689

Fax: (670) 234-9021

NORTHERN MARIANAS HOUSING CORPORATION

ADMINISTRATIVE PLAN FOR RENTAL ASSISTANCE PROGRAMS

Citation of

Pursuant to Executive Order No. 94-3, Section 407 of the Reorganization Statutory Authority:

Plan No. 2 of 1994, Governor's Directive No. 138, and the Administrative Procedure Act at 1 CMC 9101, et. seq., 2 CMC 4432(i); 2 CMC 4433(i)(j)

& (t); and 2 CMC 4453.

Short Statement of Goals & Objectives:

To establish policies for carrying out NMHC's rental assistance programs in

manner consistent with funding source requirements of the U.S.

Department of Housing and Urban Development (HUD) and local objectives.

Brief Summary of the Rule:

Provides guidelines for the admission and continued participation of very-low

income families that rent from private landlords in providing housing assistance to very-low income families under the Section 8 Rental Certificate

and Voucher Programs.

For Further

Information Contact: MaryLou S. Ada, Executive Director, NMHC, telephone no. 234-

6866/9447/7689; email to nmhc@gtepacifica.net; or fax 234-9021.

Citation of Related and/or Affected Statutes

Regulations and Orders: None-this Administrative Plan is the first to be published for the

Section 8 Rental Certificate and Voucher Programs.

Submitted by:



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866 234-9447 234-7689

234-7670 Fax: (670) 234-9021

PUBLIC NOTICE OF PROPOSED

ADMINISTRATIVE PLAN FOR SECTION 8 RENTAL ASSISTANCE PROGRAMS

The Board of Directors of the Northern Marianas Housing Corporation (NMHC) hereby notifies the general public that it proposes to adopt the Administrative Plan for Section 8 Rental Assistance Programs consistent with the funding requirements of the U. S. Department of Housing and Urban Development (HUD) and local objectives.

The Administrative Plan establishes guidelines for continued participation in the Section 8 Certificate and Voucher Programs which provides housing assistance to very-low income families that rent from private landlords. Copies of the Administrative Plan may be obtained from the Northern Marianas Housing Corporation, located in Garapan, Saipan or by mail at P. O. Box 514, Saipan, MP 96950.

Anyone interested in making comments on the proposed Administrative Plan may do so in writing, addressed to the Executive Director, Northern Marianas Housing Corporation, at the above-referenced address not later than thirty (30) days from the date of this publication in the Commonwealth Register.

Dated this Jan 14 day of January, 1999.

Juan S. Tenorio
Chairman of the Board

Received by:

Jose J. DeLeon Guerrero
Special Assistant for Administration

Filed and Recorded by:

Soledad B. Sasamoto
Registrar of Corporations

Date

PUBLIC NOTICE OF PROPOSED ADMINISTRATIVE PLAN FOR SECTION 8 RENTAL ASSISTANCE PROGRAMS

Pursuant to Executive Order No. 94-3, Section 407 of Reorganization Plan No. 2 of 1994, Governor's Directive No. 138, and the Administrative Procedure Act at 1 CMC 9101, et. seq., 2 CMC 4432(i); 2 CMC 4433 (i)(j) & (t); and 2 CMC 4453, the attached Administrative Plan has been reviewed and approved by the CNMI Attorney General's Office.

Dated this 2 day of 3. 1999.

Maya Kara

Attorney General (Acting

Rv

Assistant Attorney General

SQUAL HOUSING OPPOSTUMETY

NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866 234-9447 234-7689 234-7670 Fax: (670) 234-9021

NUTISIAN PUPBLIKU PUT I MAPROPOPONE NA PLANON ADMINISTRATIVE PARA SEKSIONA 8 PUT PROGRAMAN INASISTEN ATKILON

I Board of Directors i Northern Marianas Housing Corporation (NMHC) ginen este ha nutitisia i pupbliku henerat na ha propopone para u adapta i Administrative Plan para Seksiona 8 Programan Inasisten Atkilon ni chumi'long yan i nisisidat fundo gi U.S. Department of Housing and Urban Development (HUD) yan i obyektibun i tano'.

I Administrative Plan para u na'guaha dinirtihi para kontinuasion na pattisipao gi Seksiona 8 Settifiku yan Voucher Programs ni hana gauaha inasisten guma'para ayu siha i mantakpapa suetdon-niha na familia ni manman atkikila ginen otro siha na peaibet landlords. Kopian i Administrative Plan sina ha hayi malago' manule gi Ofisinan Northern Marianas Housing Corporation, giya Garapan, Saipan, pat gi mail P.O. Box 514, Saipan, MP 96950.

Hayi interesao mamatina komentu put i priniponen Administrative Plan sina ha matuge' papa ya u manahanao guatu para i Executive Director, Northern Marianas Housing Corporation, gi san hilo'na adres ti u mas di trenta (30) dias desde i dia ni mapupblika huyong este na nutisia gi Rehistran Commonwealth.

Mafecha gi n	nina' 🖊 na dia,		, 1999.
(Afroni	marela	S. A.Co
JUAN S. TH	NORIO	MARYLOU S. ADA	
Chairman i È	Board	Executive Director	
Rinisibi as:	Jose I. DeleonGuerrero Special Assistant for Adminstration		-
Mafile yan rinekot as:	make	2/16/99	_
	Soledad B. Sasamoto	Fecha	
	Rehistradoran Kotporasion		



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866

234-9447

234-7689

234-7670

PLANON ADMINISTRADOT PUT PROGRAMAN INASISTE GI ATKILON

Sinangan sigun

Aturidat i Lai:

Sigun gi Otden Eksekatibu No. 94-3, Seksiona 407 gi Reorganizational Plan No. 2 gi sakkan 1994, Otden Gubetno No. 138, yan i Administrative Procedures Act gi halom 1 CMC 9101, et seq., 2 CMC 4432(i); 2 CMC

4433(i)(i) yan (t); yan 2 CMC 4453.

Didide na emfotmasion put i minito'yan

obyektibu:

Para u ma establesi areklamento para u macho'gue este i NMHC's rental assistance pograms gi manera ni para u chilong yan i guinahan fundo na nisisdat ginen i U.S. Department of Housing yan Urban Development

(HUD) yan obyektibun i tano'-ta siha.

Kadada na sinagan

put i Arekiamento:

Para u na'guaha dinirihi gi naina'halom yan kontinua i pattisipao ginen i familia siha ni gof takpapa ssuedon-niha ni manma atkikila ginen i praibet landlords para u fanma prubiniyi inasisten guma'para ayu siah na familia i manfog takpapa suedon niha sigun gi papa Seksion 8 Settifikun Atkilon

yan Voucher Programs.

Put mas emfotmasion

a'aagang si:

MaryLou S. Ada, Executive Director, Northern Marianas Housing

Corporation, yuine na numirun tilifon i 234-6866/9447/7689; email para

guatu nmhc@gtepacifica.net; pat gi numiron fax 234-9021.

Sinangan put i mamparehu yan/pat mainafekta siha na Regulasion gi Lai yan

Otden siha:

Este na nutisia yan Planon Administrative i primet para u mapupblika para

Seksiona 8 Settifikun Atkilon yan Voucher Programs.

Sinatmiti as:

MakyLou S. Ada

Executive Director

Fecha

NUTISIAN PUPBLIKU PUT PRINIPONEN ADMINISTRATIVE PLAN PARA SEKSIONA 8 PUT PROGRAMAN INASISTEN ATKILON

Sigun gi Otden Eksekatibu Numiru 94-3, Seksiona 407 gi Reorganization Plan No. 2 gi sakkan 1994, Otden Gubetno No. 138, yan i Administrative Procedure Act gi 1 CMC 9101, et seq., 2 CMC 4433(i); 2 CMC 4433(i)(j) & (t); 2 CMC 4453, i chechetton na Administrative Plan esta maribisa yan apreba ni Ofisinian Attorney General gi halom CNMI.

Mafec	ha gi mina'	_ na dia gi mes	, 1999.
Maya l Attorn	Kara ey General (Acting)	·	
Ginen:	ELLIOTT A. SATTLER		
Onien.	Assistant Attorney General		



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

ARONGORONGOL TOULAP

Tels: (670) 234-6866 234-9447 234-7689

234-7670 Fax: (670) 234-9021

<u>ADMINISTRATIVE PLAN</u> REEL TALIL KKAAL ME ALILLISIL <u>ADKILON</u>

<u>Board of Directors</u> mereel <u>Northern Marianas Housing Corporation (NMHC)</u> ekke isisiwow arongorongol toulap reel igha ekke pomwoli ebwe adoptay mille <u>Administrative Plan</u> reel Talil Alillisil <u>Adkilon</u> iye e ghol me funding kka efil mellól <u>U.S.</u> Bwulasiyol <u>Housing</u> me Urban Development (HUD) me local objectives.

Administrative Plan e fféér guidelines reel ebwe sóbwosóbw ló schulongol llól Talil 8 Certificate me Voucher Programs iye e ayoora housing assistance ngáliir schó kka eghi sóssól yaar income ikka rekke adkila falúw mereer priabet landlord. Kopiyal Administrative Plan yeel nge emmwel ubwe bweibwogh mereel Bwulasiyol Northern Marianas Housing Corporation, iye e lo Arabwal, Séipél ngare eew afanga ngáli P.O. Box 514, Saipan, MP 96950.

Iyo e tipeli ebwe isisilong yaal mángemáng bwelle reel pomwolil <u>Administrative Plan</u> yeel nge e bwe isch ngáli <u>Executive Director</u>, <u>Northern Marianas Housing</u> <u>Corporation</u>, reel <u>address</u> mwu e lo weiláng nge essóbw aluuw 1ó eliigh (30) rál sángi tolongol arong yeel mereel <u>Commonwealth Register</u>.

Rál ye	llól maramal	, 1999.
4	Hum.	maylor san
Juan S. Ter	norlo	MaryLou S. Ada
Chairmanil	Board	Executive Director
Bwughiyul	Jose I. DeleonGuerrero Special Assistant for Administration	2/16/99 Rál
Isaliyal me Rekodiyal:	Soledad B.Sasamoto Registrar of Corporations	2/16/99 Rál

Fax (670) 532-9441 Fax (670) 433-9213



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234-7689

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ARONGORONGOL TOULAP

NORTHERN MARIANAS HOUSING CORPORATION ADMINISTRATIVE PLAN REEL ALILLISIL ADKILON

Kkapasal Autol

Bwangli:

Sángil autol Executive Order No. 94-3, Tálil 407 mereel

Reorganization Plan No. 2 //6/ 1994. Sów Lemelem

Directive No. 138, me Administrative Procedure Act mellol 1 CMC 9101, et. seq., 2 CMC 4432(i); 2 CMC 4433(i)(j) & (t)

me 2 CMC 4453.

Weimwoschol Autol Yaal

goals me objectives:

Ebwe fféér afalafalal reel Tálil 8 tenants reel ebwe ghutta

meta e welewel me etktibwo reel ebwe aghatchúló

Akkafat (grievances) kontra Northern Marianas Housing

Corporation (NMHC).

Eghus Tapalal Reel

Pomwol Allegh:

Ebwe ayoora afalafal bwelle reel mille U.S. Housing Act

mellol 1937 bwal Subpart B mereel 24 CFR peighil 966 reel ebwe aghatchul resolutions ngáli akkafat mereer

tenants kontra NMHC.

Ngare eyoor Ayegh

Faingi:

MaryLou S. Ada, Executive Director, NMHC telephone no.

234-6866/9447/7689, email to nmhc@gtepacifica.net,

ngare fax 234-9021.

Kkapasal Kka Eweewe me/ngare ikka e Afektay

Fax (670) 532-9441

Allegh me Akkaleel:

Esóór-Afalafal reel Akkafat (Grievance) yeel nge iyeel

mmwal ebwe poblikawow bwelle reel Progrómal Talil 8.

Mereel:

Executive Director

Fax (670) 433-3690

ARONGORONGOL TOULAP <u>ADMINISTRATIVE PLAN</u> REEL ALILLISIL <u>ADKILON</u>

Sángi autol <u>Executive Order No</u>. 94-3, Tálil 407 mereel <u>Reorganization Plan No</u>. 2 mereel 1994. Sów Lemelem Directive No. 138 bwal <u>Administrative</u>

<u>Procedures Act mellól 1 CMC 9101 et. seq.</u>, 2 <u>CMC 4432(i)</u>; 2 <u>CMC 4433(i)(j)</u> & (t); 2 <u>CMC 4453, Administrative Plan</u> kkaal nge atakkal amweri me appelúghúló mereel bwulasiyol <u>CNMI Attorney General.</u>

Rál ye _	I	lól maramal	, 1999.
1.6 TZ			
Maya Ka Attorney	ara General (Acting)		
Mereel:	ELLIOTT A. SATTI		
	Assistant Attorney Ge	eneral	

Northern Marianas Housing Corporation

ADMINISTRATIVE PLAN Rental Assistance Programs

PREAMBLE

A new housing program was implemented by the Federal government in 1984 to provide rental assistance to <u>very-low income</u> families (50% of median income) that rent from private landlords. NMHC administers approximately ____ units of rental assistance involving over ____ private landlords. Programs include Section 8 Rental certificate and Voucher Program funded by the Federal governments under a contract with the U.S. Department of Housing and Urban Development (HUD).

Privately-owned housing units participating in the programs are required to pass minimum housing quality standards (HQS) established by HUD or the local housing code, whichever is more stringent. Contract rentals must be comparable to rentals received for housing units of the same size and type in the same general nighborhood.

LOCAL OBJECTIVES

The rental assistance programs are designed to achieve three major objectives:

- 1. To provide decent, safe, and sanitary housing for very-low and very, very-low income families while maintaining their rent payment sat an affordable level.
- 2. To provide an incentive to private property owners to rent to very-low income families by offering timely assistance payments.

PURPOSE OF THE PLAN

The purpose of the Administrative Plan is to establish policies for carrying out NMHC's rental assistance programs in manner consistent with funding source requirements and local objectives. The Plan covers both admission and continued participation in these programs. Policies are the same for all programs unless otherwise noted.

NMHC is responsible for complying with all changes in program regulations pertaining to these programs. If such changes conflict with this Plan, program regulations will have precedence. The original Plan and any changes must be approved by the Board of Directors of NMHC and a copy provided to HUD.

FAIR HOUSING POLICY

It is the policy of NMHC to comply fully with all Federal, Commonwealth and local

Page 1 of 54

nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

NMHC shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or martial status, handicap or disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, NMHC will provide Federal/Commonwealth/local information to Certificate and Voucher holders regarding "discrimination" and any recourse available during the family briefing session, and applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Certificate and Voucher holder's briefing packet.

No individual with disabilities shall be denied the benefits or be excluded from participation in this program.

Posters and housing information are displayed in locations throughout NMHC offices in such a manner as to be easily readable from a wheelchair.

ACCOMMODATIONS

NMHC's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing programs and related services.

NMHC utilizes organizations which provide assistance for hearing- and sight-impaired persons and provides a list of accessible units.

OWNER OUTREACH

NMHC encourages owners of decent, safe and sanitary housing units to lease to Section 8 families. NMHC maintains a list of interested landlords and units available for the Section 8 Program and updates this list on a regular basis. When listings from owners are received, they will be compiled by NMHC staff by bedroom size.

NMHC staff initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed material is available to acquaint owners and managers with the opportunities available under the program.

PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

NMHC's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff.

A statement of NMHC's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

In accordance with HUD requirements, NMHC will furnish prospective owners with the family's current address as shown in NMHC's records and, if known to NMHC, the name and address of the landlord at the family's current and prior address.

NMHC's policy is to ensure objectivity and consistency in applying the following criteria to evaluate the eligibility of families who apply. Staff will carefully review all information provided by the family. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by NMHC pertaining to their eligibility.

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I. ELIGIBILITY FOR ADMISSIONS

A. ELIGIBILITY FACTORS

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by NMHC.

The HUD eligibility criteria are:

- -An applicant must be a "family"
- -An applicant must be within the appropriate income limits
- -An applicant must furnish Social Security Numbers for household members 6 years or older
- -An applicant must furnish evidence of Citizenship/Eligible Immigrant Status

B. FAMILY COMPOSITION

The applicant must qualify as a Family.

The definition of a family is two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or operation of law; OR two or more persons who are not so related, but regularly living together and can verify shared income or resources; OR two or more persons who intend to share residency and whose income and resources are available to meet the family's needs.

The term family also includes: Elderly family, near elderly family, disabled family, displaced person, single person, the remaining member of a tenant family, a foster care arrangement, or a kinship care arrangement. Other persons including members temporarily absent (i.e. a child temporarily placed in a foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family.

Split Households Prior to Certificate/Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, NMHC will make the decision taking into consideration the following factors:

- 1. Which family member applied as head of household
- 2. Which family unit retains the children of any disabled or elderly members
- 3. Restrictions that were in place at the time the family applied
- 4. Role of domestic violence in the split
- 5. Recommendations of social service agencies or qualified professions such as children's protective services

The family unit that retains the minor children will be given priority for remaining at its place on the waiting list.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by NMHC.

C. INCOME LIMITATION

To determine if the family is income-eligible, NMHC compares the Annual Income of the family as defined under program regulations to the applicable income limit for the family's size.

For admission to the program (initial lease-up), the family's income must be within the applicable low income limit of the jurisdiction where they want to live for the program involved.

D. SOCIAL SECURITY NUMBERS

Families are required to provide verification of Social Security Numbers for all family members age 6 years and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

F. OTHER CRITERIA FOR ADMISSION

NMHC shall apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program.

- 1. Certificate Program Family's Total Tenant Payment, computed in accordance with the federal regulations, may not exceed the current Fair Market Rent as set by HUD for the family's certificate size in the area.
- 2. The family must not have violated any family obligation during previous participation in the section 8 program in the previous thirty-six (36) months.

When NMHC denies assistance to an applicant with a disability, the applicant may request a review of the family obligation that was violated, if the violation was a result of the disability. An exception may be granted by NMHC if the family member who violated the family obligation is not a current member of the household on the application.

- 3. No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- 4. Family must have paid any outstanding debt owed NMHC by the applicant for any program that NMHC operates, and any balance must be paid in full before admission or demonstrate a satisfactory six-month payment on a Repayment Agreement.
- 5. No member of the family may have been involved or participated in drug related or violent criminal activity.

NMHC will not be obligated to ferret out information concerning a family's criminal activities as part of the processing of an application for assistance. Initial screening will be limited to routine inquiries of the family and any other information provided to NMHC regarding the matter. The inquiries will be standardized and directed to all applicants by inclusion in the application form. If either as a result of the standardized inquiry or the receipt of a verifiable referral, there is indication that the family or any family member has participated in drug-related criminal activity or violent criminal activity, NMHC may conduct closer inquiry to determine whether the family should be denied admission.

If the family indicates on application that they have been arrested within the prior five years for drug-related or violent criminal activity, NMHC shall obtain verification through police/court records.

- 6. No family member may have been evicted from public housing for drug-related or violent criminal activity during the three (3) year prior to receipt of the application by NMHC.
- 7. No family member may have engaged in or threatened abusive or violent behavior toward NMHC personnel ever.

G. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between placement on the waiting list and issuance of a certificate or voucher may affect the family's eligibility or Total Tenant Payment. For example, if a family goes over the income limit prior to lease up, the applicant will not be eligible for the program. They will be notified in writing of their ineligible status and of their right to an informal review.

H. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to noncitizen status.

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II. APPLICATION FOR ADMISSION

A. HOW TO APPLY

NMHC will accept and process applications in accordance with applicable Federal regulations. Applications will be received and processed as follows:

- 1. Applications will be taken at NMHC's central office or its office on Rota or Tinian, as the case may be, which time all applicants will receive a written statement documenting receipt of the application by NMHC. Unless the waiting list is closed, an application must be accepted even if an informal discussion indicates the applicant or his/her family may not be eligible.
- 2. Before formal acceptance of the application, applicants will be expected to provide on the formal application forms all the information necessary for making eligibility determinations.
- 3. All adult members of the household age eighteen (18) or older must be present to complete and sign the application and to provide photo identification. This provision can be waived only for good cause. (Good cause would include applicants that are disabled and require that application be completed by mail).
- 4. Each application will be placed on the waiting list by preference category and date and time of the application. This policy will not be subverted do to personal or political favors which is a violation of Federal law.

B. <u>APPLICATIONS</u>

The purpose of the application is to permit NMHC to assess family eligibility or ineligibility and to determine placement on the waiting list. The application will contain questions designed to obtain the following information:

- Names of adult members and date of birth of all members
- Sex and relationship of all members
- Street address and phone numbers
- Mailing address (if P.O. Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information related to qualification for preference
- Social security numbers
- Race/Ethnicity
- Citizenship/eligible immigration status
- Arrests for drug-related or violent criminal activity
- Request for specific accommodation needed to fully utilize program and services

The information on the application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

Applicants are required to inform the NMHC within thirty (30) days of changes in family composition, income, and address, as well as any changes in preference status. Applicants are also required to respond to requests from NMHC to update information or to determine continued interest in assistance.

C. OPENING THE WAITING LIST

NMHC will utilize the following procedures for opening the waiting list.

When NMHC opens the waiting list, NMHC will advertise through public notice in the Marianas Variety and Saipan Tribune. Notice will also be posted at each island's Mayor's Office.

The notice will contain the dates, times and locations where families may apply; the programs for which applications will be taken; a brief description of the program; a statement that public housing residents must submit a separate application if they want to apply for Section 8; and limitations, if any, on who may apply (special categories of applicants).

D. WHEN APPLICATION TAKING IS SUSPENDED

Decisions to close the waiting list will be based on the number of applications available for particular sizes of units, the numbers of applicants who qualify for local preferences, and the ability of NMHC to house an applicant in an appropriate unit within a reasonable period of time. A decision to close the waiting lists, restricting intake, or opening the waiting lists will be announced by public notice.

During the period when the waiting list is closed, NMHC will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

E. REQUIREMENT TO ATTEND BRIEFING

NMHC utilizes the full application briefing to discuss the family's circumstances in greater detail, to clarify information provided by the family, and provide information about the Section 8 Program. All adult members are required to attend the briefing.

It is the applicant's responsibility to reschedule the interview if she/he misses the briefing. If the applicant does not reschedule or misses two (2) scheduled briefings, NMHC will reject the application.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information but only with permission

of the person with a disability.

F. <u>VERIFICATION OF INFORMATION</u>

Information provided by the applicant will be verified including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factor related to preferences, eligibility and rent calculation. Verifications may not be more than sixty (60) days old at the time of certificate/voucher issuance.

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III. ESTABLISHING PREFERENCES

The Section 8 waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file
- All applicants on the list will be maintained in order of preference. Applications equal in preference will be maintained by date and time.
- All applicants must meet "Very-Low Income" eligibility requirements as established by HUD. Any exceptions to these requirements must have been approved by the HUD Field Office.

A. THE PREFERENCE SYSTEM

An applicant will not be granted any preference (federal, ranking or local) if any member of the family has been evicted from any federally assisted housing during the past three (3) years because of drug-related criminal activity.

- 1. NMHC reserves the right to choose whether to use Preference in accordance with applicable Federal law. NMHC will provide every applicant with information regarding preferences adopted by the Board of Directors.
- 2. A preference does not guarantee admission. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet Eligibility Factors before being offered a Certificate/Voucher.
- 3. Preferences will be granted to applicants who are otherwise qualified and who, at the time they are certified for admission meet the definitions of the preferences described below.
- 4. Preference System-The following system will be applied in the selection of applicants from the waiting list for a Certificate/Voucher.
 - a. **Federal Preferences**. Federal preferences for admission are adopted. They are as follows:

- 1. **Involuntary Displacement** (24 CFR 960.211(c), 960.213) 3 points An applicant qualifies for this preference if:
 - a. The applicant has been involuntarily displaced and is not living in standard, permanent replacement housing or within no more than six (6) months from the date of preference status certification by the family or verification by NMHC, the applicant will be involuntarily displaced.
 - b. An applicant is or will be involuntarily displaced if the applicant has vacated or will vacate (as described above) his or her housing unit as a result of one or more of the following actions:
 - 1. A disaster, such as flood or fire that results in the unit not being habitable;
 - 2. Activity carried on by an agency of the United States, or by any Commonwealth or local government body or agency in connection with code enforcement, or a public improvement program, or development programs;
 - 3. Action by a housing owner that forces an applicant to vacate his/her unit, provided:
 - The reason for the owner's action is beyond an applicant's ability to control or prevent;
 - The action occurs despite the applicant's having met all previously imposed conditions for occupancy; and
 - The action taken is other than a rent increase.
 - 4. Actions taken by a housing owner that cause an applicant to vacate a unit include, BUT ARE NOT LIMITED TO:
 - Conversion of the unit to non-residential use;
 - Closing of the unit for rehabilitation or any other reason;
 - Notice to an applicant that he/she must vacate a unit for the owner's personal or family use or occupancy;
 - Sale of the unit in which the applicant resides under an agreement to

Page 12 of 54

vacate when possession is transferred;

- Any other legal act that results or will result in the withdrawal of the unit by the owner from the rental market.
- 5. The reasons listed above do not include vacating the unit by the resident as a result of actions taken because the resident refused to:
- Comply with applicable programs, policies or procedures under the 1937 Housing Act with respect to the occupancy of under-occupied or overcrowded units;
- Accept a transfer to another housing unit in accordance with a court decree or in accordance with the policies and procedures of a HUD-Approved desegregation plan.
- 6. An applicant is also involuntarily displaced if:
- The applicant has vacated his/her housing unit as the result of actual or threatened physical violence directed against the applicant or one or more members of the applicant's family by a spouse or other member of the applicant's household.
- The applicant lives in a housing unit with an individual who engaged in such violence.
- The applicant qualifies as involuntarily displaced by domestic violence. The NMHC must determine that the violence occurred recently or is of a continuing nature. Further, the applicant must certify that the person who engaged in such violence will not reside with the applicant's family unless the NMHC gives written approval in advance. If the family is admitted, the NMHC may terminate assistance to the family for breach of this certification.
- Family members provided information on criminal activities to a law enforcement agency and based on a threat assessment, the agency recommends rehousing the family to avoid violence against family member as a reprisal for providing such information.
 - NOTE: NMHC will establish appropriate safeguards to protect the identity of families requiring this type of protection.

- One or more members of the applicant family have been victims of one or more hate crimes and the family has vacated a housing unit because of such a crime or the fear associated with such a crime.
- Hate crime means: actual or threatened violence or intimidation that is directed against a person or his or her property because of the person's race, color religion, sex, national origin, handicap or familial status.
- NMHC will determine that the hate crime occurred recently or is a continuing nature. This would include hate crimes committed because a person's race, religion, sexual orientation, or other Federally protected class.
- A member of the family has a mobility or other impairment that makes the person unable to use a critical element of his/her unit. This category of displacement applies only when the owner is not legally obligated to make changes to the unit that would make the critical element accessible to the person with disabilities as a reasonable accommodation.

VERIFICATION for applicants involuntarily displaced is established by the following documentation:

- (a) Certification from a unit or agency of government that an applicant has been or will be displaced as a result of a disaster or government action.
- (b) Certification from an owner or owner's agent that an applicant had to, or will vacate a unit by a date certain because of owner actions described above.
- (c) Certification from the local police department, social services agency or court of competent jurisdiction, or a clergyman, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence that an applicant is displaced because of domestic violence.
- 2. **Rent Burden** for a family paying more than fifty (50) percent income for rent and utilities for a period of ninety (90) days at the time of verification. (24 CFR 960.215)
 - b. An applicant does not qualify for this preference if either of the following is applicable:
 - The family is paying fifty (50) percent of income for rent for less than ninety

(90) days.

- The applicant is paying fifty (50) percent of income for rent because the applicant's housing assistance under certain HUD programs has been terminated because of the applicant's refusal to comply with applicable procedures on the occupancy of under occupied and overcrowded units.
- The programs are: Section 8 Programs or Public and Indian Housing Programs under the United States Housing Act of 1937; the Rent Supplement Program under Section 101 of the Housing and Urban Development Act 1965; or Rental Assistance Payments under Section 236(f)(2) of the National Housing Act.
- b. Definition Elements:
- <u>Family Income</u> is Monthly Income or 1/12 of Annual Income as defined in 24 CFR 913.102.
- Rent is the actual amount due as verified by the, family's current income.
 Rent includes the monthly cost of shelter plus utilities when utilities are paid.
- <u>Utilities</u>: If the utilities are purchased directly by resident from the utility providers, the applicable utility cost is determined in one of two ways: 1) The NMHC's utility allowance for family-purchased utilities and services used in NMHC's resident-based program; or 2) <u>IF THE FAMILY CHOOSES</u>, the average monthly payments that it actually made for these utilities and services for the most recent twelve (12) month period; or if that information is not obtainable for the entire twelve (12) month period, for an appropriate recent period.
- c. Amounts paid to or on behalf of the family under any energy assistance program must be subtracted from the rent amount to the extent that they are not included in the family's income.

Verification of income, rent and utility payments is established by the same documentation that NMHC uses in verifying income for the purpose of determining eligibility and Total Tenant Payment.

Local Preferences. No Local preferences for admission are adopted.

IV. OCCUPANCY STANDARDS

A. <u>DETERMINING CERTIFICATE/VOUCHER SIZE</u>

NMHC does not determine who shares a bedroom/sleeping room. NMHC's occupancy standards for determining certificate/voucher size shall be applied in a manner consistent with Fair Housing guidelines.

All standards in this section relate to the number of bedrooms stated on the Certificate or Voucher, not the family's actual living arrangements.

The unit size on the Certificate or Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

The unit size on the Certificate or Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

NMHC assigns one bedroom to two people within the following guidelines:

- 3. Persons of different generations, persons of the opposite sex (other than spouses or co-heads), children over 3 years of age and unrelated adults should be allocated a separate bedroom.
- 4. Live-in aides will be provided a separate bedroom.
- 5. Single person families shall be allocated an efficiency or one bedroom unit.

Guidelines for determining certificate/voucher size:

Certificate/Voucher Size Persons in Household (Minimum #) (Maximum	#)
0 Bedroom 1 1	
1 Bedroom 1 2	
2 Bedrooms 2 4	
3 Bedrooms 3 6	
4 Bedrooms 4 8	
5 Bedrooms 6 10	
6 Bedrooms 8 12	

B. CHANGES IN UNIT SIZE

NMHC shall grant exceptions from the standards if the family requests and the NMHC determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

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V. TOTAL TENANT PAYMENT (TTP) DETERMINATIONS

A. INCOME AND ALLOWANCES

<u>INCOME</u>: Income from all sources of each member eighteen (18) years and older of the household is counted.

<u>ANNUAL INCOME</u>: Defined as the gross amount of income anticipated to be received by the family during the twelve (12) months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions. Annual income is used to determine whether or not applicants are within the applicable income limits.

ADJUSTED INCOME: Defined as the Annual Income minus any HUD allowable deductions.

B. DEFINITION OF TEMPORARILY ABSENT

NMHC must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. If a family member is gone from the household for a time period of less than six (6) months, the family member will be considered temporarily absent.

Income of persons permanently absent will not be counted. If a family member leaves the household for a period of six (6) months or more or the family declares them absent in writing, the family member will be considered permanently absent and removed from the lease.

It is the responsibility of the head of household to report changes in family composition. NMHC will evaluate absences from the unit using this policy.

C. <u>INCOME OF PERSON PERMANENTLY CONFINED TO A NURSING HOME</u>

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the income of the family member confined will be excluded and the remaining family member will not receive disabled/handicap or medical expense deductions for the absent family member.

D. <u>AVERAGING INCOME</u>

When Annual Income cannot be anticipated for a full twelve (12) months, NMHC may average known sources of income that vary to calculate an annual income or annualize current income and conduct an interim reexamination if income changes.

An estimate can be made by averaging for those families whose income fluctuates from month to month, this estimate will be used so that the housing assistance payment does not change from month to month.

E. MINIMUM INCOME

There is no minimum requirement. Families who report zero (0) income are required to complete a written certification each thirty (30) days.

F. REGULAR GIFTS AND CONTRIBUTIONS

Any contribution or gift received every month or periodically on a regular basis will be considered a "regular" contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions. It does not include casual contributions or sporadic gifts.

G. ALIMONY AND CHILD SUPPORT

Regular alimony and child support payments are combined as income.

If the amount of child support or alimony received is less than the amount awarded by the court, NMHC must use the amount awarded by the court unless the family can verify they are not receiving the full amount. Accepted verification includes verification from the agency responsible for enforcement collection or has a filed an enforcement or collection action through an attorney.

H. <u>LUMP-SUM RECEIPTS</u>

Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income.

Lump-sum payments caused by delays in processing periodic payments (unemployment, AFDC, social Security benefits) are not counted as income. Deferred periodic payments will be treated the same as periodic payments which are deferred due to delays in processing.

I. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

NMHC will count assets disposed of for less than fair market value during the two (2) years preceding certification or reexamination. NMHC will count the difference between the market value and the actual payment received.

Assets disposed of as a result of foreclosure, bankruptcy, divorce or separation are not considered assets disposed of for less than fair market value.

J. <u>CHILD CARE EXPENSES</u>

Child care expenses for children under age thirteen (13) may be deducted from annual income if they enable and adult to work or attend school full time.

Child care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child care. Examples of those adult members who would be considered unable to care for the child include a person with disabilities or older person.

Allowability of deductions for child care expenses is based on the following situations:

<u>Child care to work</u>: The maximum child care expense allowed must be less than the amount earned by the person enabled to work.

<u>Child care for school</u>: The number of hours claimed for child care may not exceed the number of hours the family member is attending school.

<u>Rate of expense</u>: NMHC will survey the local care providers in the community as a guideline. The weekly expense for child care will not exceed comparable local practice.

K. MEDICAL EXPENSES

Non-prescription medicines must be recommended by a medical physician in order to be considered a medical expense.

Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses if verified by a medical physician.

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VI. VERIFICATION PROCEDURES

A. METHODS OF VERIFICATION AND TIME ALLOWED

NMHC will verify information through four methods of verification acceptable to HUD in the following order:

- 1. Third-Party Written Verification;
- 2. Third-Party Oral with Written Follow-Up;
- 3. Review of Documents; or
- 4. Applicant Certification.

NMHC will allow two (2) weeks for return of third-party verifications and two (2) weeks to obtain other types of verifications before using the next method.

For applicants, verifications may not be more than sixty (60) days old at the time of Certificate/Voucher issuance. For participants, they are valid for ninety (90) days from date of receipt.

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VII. CERTIFICATION/VOUCHER ISSUANCE AND BRIEFINGS

A. ISSUANCE OF CERTIFICATES/VOUCHERS

When funding is available, NMHC will issue Certificates and Vouchers to applicants whose eligibility has been determined. The issuance of Certificates and Vouchers must be within the dollar limitations set by the ACC budget.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in group meetings.

The purpose of the briefing is to explain the documents in the Certificate/Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

NMHC will not issue a Certificate or Voucher to a family unless the head of household has attended a briefing and signed the Certificate or Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two (2) scheduled briefings, without a valid reason may be denied assistance.

Briefing Packet

The documents and information provided in the briefing packets for both the Certificate and Voucher programs will comply with all HUD requirements. NMHC also includes other information and/or materials which are not required by HUD.

The family is provided with the following information:

- 1. The term of the certificate or voucher.
- 2. A description of the method used to calculate the assistance payment, information on Fair Market Rents (Certificate program), payments standards (Voucher program), and utility allowances.
- 3. The HUD lease addendum and NMHC sample lease.
- 4. The Request for Lease Approval form and a description of the procedure for requesting approval for a unit.
- 5. The Subsidy Standards and how the Certificate or Voucher size relates to the unit size selected.
- 6. The HUD brochure on lead-based paint hazards.

- 7. Information on federal, Commonwealth and local equal opportunity laws including the pamphlet "Fair Housing, It's Your Right"; the form for reporting suspected discrimination.
- 8. A list of landlords or other parties willing to lease to assisted families or help in the search.
- 9. If the family includes a person with disabilities, NMHC will provide a list of available accessible units.
- 10. The Family Obligations under the program.
- 11. The grounds for termination of assistance because of family action or failure to act.
- 12. When NMHC is required to offer an informal hearing, how to request the hearing, and the hearing procedures.

C. <u>SECURITY DEPOSIT REQUIREMENTS</u>

Security deposits charged by owners shall not exceed one (1) month's rent.

D. TERM OR CERTIFICATE/VOUCHER

During the briefing sessions, each household will be issued a Certificate or Voucher which represents a contractual agreement between NMHC and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expirations

The Certificate or Voucher is valid for a period of sixty (60) calendar days from the date of issuance. The family must submit a Request for Lease Approval and Lease within the sixty (60) day period.

If the Certificate or Voucher has expired, and has not been extended by NMHC or expires after an extension, the family will be denied assistance. They family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Extensions

Extensions are allowed at the discretion of NMHC up to a maximum of one hundred twenty (120) days, generally for the following reasons:

 Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial sixty (60) day period. Verification is required.

- NMHC is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of NMHC, throughout the initial sixty (60) day period.
- The family was prevented from finding a unit due to disability accessibility requirements or large bedroom size unit requirement.

Extensions are granted in increments of thirty (30) days. All extensions must be approved by the Section 8 Specialist. A maximum of two thirty (30) day extensions are allowed.

Assistance to Certificate/Voucher Holders

Families who require additional assistance during their search may call NMHC's Section 8 Office to request assistance. Certificate and Voucher holders will be notified at their briefing session that NMHC periodically updates the listing of available units and how the updated list may be obtained.

NMHC will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

E. <u>INTERCHANGEABILITY BETWEEN CERTIFICATE AND VOUCHER</u>

If the Family asks to change the form of assistance, NMHC will determine if the requested form of assistance is available and will notify the Family within ten (10) days. If NMHC denies the family's request, an informal hearing will not be offered.

VIII. REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION

A. REQUEST FOR LEASE APPROVAL

The Request For Lease Approval (RFLA) and a copy of the proposed Lease must be submitted by the family during the term of the Certificate of Voucher.

The Request for Lease Approval must be signed by both the owner and Certificate/Voucher holder. The lease may be executed up to sixty (60) days prior to contract execution but cannot be executed without approval of NMHC.

NMHC will not permit the family to submit more than one (1) RFLA at a time.

NMHC will review the documents to determine whether or not they are approvable. For the Certificate Program, NMHC will determine that the Gross Rent is within the applicable FMR (unless an exception rent is approved).

The Request For Lease Approval will be approved if:

- 1. The unit is an eligible type of housing;
- 2. The unit meets HUD's Housing Quality Standards (and any additional local criteria as identified in this Administrative Plan);
- 3. The contract rent is reasonable. Rent and utility allowance do not exceed current FMR unless an exception is approved;
- 4. The security deposit amount is approvable; and
- 5. The proposed lease complies with HUD and NMHC requirements and Commonwealth/Local law.

Disapproval of RFLA

If NMHC determines that the Request For Lease Approval cannot be approved for any reason, the landlord and the family will be notified. NMHC will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given ten (10) calendar days to submit an approvable RFLA from the date of disapproval.

When, for any reason, an RFLA is not approved, NMHC will furnish another RFLA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

B. ELIGIBLE TYPES OF HOUSING

NMHC will approve any of the following types of housing in the Certificate and Voucher Programs:

All structure types can be utilized.

Manufactured homes where the tenant leases the mobile home and the pad.

Manufactured homes where the tenant owns the mobile home and leases the pad (Certificate Program).

Independent Group Residences.

A family can own a rental unit but cannot reside in it while being assisted, except in the Certificate program for manufactured homes when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development. Families may lease properties owned by relatives, as long as those owners and units meet the other programs requirements. Owners should be aware that Congress is considering action to disqualify housing owned by relatives as eligible housing.

NMHC may not permit a Certificate or Voucher holder to lease unit which is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

NMHC will not approve:

A unit occupied by the owner or by any person with an interest in the unit, other than manufactured homes described above;

Nursing homes or other institutions that provide care;

School dormitories and institutional housing; or

Any other types of housing prohibited by HUD.

C. RENT LIMITATIONS

In the Certificate program, NMHC may approve exception rents that are up to ten (10%) percent above the FMR for no more than twenty (20%) percent of budgeted units.

Rent reasonableness will still be used as a measure of whether the rent is approvable.

NMHC manually tracks all units for which an Exception Rent is approved to assure that not more than twenty (20%) percent of the units under the Certificate program (based on the number of units

shown on Line 4 of the last budget submitted to HUD) are approved.

For Certificate and Voucher programs, NMHC will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

D. DISAPPROVAL OF PROPOSED RENT

In the Certificate Program, if the Gross Rent proposed exceeds the FMR, NMHC may suggest that the owner reduce the Contract Rent or include some or all utilities in Contract Rent.

If the owner accepts the offer of a reduced rent, NMHC will continue processing the Request for Lease Approval and Lease. If the revised rent involves a change in the provision of utilities, a new Request for Lease Approval must be submitted by the owner.

E. <u>INFORMATION TO OWNERS</u>

NMHC is required to provide prospective owners with the address of the applicant and the names and addresses of the current and previous landlord if known.

NMHC will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rental payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

F. OWNER DISAPPROVAL

For purposes of this section, "owner" includes a principal or other interested party.

NMHC will disapprove the owner for the following reasons:

HUD has informed NMHC that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24;

HUD has informed NMHC that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending;

HUD has informed NMHC that a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements;

The owner has violated obligations under a housing assistance payment contract under Section 8 of the 1937 Act;

The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program;

The owner has engaged in drug trafficking;

The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards of units leased with projectbased Section 8 assistance or leased under any other federal housing program;

The owner has a history or practice of renting units that fail to meet Commonwealth or local housing codes; or

The owner has not paid Commonwealth or local real estate taxes, fines or assessments.

<u>Information for W-9 Forms</u>

Owners must provide the current address of their personal residence. If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security Number. Owners must also submit proof of ownership of the property, such as a Deed. A Certificate of Compliance and a copy of the Management Agreement is required if the property is managed by a management agent.

The owner must provide a business or home telephone.

G. CHANGE IN OWNERSHIP

A change in ownership requires execution of a new contract.

NMHC will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.

IX. HOUSING QUALITY STANDARDS AND INSPECTIONS

Housing Quality Standards (HQS) are the HUD minimum qualify standards for housing units participating in tenant-based rental assistance programs. HQS is designed to ensure that the unit is decent, safe and sanitary. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit.

All units must adhere to the acceptability and performance criteria in program regulations and the HUD Inspection Booklet (24 CFR 982.401).

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X. OWNER RENTS, RENT REASONABLENESS AND PAYMENT STANDARDS

A. MAKING PAYMENTS TO OWNERS

Once the HAP Contract is executed, NMHC begins processing payments to the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timelines of payments. Changes are made automatically to the HAP Register for the following month.

Checks may not be picked up by the owner at NMHC.

Checks that are not received will not be replaced until a written request has bene received from the payee and a stop payment has been put on the check.

B. RENT REASONABLENESS DETERMINATIONS

Rent reasonableness determinations are made when units are placed under HAP Contract for the first time, when owners request annual or special contract rent adjustments under the Certificate Program, and when an owner requests a rent increase in the Voucher Program.

For the Certificate and Voucher Program, NMHC will determine and document on a case-by-case basis that the approved rent:

- 1. Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex, and
- 2. Is reasonable in relation to rents currently charged by other owners for comparable units in the unassisted market.

At least two comparable units will be used for each rent determination, one of which must be from the first category above if possible. All comparables must be based on the rent that the unit would command if leased in the current market.

The data for other unassisted units will be gathered from newspapers, Realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The following items will be used for rent reasonableness documentation:

- Square Footage
- Number of Bedrooms
- Facilities
- Location
- Number of Bathrooms
- Ouality

- Amenities
- Date Built
- Unit Type
- Management and Maintenance Services
- Building Material

C. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM

The Payment Standard is initially set by NMHC at the Fair Market Rent in effect at the time the Annual Contributions Contract for the first increment of Voucher funding is approved by HUD. The Payment Standard is used to determine the maximum subsidy which can be paid by NMHC on behalf of the family.

D. <u>ADJUSTMENTS TO PAYMENT STANDARDS</u>

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families rents affordable. NMHC will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will NMHC raise Standards if the need is solely to make "high end" units available to Voucher holders.

NMHC will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and if an increase is warranted, the payment standard will be adjusted within 80% of the current Fair Market Rent.

E. RENT ADJUSTMENTS

Certificate Program

Rent adjustments to owners under the Certificate Program are allowed and are effective on the anniversary date of the HAP Contract (unless the unit is in a failed condition at that time) one time per year or the first of the next month subsequent to the owner's request. Owners must request the rent adjustment in writing on the form provided by NMHC. If the request is not received within 60 days of the anniversary date, NMHC will not approve an annual adjustment for that year. The change in rent does not affect the automatic renewal of the lease and does not require a new lease or contract. NMHC will execute a contact lease amendment that is attached to the current lease. A notice of rent change will be sent to the owner and the family.

Rent increases must pass the rent reasonableness test and may not exceed the Adjustment Factor published annually by HUD (even if justified by rent reasonableness).

Disapproval of Requests for Adjustment

If NMHC rejects the owner's request for rent adjustment as exceeding rent reasonableness and the owner rejects NMHC's determination, the owner may offer the tenant a new lease (after receiving NMHC's approval with a sixty-day notice to the tenant). If the tenant refuses or the owner does not offer a new lease, the owner may terminate tenancy for a business or economic reason in accordance with the lease after giving 60 days notice to NMHC and the family as required by program regulations. NMHC will then issue a new Certificate to the family.

Voucher Program

Owners may not request rent adjustments in the Voucher Program that are effective prior to the expiration of the first year of the lease. Rent adjustments are effective the first of the month subsequent to the approval of increase.

XI. RECERTIFICATIONS

A. ANNUAL ACTIVITIES

There are three activities NMHC must conduct on an annual basis. These activities will be coordinated whenever possible:

- 1. Recertification of Income and Family Composition
- 2. HQS Inspection
- 3. Contract Rent Adjustment when requested by Owner (Certificate only)

NMHC produces a monthly listing of units under contract to ensure that timely reviews of contract rent, housing quality, and factors related to Total Tenant Payment can be made.

Annual activities for contracts that did not commence on the first of the month must be completed no later than the first of the month in which the lease was effective.

B. ANNUAL RECERTIFICATION

Families are required to be recertified at least annually for continued eligibility and rent determination.

Recertification Notice to the Family

NMHC will maintain a recertification tracking system and the household will be notified by mail of the date and time for their interview at least 90 days in advance of the anniversary date.

Requirements to Attend

All adult household members will be required to attend the recertification interview. If the head of the household is unable to attend the interview, the appointment will be rescheduled.

Failure to Respond to Notification to Recertify

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with NMHC, NMHC will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the Section 8 Specialist will schedule a mandatory meeting. Failure to attend this mandatory meeting will result in termination.

(Exceptions to these policies may be made by the Section 8 Specialist if the family is able to document an emergency situation that prevented them from canceling or attending the appointment

or for other valid mitigating circumstance.)

Tenant Rent Changes

Any tenant rent changes will be effective on the anniversary date or on the first day of the month following a thirty day notice if there is an increase in rent.

C. <u>REPORTING INTERIM CHANGES</u>

NMHC requires program participants to report all changes in household composition to NMHC between annual recertifications. This includes additions due to birth, adoption and court-awarded custody. The family must obtain NMHC approval prior to all other additions to the household.

Interim Recertification Policy

NMHC will conduct interim recertifications when families have an increase in income.

Families will be required to report all increases and decreases in income/assets of all the household members to NMHC within 10 days of the change.

HA Errors

If NMHC makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively.

Other Interim Reporting Issues

An interim recertification does not affect the date of the annual recertification.

An interim recertification will be scheduled for families at zero income each 30 days. Zero income families are required to complete a family expense form.

D. NOTIFICATION OF RESULTS OF RECERTIFICATIONS

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Tenant Rent Change is mailed to the owner and the tenant following a recertification even if rent and lease remain the same. Signatures are not required by NMHC. If the family disagrees with the rent adjustment, the family must notify their caseworker to resolve the disagreement.

E CONTINUANCE OF ASSISTANCE FOR "MIXED FAMILIES"

Under the Non-citizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants on June 19, 1995, shall continue receiving full assistance if they meet the following criteria:

- 1. The head of household or spouse is a U.S. citizen or has eligible immigrant status; AND
- 2. All members of the family other than the head, the spouse, parents of the head, parents of the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

If they do not qualify for continued assistance, the member (s) that cause the family to be ineligible for continued assistance may move, the family may choose prorated assistance or the HA may offer temporary deferral of termination.

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XII. MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

A. ALLOWABLE MOVES

A family may move to a new unit if:

- 1. The assisted lease for the old unit has terminated because NMHC has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
- 2. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).
- 3. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner).

B. <u>RESTRICTIONS ON MOVES</u>

Families will not be permitted to move within NMHC's jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside NMHC's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will be permitted to move only once in a 12-month period (after the first year of tenancy).

NMHC will deny permission to move if there is insufficient funding for continued assistance. NMHC may deny permission to move to if:

- 1. The family has violated a Family Obligation.
- 2. The family owes NMHC money and/or the owner money.
- 3. The family has moved or been issued a Certificate or Voucher twice within the last twelve (12) months.

The Section 8 Specialist may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control or for mitigating circumstances beyond the control of the family.

C. PROCEDURE FOR MOVES

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and the NMHC proper written notice of any intent to move.

The family must give the owner at least thirty (30) days (not to exceed sixty (60) days) written notice of intent to vacate as specified in the lease and must give a copy to NMHC simultaneously.

For units under a Certificate contract effective before October 2, 1995, if the family vacates the unit without proper notice in writing to the owner, the family will be responsible for any vacancy loss paid by NMHC.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move with no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves in certain circumstances as approved by the Section 8 Specialist.

D. <u>PORTABILITY</u>

Portability applies to families moving out of or into NMHC's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the initial NMHC's jurisdiction. The unit may be located:

- 1. In the same state as the initial HA;
- 2. In the same metropolitan statistical area (MSA) as the initial HA, but in a different state;
- 3. In an MSA adjacent to the MSA of the initial HA, but in a different state; and
- 4. In the jurisdiction of an HA anywhere within the United States that administers a tenant based program.

E. OUTGOING PORTABILITY

When a family requests to move outside of NMHC's jurisdiction, the request must specify the area

to which the family wants to move.

If the family is moving to a unit located in the same state as the initial HA, in the same MSA, but in a different state, or in an adjacent MSA in a different state, and there is not an HA in the area where the unit is located, the initial HA will be responsible for the administration of the family's assistance.

If there is more than one HA in the area in which the family has selected a unit, the HA will choose the receiving HA.

Restrictions on Portability

- 1. Families will not be permitted to exercise portability during the initial twelve (12) month period after admission to the program, if neither the head or spouse had a domicile (legal residence) in NMHC's jurisdiction at the date of their initial application for assistance.
- 2. If the family is in violation of a family obligation.
- 3. If the family owes money to NMHC.

Outgoing Portability Procedures

NMHC will provide pre-portability counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up, NMHC will determine if the family is within the very low income limit of the receiving HA. If the receiving HA will absorb and the family will be changing its form of assistance, NMHC will determine if the family is within the low income limit of the receiving HA and advise the family accordingly.

NMHC will notify the Receiving HA that the family wishes to relocate into its jurisdiction and advise the family how to contact and request assistance from the receiving HA.

NMHC will provide the following documents and information to the Receiving HA:

- 1. A copy of the family's Certificate or Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
- 2. The most recent HUD 50058 form and verifications.
- 3. Declarations and certifications of U.S. citizenship/eligible immigrant status.
- 4. The complete Portability Form (HUD-52665)

The Receiving HA must notify NMHC within 6 months of the following:

- The Receiving HA decides to absorb the family into their own program.
- The family leases up or fails to submit a Request for Lease Approval by the required date.
- Assistance to a portable family is terminated by the Receiving HA.
- The family requests to move to an area outside the Receiving HA's jurisdiction.

Claims

NMHC will be responsible for collecting amounts owed by the family for claims paid and for monitoring the repayment. NMHC will notify the Receiving HA if the family is in arrears or if the family has refused to sign a Repayment Agreement, and the Receiving HA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

F. INCOMING PORTABILITY

Absorption or Administration

NMHC will accept a family with a valid Certificate/Voucher from another jurisdiction and absorb the Certificate/Voucher provided that funding is available. The family will be issued a "Portability" Certificate or Voucher by NMHC with the same start date. NMHC may grant extensions in accordance with this Administrative Plan.

The NMHC will issue a "Portability Certificate" or "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition which would change the Certificate or Voucher size, NMHC will change to the proper size based on its own Subsidy Standards.

NMHC will decide whether to extend the "Portability Certificate/Voucher" and for what period of time. NMHC's policy on extensions will apply. However, if the Family decides not to lease-up in NMHC's jurisdiction, the Family must request an extension from the Initial HA.

Income and TTF of Incoming Portables

As Receiving HA, NMHC will conduct a recertification interview.

Requests for Lease Approval

A briefing will be mandatory for all portability families.

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When the Family submits a Request for Lease Approval, it will be processed using NMHC's policies. If they Family does not submit a Request for Lease Approval or does not execute a lease, the Initial HA will be notified within six (6) months by NMHC.

NMHC will notify the Family of its responsibility to contact the Initial HA if the Family wishes to move outside NMHC's jurisdiction under continued portability.

Terminations

The Initial HA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial HA notifies NMHC that the Family is in arrears or the Family has refused to sign a Repayment Agreement, NMHC will terminate assistance to the Family.

Billing Procedures

NOTE: Billing Procedures are only applicable if funds are not sufficient to absorb incoming Certificates/Vouchers.

As Receiving HA, NMHC will bill the Initial HA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the Initial HA.

The NMHC will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial HA's rate) and any other HUD-approved fees, for each "Portability" Certificate/Voucher leased as of the first day of the month.

NMHC will notify the Initial HA of changes in subsidy amounts and will expect the Initial HA to notify NMHC of changes in the Administrative Fee amount to be billed.

XIII. DENIAL OR TERMINATION OF ASSISTANCE

A. GROUNDS FOR DENIAL/TERMINATION

If denial or termination is based upon behavior resulting from a disability, NMHC will delay the denial or termination in order to determine if there is an accommodation which would negate the behavior resulting from the disability.

Form of Denial/Termination

Denial of assistance for an applicant may include any or all of the following:

- 1. Denial for placement on NMHC waiting list.
- 2. Denying or withdrawing a certificate or voucher.
- 3. Refusing to enter into a HAP contract or approve a lease.
- 4. Refusing to process or provide assistance under portability procedures.

Termination of assistance for a participant may include any or all of the following:

- 1. Refusing to enter into a HAP contract or approve a lease.
- 2. Terminating housing assistance payments under an outstanding HAP contract.
- 3. Refusing to process or provide assistance under portability procedures.

Mandatory Denial and Termination

NMHC must deny assistance to applicants, and terminate assistance for participants:

- 1. If any member of the family refuses to sign and submit HUD or NMHC required consent forms for obtaining information.
- 2. If no member of the family is a U.S. citizen or eligible immigrant.
- 3. If the family is under contract and 180 days have elapsed since the NMHC's last housing assistance payment was made.

B. FAMILY OBLIGATIONS FOR RENTAL ASSISTANCE PROGRAMS

- 1. The family must supply any information that NMHC or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 812). "Information" includes any requested certification, release, or other documentation.
- 2. The family must supply any information requested by NMHC or HUD for use in a regularly

- scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
- 3. The family must disclose and verify Social Security Numbers (as provided by 24 CFR part 750) and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813.
- 4. All information supplied by the family must be true and complete.
- 5. The family is responsible for an HQS breach caused by the family as described in 982.404(b).
- 6. The family must allow NMHC to inspect the unit at reasonable times and after reasonable notice.
- 7. The family may not commit any serious or repeated violation of the lease.
- 8. The family must notify the owner and, at the same time, notify NMHC before the family moves out of the unit or terminates the lease on notice to the owner.
- 9. The family must promptly give NMHC a copy of any owner eviction notice.
- 10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- 11. The composition of the assisted family residing in the unit must be approved by NMHC. The family must promptly inform NMHC of the birth, adoption or court awarded custody of a child. The family must request NMHC approval to add any other family member as an occupant of the unit.
- 12. The family must promptly notify NMHC if any family member no longer resides in the unit.
- 13. If NMHC has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or NMHC approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
- 14. Members of the household may engage in legal profit-making activities in the unit, but **only if such activities** are incidental to primary use of the unit as a residence by members of the family and only if the owner agrees.
- 15. The family must not sublease or let the unit.
- 16. The family must not assign the lease or transfer the unit.

- 17. The family must supply any information or certification requested by NMHC to verify that the family is living in the unit, or relating to family absence from the unit, including any NMHC-requested information or certification on the purposes of family absences. The family must cooperate with NMHC for this purpose. The family must promptly notify NMHC of extended absence from the unit.
- 18. The family must not own or have any interest in the unit.
- 19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with Federal and/or Commonwealth Housing programs.
- 20. The members of the family may not engage in drug-related criminal activity or violent criminal activity in or about the unit and/or project.
- 21. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, Commonwealth, or local housing assistance program.

Housing Authority Discretion

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, NMHC has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, the length of time since the violation occurred and more recent record of compliance and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

NMHC may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. NMHC may permit the other members of the family to continue in the program.

C. <u>ENFORCING FAMILY OBLIGATIONS/EXPLANATION & TERMS</u>

Explanations and Terms

"Promptly" when used with the Family Obligations always means "within ten (10) days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

<u>HQS Breach:</u> The Inspectors and Section 8 Specialist will determine if an HQS breach as identified in 24 CFR 982.404(b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Section 8 Specialist.

<u>Lease Violations</u>: The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance:

- If the owner terminates tenancy through court action for serious or repeated violation of the lease.
- If there are police reports, neighborhood complaints or other third party information,
 and NMHC has verified the information.

Notification of Eviction: If the family requests assistance to move and they did not notify NMHC of an eviction within ten (10) days of receiving the Notice of Lease Termination, the move will be denied.

Proposed Additions to the family will be denied to:

- Persons who have been evicted from public housing for drug-related or violent criminal activities.
- Persons who have previously violated a family obligation listed in 24 CFR 982.51 of the HUD regulations.
- Persons who have been a head of household or spouse whose assistance has been terminated under the Certificate or Voucher program.
- Persons who do not meet the NMHC's definition of family,
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- Persons who currently owe rent or other amounts to NMHC or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
- Persons who have engaged in or threatened abusive or violent behavior toward NMHC personnel.

<u>Family Member Move Out:</u> Families are required to notify NMHC if any family member leaves the assisted household. When the family notifies NMHC, they must furnish the following information:

- The date the family member moved out.
- The new address, if known, of the family member.
- A statement as to whether the family member is temporarily or permanently absent.

Limitation on Profit-making Activity in Unit:

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.

If NMHC determines that the use of the unit as a business is not incidental to its use as a dwelling unit.

<u>Interest in Unit:</u> The owner may not reside in the assisted unit regardless of whether s/he is a member of the assisted family, unless the family owns the mobile home and rents the pad under the Certificate Program.

<u>Fraud:</u> In each case, NMHC will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

In the event of false citizenship claims, NMHC will give the family member the opportunity to elect not to contend their status in lieu of termination of the entire family.

Drug-related or Violent Criminal Activity:

Drug-related criminal activity means:

- The manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in the Federal Controlled Substance Act);
- The use or possession (other than with intent to manufacture, sell, or distribute) of a controlled substance.
- Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and has recovered or is recovering from the addiction and does not currently use or possess the substance.

Violent criminal activity includes:

- Any criminal activity, that has as one of its elements, the use, attempted use, or threatened use, of physical force against a person or property; and
- The activity is being engaged in by any Family member.

Notice of Termination of Assistance

In any case where NMHC decides to terminate assistance to the family, NMHC must give the family written notice which states:

- The reason (s) for the proposed termination,
- The effective date of the proposed termination,
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

- The date by which a request for an informal hearing must be received.

NMHC will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The notice to the owner will not include any details regarding the reason for termination of assistance.

A. PROCEDURES FOR NON-CITIZENS

<u>Termination due to Ineligible Immigrant Status</u>

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

Temporary Deferral of Termination of Assistance

Ineligible families who were participants as of June 19, 1995, may request a temporary deferral of termination of assistance in order to allow time to locate affordable housing and thereby preserve the family.

Temporary deferral of termination of assistance is also available to mixed families who were participants on June 19, 1995, who elect not to accept prorated assistance, and are not eligible for Continued Assistance. NMHC must allow the mixed family time to find housing for ineligible members or for the entire family by deferring the termination.

Mixed families who choose temporary deferral of termination of assistance may change to prorated assistance at the end of any deferral period, if they have made a good-faith effort to locate housing.

Criteria for Approving Temporary Deferral of Termination of Assistance

NMHC will grant temporary deferral so long as the family makes reasonable efforts to find affordable housing.

Affordable housing is defined as housing that is standard based on HQS, of appropriate size based on HQS, and for which the rent plus utilities is no more than twenty-five (25%) percent greater than the NMHC calculated Total Tenant Payment.

To determine whether a family is eligible for temporary deferral of termination of assistance or for a renewal of temporary deferral of termination of assistance, NMHC will:

Require a search record to document the family's efforts to locate housing before granting or extending temporary deferral of termination of assistance.

Length of Deferral

The initial temporary deferral is granted for an interval not to exceed six (6) months. Additional deferrals can be made up to a maximum of three (3) years. A notice is sent to the family at the beginning of each deferral period reminding them of their ineligibility for full assistance and their responsibility to seek other housing.

The family will be notified in writing sixty (60) days before the end of the three (3) year maximum deferral period that there cannot be another deferral, and will be offered the option of prorated assistance if they are a mixed family and have made a good-faith effort to locate affordable housing.

False or Incomplete Information

When NMHC has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, or investigation will be conducted and the individual will be given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, NMHC may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. NMHC will then verify eligible status, deny, terminate, or prorate as applicable.

NMHC will deny or terminate assistance based on the submission of false information or misrepresentations.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with NMHC either after the INS appeal or in lieu of the INS appeal.

After NMHC has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

E. **\$0** ASSISTANCE TENANTS

Old Contracts

For contracts which were effective prior to October 2, 1995, NMHC is liable for unpaid rent and damages if the family vacates during the allowable twelve (12) month period after the last HAP payment. NMHC must perform all of the functions normally required, such as reexaminations and inspections. The participant will be notified of the right to remain on the program at \$0 assistance for twelve (12) months. If the family is still in the unit after twelve (12) months, the Housing Assistance Payment contract will be terminated.

New Contracts

For contracts effective after October 2, 1995, NMHC has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to one hundred eighty (180) days after the last HAP payment. If the family is still in the unit after one hundred eighty (180) days, the Housing Assistance Payment contract will be terminated. If within the one hundred eighty (180) day time frame an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, NMHC will resume assistance payments for the family.

In order for a family to move to another unit during the one hundred eighty (180) days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION

If the family has misrepresented any facts that caused NMHC to overpay assistance, NMHC may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement or reimburses NMHC in full.

G. MISREPRESENTATION IN COLLUSION WITH OWNER

If the family willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, NMHC will deny or terminate assistance and report the activities to the HUD Regional Inspector General for investigation.

In making this determination, NMHC will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

XIV. OWNER RESTRICTIONS

It is the policy of NMHC to recruit owners to participate in the program, and to provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of NMHC. These regulations define which NMHC must disallow an owner from participating in the rental assistance programs and HUD provides NMHC with discretion to disapprove or otherwise restrict the participation of owners in certain categories.

A. OWNER RESTRICTIONS AND PENALTIES

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, NMHC will restrict the owner from future participation in the rental assistance programs for a period of time commensurate with the seriousness of the offense. NMHC may also terminate some or all contracts with the owner.

B. <u>OVERPAYMENTS TO OWNERS</u>

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Housing Assistance Payment Contract, NMHC may terminate the contract and arrange for restitution to NMHC and/or family as appropriate.

NMHC will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay NMHC or the tenant as applicable.

XV. CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS

A. OWNER CLAIMS

Under HAP Contracts effective prior to October 2, 1995, owners may make "special claims" for damages, unpaid rent, and vacancy loss (vacancy loss cannot be claimed in the Voucher Program) after the tenant has vacated the unit.

Owner claims for payment for unpaid rent, damages or vacancy loss will be reviewed for accuracy and completeness and compared with records in the file. NMHC establishes standards by which to evaluate claims, but the burden of proof rests with the owner.

If vacancy loss is claimed, NMHC will ascertain whether or not the family gave proper notice of their intent to move. The file will also be reviewed to verify owner compliance at the time the contract was terminated.

NMHC will pay properly filed claims to the owner as a function of the contract, but the tenant is ultimately responsible to reimburse NMHC for claims paid to the owner.

B. <u>UNPAID RENT</u>

Unpaid rent only applies to the tenant's portion of rent while the tenant is in residence under the assisted lease. It does not include the tenant's obligation for rent beyond the termination date of the HAP contract.

C. <u>VACANCY LOSS IN THE CERTIFICATE PROGRAM</u>

Vacancy loss is applicable to the Certificate Program only. Vacancy loss is paid if the move was in violation of the notice requirements in the lease.

In order to claim vacancy loss, the unit must be available for lease and the landlord must:

- 1. Notify NMHC within ten (10) days upon learning of the vacancy, or prospective vacancy, and
- 2. Pursue all possible activities to fill the vacancy including the following:
 - Seeking eligible applicants by listing the unit with NMHC
 - Advertising the availability of the unit
 - Not rejecting potentially eligible applicants except for good cause

In the event that a unit becomes vacant because of death, NMHC will permit the owner to keep the HAP for the month in which the tenant died.

If the tenant moves after the date given on their notice of intent to vacate, the landlord may claim vacancy loss by providing acceptable documentation that there was a bona fide prospective tenant to whom the unit could have been rented.

D. <u>DAMAGES</u>

Certificate Program

Maximum NMHC liability is the lesser of:

- the total amount of damage claim, or
- two (2) month's contract rent minus the security deposit actually collected or that could have been collected under program regulations

Voucher Program

Maximum NMHC liability is the lesser of:

- the total amount of damage claim, or
- one (1) month's contract rent minus the security deposit actually collected or that could have been collected under program regulations

To ensure valid claim processing, NMHC will conduct a thorough Move-In Inspection noting "conditions" as well as HQS deficiencies, take pictures of questionable items, and send a report of all items to the owner and the tenant.

The owner must be present during the Move-Out Inspection and only damages claimed by the owner are reimbursable.

All claims for damages must be supported by actual bills for materials and labor and a copy of the canceled checks or other receipts documenting payment. Estimates are not acceptable.

E. MOVE-OUT AND CLOSE-OUT INSPECTIONS

There will be no Move-Out Inspections of units with contracts effective on or after October 2, 1995.

The owner must notify NMHC of the move-out and request an inspection within ten (10) days of learning of the move out in order to submit a claim for damages.

If the contract was terminated due to owner breach, or the owner was in violation of the contract at the time that it was terminated, there will be no entitlement to claims and therefore no inspection.

NMHC will not conduct a Move-Out Inspection on tenant's request if the owner does not also request an inspection. It is the tenant's responsibility to document the condition of the unit at move-out.

A damage claim will not be approved unless the Move-Out Inspection is requested and completed prior to any work being done.

F. PROCESSING CLAIMS

NMHC reviews claims for unpaid rent, damages, or vacancy loss and makes a preliminary determination of amount payable. The family is informed that a claim is pending by notice sent to their last known address. The notification will state the preliminary determined amount, the type of claim, and describe the procedure for contesting the claim.

NMHC will offer the family ten (10) days to contest the claim. If the family disputes the claim, NMHC will schedule a claim review with the owner and tenant in order to resolve the differences.

If the family misses the claim review, another will not be scheduled unless there are extenuating circumstances.

At the claim review, if the family demonstrates that the claim, or part of it, is invalid, NMHC will adjust the amount.

After a determination is made, NMHC will notify the family in writing of the decision. If it is determined that the family owes money and the owner's claim is valid, the family will be notified to pay the approved claim to the owner within ten (10) days. If payment is not made to the owner by the tenant, NMHC will pay the claim and NMHC will pursue collection to be repaid either in a lump sum or through a payment agreement. The notice will warn the family that their assistance may be terminated and they may be denied future participation in the program if they do not reimburse NMHC as required.

XVI. COMPLAINTS AND APPEALS

A. COMPLAINTS TO NMHC

NMHC will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. NMHC may require that complaints including HQS violations be put in writing.

All complaints will first be referred to the applicable Section 8 Assistant. If the complaint cannot be resolved by the assistant, complaints will then be referred to the Section 8 Specialist.

B. PREFERENCE DENIALS

When NMHC denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and be offered the opportunity to meet with NMHC staff to discuss the reasons for denial and to dispute NMHC's decision.

C. <u>INFORMAL REVIEW PROCEDURES FOR APPLICANTS</u>

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance based on citizenship or eligible immigrant status, the applicants is entitled to an informal hearing.

When NMHC determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice will contain the reason(s) they are ineligible, the procedure for requesting a review if the applicant does not agree with the decision and the time limit for requesting a review.

NMHC must provide applicants with the opportunity for an Informal Review of decisions denying:

- Listing on NMHC's waiting list
- Issuance of a Certificate or Voucher
- Participation in the program

Informal Reviews are not required for established policies and procedures and NMHC determinations such as:

- Discretionary administrative determinations by NMHC
- General policy issues or class grievances
- A determination of the family unit size under NMHC occupancy standards
- Refusal to extend or suspend a Certificate or Voucher
- Disapproval of lease
- Determination that unit is not in compliance with HQS

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 Determination that unit is not in accordance with HQS due to family size or composition

D. INFORMAL HEARING PROCEDURES

NMHC will provide a copy of the hearing procedures in the family briefing packet.

When NMHC makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. NMHC will give the family prompt notice of such determinations which will include:

- The proposed action or decision of NMHC The date the proposed action or decision will take place
- The explanation of the basis for NMHC's decision
- The procedures for requesting a formal hearing if the family disputes the action or decision
- The time limit for requesting the formal hearing
- To whom the formal hearing request should be addressed

NMHC must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Determination to terminate assistance for any reason
- Determination to pay an owner claim for damages, unpaid rent or vacancy loss
- Termination of the Certificate or Voucher holder in the event of the break-up of the family

NMHC must always provide the opportunity for an informal hearing before termination of assistance.

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NORTHERN MARIANAS HOUSING CORPORATION

GRIEVANCE PROCEDURES FOR SECTION 8 PROGRAM

Citation of

Statutory Authority:

Pursuant to Executive Order No. 94-3, Section 407 of the Reorganization Plan No. 2 of 1994, Governor's Directive No. 138, and the Administrative Procedure Act at 1 CMC 9101, et. seq., 2 CMC 4432(i); 2 CMC 4433(i)(j)

& (t); and 2 CMC 4453.

Short Statement of Goals & Objectives:

To establish procedures for Section 8 tenants to seek the just, effective and efficient settlement of grievances against the Northern Marianas Housing

Corporation (NMHC).

Brief Summary of the Rule:

Provides procedures pursuant to the U.S. Housing Act of 1937 and Subpart

B of 24 CFR part 966 to settle resolutions to tenants' grievances against

NMHC.

For Further

Information Contact: MaryLou S. Ada, Executive Director, NMHC, telephone no. 234-

6866/9447/7689; email to nmhc@gtepacifica.net: or fax 234-9021.

Citation of Related and/or Affected Statutes

Regulations and Orders:

None-this Grievance Procedure is the first to be published for the

Section 8 Program.

Submitted by:

MaryLou S. Ada

Executive Director

Date



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866 234-9447 234-7689 234-7670

Fax: (670) 234-9021

PUBLIC NOTICE OF PROPOSED

GRIEVANCE PROCEDURES FOR SECTION 8 PROGRAM

The Board of Directors of the Northern Marianas Housing Corporation (NMHC) hereby notifies the general public that it proposes to adopt the Grievance Procedures for the Section 8 Program consistent with the U. S. Housing Act of 1937 and Subpart B of 24 CFR Part 966.

The Grievance Procedure shall be applicable to all individual grievances between tenant and NMHC in order to seek the just, effective and efficient settlement of grievances against the Housing Corporation. Copies of the Grievance Procedures may be obtained from the Northern Marianas Housing Corporation, located in Garapan, Saipan or by mail at P. O. Box 514, Saipan, MP 96950.

Anyone interested in making comments on the proposed Grievance Procedures may do so in writing, addressed to the Executive Director, Northern Marianas Housing Corporation, at the above-referenced address not later than thirty (30) days from the date of this publication in the Commonwealth Register.

COMMONWEALTH REGISTER VOLUME 20 NUMBER 02 FEBRUARY 18, 1999 PAGE 16535 "NMHC is an equal employment and fair housing public agency"

Rota Field Office: Tel. (670) 532-9410

Fax (670) 532-9441

Tinian Field Office: Tel. (670) 433-9213 Fax (670) 433-3690

PUBLIC NOTICE OF PROPOSED GRIEVANCE PROCEDURES FOR SECTION 8 PROGRAM

Pursuant to Executive Order No. 94-3, Section 407 of Reorganizational Plan No. 2 of 1994, Governor's Directive No. 138, and the Administrative Procedure Act at 1 CMC 9101, et. seq., 2 CMC 4432(i); 2 CMC 4433(i)(j) & (t); and 2 CMC 4453, the attached Administrative Plan has been reviewed and approved by the CNMI Attorney General's Office.

Dated this 12 day of _______, 1999.

Maya Kara

Attorney General (Acting)

Assistant Astorney General



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866

234-9447 234-7689

KONDISION YAN MANERA PUT MANGOPLEN GI SEKSION 8 NA PROGRAMA

234-7670 Fax: (670) 234-9021

Sinangan sigun

Aturidat i Lai:

Sigun gi Otden Eksekatibu No. 94-3, Seksiona 407 gi

Reorganizational Plan No. 2 gi sakkan 1994, Otden Gubento No. 138,

yan i Administrative Procedures Act gi halom 1 CMC 9101, et. seq., 2 CMC 4432(i); 2 CMC 44339i0(j) yan (t); yan 2 CMC

4453.

Didide na emfotmasion

put i minto' yan

obyektibu:

Para u ma establesi konsion yan manera siha Seksiona 8 para i

tenants siha para u maaligao maolek yan ef ektibu para u masatba

i komple -niha kontra i Northern Marianas Housing Corporation (NMHC).

Kadada na sinagan

put i Areklamento:

Prubiniyi manera yan kondision sigun gi U.S. Housing Act of 1937 yan

Subpart B gi halom 24 CFR patte 966 para u satba resulasion para i

tenants gi komplen-niha kontra NMHC.

Put mas emfotmasion

a'aagang si:

MaryLou S. Ada, Executive Director, NMHC, guine na numirun tilifon

i 234-6866/9447/7689; email para guatu nmhc@gtepacifica.net, pat gi

numiron fax 234-9021.

Sinangan put i mamparehu yan/pat mainafekta siha na Regulasion gi Lai yan

Otden siha:

Este na nutisia Kondison yan Maneran Mangoplen i primet para u

mapupblika para Seksiona 8 siha na programa.

Sinatmiti as:

MaryLou (S) Ada

Executive Director

Fecha

COMMONWEALTH REGISTER VOLUME 20 NUMBER 02 FEBRUARY 18, 1999 PAGE 1653 "NMHC is an equal employment and fair housing public agency"

Rota Field Office: Tel. (670) 532-9410

Fax (670) 532-9441

Tinian Field Office: Tel. (670) 433-9213 Fax (670) 433-3690



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866

234-9447 234-7689

234-7670 Fax: (670) 234-9021

NUTISIAN PUPBLIKU PUT I MAPROPOPONE NA Fax: KONDISION YAN MANERAN MANGOPLEN GI SEKSION 8 NA PROGRAMA

I Board of Directors i Northern Marianas Housing Corporation (NMHC) ginen este ha nititisia i pupbliku henerat na ha propopone para u adapta Kondision yan Maneran Mangomplen gi Seksiona 8 na Program ni chumi'long yan i U.S. Housing Act of 1937 yan Subpart B gi halom 24 CFR Patte 966.

I Kondision yan Maneran Mangoplen u aplikapble para todu indibiyuat ni mang gai koblen gi enta'lo i tenant yan NMHC put i rason ni para u maligao maolek yan efektibu yan maolek na sinatba put komplen siha kontra Housing Corporation. Guaha kopian Grievance Procedures para hayi malago' gi Ofisinan Northern Marianas Housing Corporation, giya Garapan, Saipan pat gi mail gi P.O. Box 514, Saipan, MP 96950.

Hayi interesao mamatina komentu put i priniponen Administrative Plan sina ha matuge' papa ya i manahanao guatu para i Executive Director, Northern Marianas Housing Corporation, gi san hilo'na adres ti u mas di trenta (30) dias desde i dia ni mapupblika huyong este na nutisia gi Rehistran Commonwealth.

Mafecha gi mina'	na dia,, 1999.
JUAN S. TENORIO Chairman i Board	MARYLOU S. ADA Executive Director
Rinisibi as: Jose I. DeleonGuerrero Special Assistant for	
Ma file yan rinekot as: Soledad B. Sasamoto Rehistradoran Kotnorasion	2/10/99 Fecha

COMMONWEALTH REGISTER VOLUME 20 NUMBER 02 FEBRUARY 18, 1999 PAGE 16538 "NMHC is an equal employment and fair housing public agency"

Rota Field Office: Tel. (670) 532-9410

Fax (670) 532-9441

Tinian Field Office: Tel. (670) 433-9213 Fax (670) 433-3690

NUTISIAN PUPBLIKU PUT I MAPROPOPONE NA KONDISION YAN MANERAN MANGOPLEN GI SEKSION 8 NA PROGRAMA

Maya Kara Attorney General (Acting)

Ginen:

Assistant Attorney General



NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866

234-9447 234-7689 234-7670

Fax: (670) 234-9021

AKKAFAT (GRIEVANCES) REEL MWOGHUTUL PROGROMAL TALIL 8

Kkapasal Autol

Bwangil:

Sangil autol <u>Executive Order No</u>. 94-3, Tálil 407 mereel <u>Reorganization Plan No</u>. 2 llól 1994. Sów Lemelem

Directive No. 138, me Administrative Procedure Act mellól 1

CMC 9101, et. seq., 2 CMC 4432(i)(j) & (t)

me 2 CMC 4453.

Weimwoschol Autol Yaal

goals me objectives:

Ebwe fféér afalafalal reel Tálil 8 tenants reel ebwe ghutta

meta e welewel me <u>efktibwo</u> reel ebwe aghatchúló akkafat (grievances) kontra Northern Marianas Housing

Corporation (NMHC).

Eghus Tapalal Reel

Pomwol Allegh:

Ebwe ayoora afalafal bwelle reel mille <u>U.S. Housing Act</u>

mellol 1937 bwal <u>Subpart B</u> mereel 24 <u>CFR</u> peighil 966 reel ebwe aghatchul resolutions ngáli akkafat mereer

tenants kontra NMHC.

Ngare eyoor Ayegh

Faingi:

MaryLou S. Ada, Executive Director, NMHC, telephone no.

234-6866/9447/7689, email to nmhc@gtepacific.net,

ngare fax 234-9021.

Kkapasal Kka Eweewe me/ngare ikka e Afektay

Allegh me Akkaleel.

Esóór-Afalafal reel Akkafat (Grievance) yeel nge iyeel

Mmwal ebwe poblikawow bwelle reel Progrómal Tálil 8.

Mereel:

MaryDou S. Ada

Ral

Executive Director

COMMONWEALTH REGISTER VOLUME 20 NUMBER 02 FEBRUARY 18, 1999 PAGE 16540 "NMHC is an equal employment and fair housing public agency"

Rota Field Office: Tel. (670) 532-9410

Fax (670) 532-9441

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234-7689

Fax: (670) 234-9021

ARONGORONGOL TOULAP

MWOGHOTUL AKKAFAT (GRIEVANCE) REEL PROGROMAL TALIL 8

<u>Board of Directors</u> mereel <u>Northern Marianas Housing Corporation (NMHC)</u> ekke arongaar toulap bwe a pomwoli reel ebwe <u>adoptali</u> Mwóghútúl Akkafat (<u>Grievance</u>) bwelle reel <u>Progrómal</u> Tálil 8 iye e ghol me <u>U.S. Housing Act</u> mellól 1937 bwal <u>Subpart B.</u> mereel 24 <u>CFR</u> peigh 966.

Mwóghútúl Akkafat (<u>Grievance</u>) nge ebwe fil ngáliir inamwo iyo ikka eyoor fitighogho (<u>grievance</u>) meleepat reel schó kka <u>tenant</u> me <u>NMHC</u> reel ebwe ghutta meta e welewel me <u>efektibwo</u> reel ebwe aghatchúúló akkafat (<u>grievance</u>) kontra Housing <u>Corporation</u>, <u>Kopiyal</u> Akkafat (<u>Grievance</u>) kkaal nge ubwe bweibwogh mereel Bwulasiyol <u>Northern Marianas Corporation</u>, lye e lo Arabwal, Séipél ngare eew afanga reel <u>P.O. Box 514</u>, <u>Saipan</u>, <u>MP</u> 96950.

Iyo e tipeli ebwe fféér mangmang bwelle reel pomwol Akkafat (<u>Grievance</u>) nge emmwel schagh ebwe féérú nge efil ebwe isch ngáli <u>Executive Director</u>, <u>Northern Marianas Housing Corporation</u>, reel <u>address</u> ye e lo weiláng nge essóbw aluuw ló eliigh (30) rál sángi tolongol arong yeel llól <u>Commonwealth Register</u>.

Rál ye llól maramal	, 1999.
Juan S. Terlorio Chairmanil Board	Mary Lou S. Ada Executive Director
Bwughiyal: Jose I DeleonGuerrero Special Assistant for Administration	7/16/99 Rál
Isaliyal me Rekodiyal: Soledad B. Sasamoto Registrar of Corporations	2/14/99 Rál

COMMONWEALTH REGISTER TOLE THE COMMONWEALTH REGISTER TO THE CO

ARONGORONGOL TOULAP REEL ROMWOL MWOGHOTUL AKKAFAT (Grievance) REEL MILLE PROGROMAL TAUL 8.

(

Sángi <u>Executive Order No.</u> 94-3, Tálil 407 reel <u>Reorganization Plan No.</u> 2 mellol 1994. Sów Lemelem No. 138, bwal <u>Administrative Procedure Act</u> mellól 1 <u>CMC</u> 9101, <u>et</u>. <u>seq.,</u> 2 <u>CMC</u> 4432(i); 2 <u>CMC</u> 4433(i)(j) & (t); 2 <u>CMC</u> 4453, <u>Administrative Plan</u> ye e appasch nge atakkal amweri me appelúghúló mereel Bwulasiyol <u>CNMI Attorney General</u>.

Rál ye	llól marama	al, 1999
Maya Kara Attorney Genera	ıl (Acting)	
ET.	TOTT A. SATTLER	
Mereel:	WALLE DATILOR	

Assistant Attorney General

NORTHERN MARIANAS HOUSING CORPORATION GRIEVANCE PROCEDURE

I. PURPOSE

This grievance procedure has been adopted to provide a forum and procedure for tenants to seek the just, effective and efficient settlement of grievances against the Northern Marianas Housing Corporation (NMHC).

II. GOVERNING LAW

The law governing this grievance procedure is section 6(k) of the U.S. Housing Act of 1937 (42 U.S.C. sec. 1437d (k)) and subpart B of 24 CFR part 966 (24 CFR secs. 966.50 - 966.57).

III. APPLICABILITY

In accordance with applicable federal regulations, this grievance procedure shall be applicable to all individual grievances (as defined in Section IV below) between Tenant and NMHC with the following exceptions:

A. This grievance procedure is not applicable to disputes between Tenants not involving NMHC, or to class grievances involving groups of Tenants. Also, this grievance procedure is not intended as a forum for initiating or negotiating policy changes between Tenants, or groups of Tenants, and NMHC.

IV. DEFINITIONS

The following definitions of terms shall be applicable to this grievance procedure:

- A Grievance: Any dispute which a Tenant may have with respect to an action or a failure to act by NMHC in accordance with the individual Tenant's lease or NMHC regulations, which adversely affects the individual Tenant's rights, duties, welfare or status.
- B. *CFR*: The code of federal regulations, which contains the federal regulations governing this grievance procedure.
- C. Complainant: Any Tenant (as defined in this section below) whose grievance is presented to the central office of NMHC, in accordance with the requirements set forth in this procedure.
- D. Drug-related criminal activity: The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sale, distribute, or use a controlled substance, as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802) as from time to time amended.

- E. NMHC: The Northern Marianas Housing Corporation, a public corporation organized and existing under the laws of the Commonwealth of the Northern Mariana Islands.
- F. Elements of due process: The following procedural safeguards are required to be followed in an eviction action or a termination of tenancy in the Commonwealth court:
 - (1) Adequate notice to the Tenant of the grounds for terminating the tenancy and for eviction;
 - (2) Right of the Tenant to be represented by counsel;
 - (3) Opportunity for the Tenant to refute the evidence presented by NMHC, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the Tenant may have;
 - (4) A decision on the merits.
- G. Hearing Officer: An impartial person selected in accordance with 24 CFR 966.55 and this grievance procedure to hear grievances and render decisions with respect thereto.
- H. Hearing panel: A three-member panel composed of impartial persons, selected in accordance with 24 CFR 966.55 and this procedure to hear grievances and render decisions with respect thereto.
- I. HUD: The United States Department of Housing and Urban Development
- J. *Notice:* As used herein, the term noticed shall, unless otherwise specifically provided, mean written notice.
- K. The "Regulations" The HUD regulations contained in subpart B of 24 CFR part 966.
- L. Resident organization: An organization of residents, which includes any resident management corporation.
- M. Tenant: The adult person (or persons) other than a live-in aid:
 - (1) Who resides in the unit and who executed the lease with NMHC as lessee of the dwelling unit, or, if no such persons resides in the unit,
 - (2) The person who resides in the unit, and who is the remaining head of the household of the Tenant family residing in the dwelling unit.

N. Business Days: Monday through Friday of each week, except for legal holidays recognized by the federal or CNMI government.

V. INCORPORATION IN LEASES.

This grievance procedure shall be incorporated by reference in all leases between Tenants and NMHC at all NMHC housing units, whether or not so specifically provided in such leases.

VI. INFORMAL SETTLEMENT OF GRIEVANCES

- A. Initial Presentation. Any grievance must be personally presented, either orally or in writing, to NMHC's main office, within five (5) business days after the occurrence of the event giving rise to the grievance.
- B. Informal Settlement Conference. If the grievance is not determined by NMHC to fall within one of the exclusions mentioned in section III (B) above, then NMHC will, within five (5) business days after the initial presentation of the grievance, informally discuss the grievance with the complainant or their representatives in an attempt to settle the grievance without the necessity of a formal hearing. If the informal settlement conference cannot occur at the time the grievance is initially presented by the complainant, then the complainant will be promptly notified in writing of the time and place for the informal settlement conference.
- C. Written Summary. Within five (5) business days after the informal settlement conference, a summary of the informal discussion shall be prepared by NMHC and a copy thereof shall provided to the complainant. The summary shall be in writing and shall specify the names of the participants in the discussion, the date of the discussion, the nature of the proposed disposition of the grievance, and the specific reasons for such disposition. This written summary will also specify the procedures by which the complainant may obtain a formal hearing if not satisfied by the proposed disposition of the grievance. A copy of the written summary shall also be placed in complainant's tenant file.

VII. FORMAL GRIEVANCE HEARING

The following procedures apply to the request for a formal grievance hearing under this grievance procedure:

A. Request for hearing: If the Complainant is not satisfied with the results of the informal settlement conference, the Complainant must submit a written request for a formal hearing to NMHC's main office no later than five (5) business days after the date Complainant receives the summary of discussion delivered as required under Section VI above.

Complainant's written request for a formal hearing must specify:

(1) The reasons for the grievance;

- (2) The action or relief sought by the complainant;
- (3) If the complainant so desires, a statement setting forth the times at which the complainant will be available for a hearing during the next ten business days;
- (4) Complainant's preference, if any, concerning whether the grievance should be heard by a single hearing officer or by a hearing panel; and
- (5) If the complainant has failed to attend an informal discussion conference, a request that the hearing officer or panel waive this requirement.
- B. Failure to Request Hearing. If the complainant fails to request a hearing within five (5) business days after receiving the written summary of the informal settlement conference, NMHC's decision rendered at the informal hearing becomes final and NMHC is not thereafter obligated to offer the complainant a formal hearing.

VIII. SELECTION OF HEARING OFFICER OR PANEL

All grievance hearings shall be conducted by an impartial person or persons appointed by NMHC after consultation with resident organizations, in the manner described below:

- A. The permanent appointments of persons who shall serve as hearing officers and hearing panel members shall be governed by the following procedures:
 - (1) NMHC shall nominate a slate of persons to sit as permanent hearing officers or hearing panel members. These persons may include, but will not be necessarily limited to, members of NMHC Board of Directors, NMHC staff members, residents, or other responsible persons in the community. No persons shall be listed on the slate of members unless such person has consented to serve as a hearing officer or on a hearing panel.
 - (2) The slate of potential appointees shall be submitted to all NMHC resident organizations, for written comments. Written comments from the resident organization shall be considered by NMHC before appointments are finally made. Objection to the appointment of a person as a hearing officer or panelist must be considered but is not dispositive as to the proposed appointment with respect to which objection is made.
 - (3) On final appointment, the persons appointed and resident organizations shall be informed in writing of the appointments. A list of all qualified hearing officers and panelists will be kept at the central office of NMHC and be made available for public inspection at any time.

The persons who are presently appointed to serve as hearing panelists for grievances brought under this procedure are listed on Exhibit I attached hereto and incorporated herein by reference. Additional appointments shall be made in the manner set forth in this section.

- B. The designation of hearing officers or panels members for particular grievance hearings shall be governed by the following provisions:
 - (1) All hearings will be held before a single hearing officer unless the complainant (at the time of the initial request for the hearing) or NMHC requests that the grievance be heard by a hearing panel.
 - (2) Appointments to serve as a hearing officer or panelist with respect to a particular grievance shall be made by NMHC in random order, subject to availability of the hearing officer or panelist to serve in each such case. NMHC may employ any reasonable system for random order choice.
 - (3) No member of NMHC Board of Directors or staff may be appointed as hearing officer or panelist in connection with the grievance contesting an action which was either made or approved by proposed appointee, or which was made or approved by a person under whom the proposed appointee works or serves as a subordinate.
 - (4) No person shall accept an appointment, or retain an appointment, once selected as a hearing officer or hearing panelist, if it becomes apparent that such person is not fully capable of impartiality. Persons who are designated to serve as hearing officers or panelists must disqualify themselves from hearing grievances that involve personal friends, relatives, persons with whom they have any business relationship, or grievances in which they have some personal interest. Further, such persons are expected to disqualify themselves if the circumstances are such that a significant perception of partiality exists and is reasonable under the circumstances. If a complainant fails to object to the designation of the hearing officer or panelists on the grounds of partiality, at the commencement or before the hearing, such objection is deemed to be waived, and may not thereafter be made.

In the event that a hearing officer or panel member fails to disqualify himself or herself as required in this grievance procedure, NMHC will remove the panel member or officer from the list of persons appointed for such purposes, invalidate the results of the grievance hearing in which such person should have, but did not, disqualify himself or herself, and schedule a new hearing with a new hearing panel or officer.

IX. SCHEDULING OF HEARINGS

- A. Hearing prerequisites: A complainant does not have a right to a grievance hearing unless the complainant has satisfied the following prerequisites to such a hearing:
 - (1) The complainant has requested a hearing in writing.
 - (2) The complainant has completed the informal settlement conference procedure or has requested a waiver for good cause.
 - (3) If the matter involves the amount of rent which NMHC claims is due under the complainant's lease, the complainant shall have paid to NMHC an amount equal to the amount due and payable as of the first of the month preceding the month in which the complained of act or failure to act took place. And, in the case of situations in which hearings are, for any reason delayed, the complainant shall thereafter, deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer or hearing panel. Unless waived by NMHC in writing, no waiver will be given by NMHC except in cases of extreme and undue hardship to the complainant, determined in the sole and absolute discretion of NMHC.

B. Time, Place, Notice.

- (1) Upon Complainant's compliance with the prerequisites to hearing set forth above, a hearing shall be scheduled by the hearing officer or hearing panel promptly for a time and place reasonably convenient to both the complainant and NMHC, not later than the tenth (10th) business day after Complainant has completed such compliance. (In the case of a panel, if all three appointed members of the panel are not able to agree upon a date and time convenient to all panelists, on or before the last date before the hearing permitted under this procedure, they shall immediately so inform NMHC. If two panelists can agree upon a date and time, NMHC shall reappoint a third panelist who shall be available at the time agreed upon by the two who can agree. If none of the panelists can agree upon a time, a new panel shall be appointed.)
- (2) A written notification specifying the time, place, and the procedures governing the hearing shall be delivered to the complainant and the appropriate NMHC official, who, unless otherwise designated, shall be the Corporate Director.

X. PROCEDURES GOVERNING HEARINGS

A. Fair Hearings.

The hearings shall be held before a hearing officer or hearing panel as described above in Section VIII. The complainant shall be afforded a fair hearing, which shall include:

(1) The opportunity to examine before the hearing any NMHC documents, including records and regulations that are directly relevant to the hearing.

The complainant will be allowed to copy any such document at the complainant's expense. If NMHC does not make the document available for examination upon request by the complainant, NMHC may not rely on such document at the grievance hearing.

- (2) The right to be represented by counsel or other person chosen as the complainant's representative and to have such person make statements on the complainant's behalf.
- (3) The right to a private hearing unless the complainant requests a public hearing. The right to present evidence and arguments in support of the complainant's complaint, to controvert evidence relied on by NMHC and to confront and cross examine all witnesses upon whose testimony or information NMHC or its management relies; and
- (4) A decision solely and exclusively upon the facts presented at the hearing.

B. Prior Decision in Same Matter.

The hearing panel or officer may render a decision without proceeding with the hearing if they determine that the issue has been previously decided in another proceeding.

C. Failure to Appear.

If the complainant or NMHC fails to appear at a scheduled hearing, the hearing officer or hearing panel may make a determination to postpone the hearing for a period not to exceed five (5) business days or may make a determination that the party failing to attend has waived the right to a hearing. In such event, the hearing officer or hearing panel shall notify the complainant and NMHC of the determination.

The failure to attend a grievance hearing shall not constitute a waiver of any right for which the complainant may have to contest NMHC's disposition of the grievance in an appropriate judicial proceeding.

D. Required Showing of Entitlement to Relief.

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter NMHC must sustain the burden of justifying NMHC's action or failure to act against which the complaint is directed.

E. Informality of Hearing.

The hearing shall be conducted informally by the hearing officer or hearing panel, and oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceeding.

F. Orderly Conduct Required.

The hearing officer or hearing panel shall require NMHC, the complainant, counsel, and other participants or spectators, to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer or hearing panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

G. Transcript of Hearing.

The complainant or NMHC may arrange in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

H. Accommodation to Handicapped Persons.

NMHC must provide reasonable accommodation for persons with disabilities to participate in grievance hearings. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

XI. DECISION OF THE HEARING OFFICER OR HEARING PANEL

At or subsequent to the completion of the grievance hearing, the hearing officer or panel shall make a determination as to the merits of the grievance and the following provisions shall govern:

A. Written Decision.

The hearing panel or officer shall prepare a written decision, together with the reasons for the decision within ten (10) business days after the completion of the hearing.

(1) A copy of the decision shall be sent to the complainant and NMHC. NMHC shall retain a copy of the decision in the complainant's tenant folder.

(2) A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by NMHC and made available for inspection by any prospective complainant, their representative, or the hearing panel or hearing officer.

B. Binding Effect.

The written decision of the hearing officer or hearing panel shall be binding upon NMHC, which shall take all actions, or refrain from any actions, necessary to carry out the decision unless NMHC's Board of Directors determines, within ten (10) business days, and properly notifies the complainant of its determination, that:

- (1) the grievance does not concern NMHC action or failure to act in accordance or involving the complainant's lease, or NMHC's regulations, which adversely affect the Complainant's rights, duties, welfare or status, or
- the decision of the hearing officer or hearing panel is contrary to applicable Federal, CNMI, or local law, HUD regulations or requirements of the annual contributions contract between HUD and NMHC.
- C. Continuing Right of Complainant to Judicial Proceedings.

A decision by the hearing panel or officer or Board of Directors in favor of NMHC or which denies the relief requested by the complainant, in whole or in part, shall not constitute a waiver of, nor effect in any way the rights of the Complainant to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

XII. NOTICES

All notices under this grievance procedure shall be deemed delivered: (1) upon personal service thereof upon the complainant or an adult member of the complainant's household; (2) upon the date receipted for or refused by the addressee, in the case of certified or registered U.S. Mail; or (3) on the second day after the deposit thereof for mailing, postage prepaid, with the U.S. Postal Service, if mailed by first class mail other than certified or registered mail.

If a Tenant is visually impaired, any notice hereunder delivered to such Tenant shall be in an accessible format.

XIII. MODIFICATION

This grievance procedure may not be amended or modified expect by approval of a majority of the Board of

Directors of NMHC, present at a regular meeting or a special meeting called for such purposes. Further, in addition to the foregoing, any changes proposed to be made to this grievance procedure must provide for at least thirty (30) days advance notice to tenants and resident organizations, setting forth the proposed changes and providing an opportunity to present written comments. The comments submitted shall be considered by NMHC, before final adoption of any amendments hereto.

XIV. MISCELLANEOUS

- A. Captions: Captions or paragraph headings set forth in this grievance procedure are for convenience of reference only and shall not be construed or interpreted to affect the substance of the paragraphs or sections so captioned.
- B. Concurrent Notice: If a Tenant has filed a request for grievance hearing hereunder in a case involving NMHC's notice of termination of tenancy, the complainant should be aware that the CNMI law notice to vacate and the notice of termination of tenancy required under Federal law run concurrently. Therefore, if the hearing officer or hearing panel upholds NMHC's action to terminate the tenancy, NMHC may commence an eviction action in court upon the sooner of, the expiration of the date for termination of tenancy and vacation of premises stated in the notice of termination delivered to complainant, or the delivery of the report of decision of the hearing officer or panel to complainant.

XV. EXPEDITED GRIEVANCE PROCEDURE

When action must be taken by NMHC to terminate a tenancy because of certain types of criminal activity on the part of the Tenant, or those in Tenant's household, or Tenant's guests, the matter shall be heard under an expedited grievance procedures. This procedure may be used in connection with notices of termination of tenancy based upon two types of criminal activity:

- A. Criminal activity that threatens the health, safety, or peaceful enjoyment of NMHC's public housing premises by other residents or employees of NMHC, or
- B. In a drug-related criminal activity on or near such premises.

In such cases, the following procedures will be followed by NMHC in connection with grievances brought by complainants:

- A. NMHC shall in its notice of adverse action to the tenant specify that it has elected to proceed under the Expedited Grievance Procedure in the event that the tenant shall request a grievance hearing.
- B. The complainant shall neither have a right nor an obligation to attend an informal settlement conference under Article VI hereof, and

- C. A tenant who desires to request a formal hearing under the Expedited Grievance Procedure shall make such request in writing not later than the end of the third (3rd) business day following delivery of the notice of adverse action. Failure to timely make such written request for hearing shall constitute a waiver of the right to a hearing.
- D. Any notice period subsequent to the delivery of a request for formal hearing by a complainant specifying or allowing a period of ten (10) business days or longer hereunder shall be deemed, in the case of the Expedited Grievance Procedure, to specify or allow a period of five (5) business days.

c:\05282171



Northern Mariana Islands Museum

OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 • Phone: (670) 664-2160 • Fax: (670) 664-2170 • E-mail: cnmimuseum@saipan.com

Proposed Regulation on Entrance Fees to the Commonwealth of Northern Mariana Islands Museum of History & Culture

Citation of

Statutory Authority:

The Board of Governors is authorized to promulgate this

regulation pursuant to 2 CMC Section 4474(b) and (l).

Short Statement of

Goals and Objectives:

To impose and collect reasonable fees for the use of the

museum's facilities and to view its collections.

Brief Summary

of the Rules:

To charge entrance fees to view the museum exhibits.

For Further

Information, Contact:

Paul Chancy Oberg, Executive Director

Telephone No.: (670) 664-2160 Facsimile No.: (670) 664-2170

Citation of Affected

Rules and Regulations:

None

Submitted by:

Herman T. Guerrero, Chair

Board of Governors

Date

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS MUSEUM OF HISTORY AND CULTURE PROPOSED SCHEDULE OF ADMISSION FEES

AGE GROUP		ADMISSION FEES
1.	Children under the age of 12 years	Free
2.	Students 12-17 years of age	\$1.00
3.	Students 18-54 years of age with school I.D.	\$2.00
4.	Students on pre-scheduled field trips	Free
5.	Adults 18-54 years of age	\$3.00
6.	Senior citizens – 55 years of age or more	Free
7.	Disabled Individuals	Free

Northern Mariana Islands Museum

OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 → Phone: (670) 664-2160 → Fax: (670) 664-2170 → E-mail: cnmimuseum@saipan.com

PUBLIC NOTICE

PROPOSED RULES AND REGULATIONS TO THE MUSEUM'S ADMISSION FEES

The Board of Governors of the Commonwealth of the Northern Mariana Islands, pursuant to its rule making authority under 2 CMC §4474(b) and (1) and in accordance with the provisions of 1 CMC § 9102, §9104(a) and §9105, hereby gives notice to the general public of its intention to promulgate regulation on the schedule of fees for the Museum. Title 2 CMC §4874(1) provides that the Commonwealth Museum through its Board of Governors may impose and collect reasonable fees for the use of the Museum's facilities and to view its collections. The proposed schedule of fees for admission into the Museum is herewith published.

All interested persons may examine the proposed regulations and submit written comments, position, or statements for or against the proposed regulation to the Commonwealth of the Northern Mariana Islands Museum of History and Culture, Caller Box 10007, Saipan, MP 96950, no later than thirty (30) calendar days following the date of publication of this Notice in the Commonwealth Register.

Mariana Islands Museum of History and Culture, Caller Bo (30) calendar days following the date of publication of this	
Dated this 18th day of January 1999, at Sa	ipan, Northern Mariana Islands.
By: Herman J. Guerrero Chairman, Board of Governors	
Pursuant to 1 CMC §2153, amended by Public Law have been reviewed and approved by the NMI Attorney Ger	
MA BARA (Acting Attorney General	Date: 7eb. 3, 1999
RECEIVED BY:	FILED BY:
And Sw	Jump.
JOSE I. DELEON GUERRERO Special Assistant for Administration	SOLEDAD B. SASAMOTO Registrar of Corporations
Dated: 2/16/99	Dated: 2/14/99

Northern Mariana Islands Museum

OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 ● Phone: (670) 664-2160 ● Fax: (670) 664-2170 ● E-mail: cnmimuseum@saipan.com

NUTISIAN PUPBLIKU

A MAPROPOPONE SIHA NA AREKLAMENTO YAN REGULASION PARA APAS ENTRADA YANGGEN PARA UN HALOM GI MUSEUM

I Board Gubetno giya Commonwealth I Sangkattan Siha Na Islas Marianas, sigun gi aturidat-ña gi papa 2 CMC §4474(b) yan (1) yan sigun gi prubinsion ginen 1 CMC §19102, §9104(a) yan §9105, ginen este ha infofotma i pupbliku henerat put i intension-ña para ufamatinas regulasion put apas ENTRADA yanggen para un halom gi Museum. Titulu 2 CMC §4874(1) para u prubuniyi i Commonwealth Museum, entre i Board Gubetno siha, para u ma adelanta yan rikohi resonable na apas yanggen mausa i fasilidat para u ma egga' hafa siha na koleksion. I mapropopone na apas entrada yanggen para un halom gi museum mapublika guine.

Hayi siha maninteresante siha na petsona siña ma eksamina i priniponen regulasion yan fansatmiti		
halom komento pusision, pat sinangan yanggen un fabot pat kontra este i mapropopone na regulasion ya u		
manahanao guatu gi Commonwealth of the Northern Mariana Islands Museum of History and Culture,		
Caller Box 10007, Saipan, MP 96950, ti mas di trenta (30) dias despues di mapublika huyong este na		
Nutisia gi Rehistran Commonwealth.		
101h		
Ma fecha gi mina' na dia, Eneru 1999, giya Saipan, I Sangkattan Na Islas Marianas.		
Ginen as: Herman J. Julius		
HERMAN T. GUERRÉRO		
Chairman, Board of Governors		
Sigun gi sinangan 1 CMC §2153, ni inamenda ni Lai Pupbliku 10-5, I areklamento yan regulasion ni chechetton guine esta manmaeksaminan maolek yan manmaapreba nu I Ofisinan I NMI Attorney General.		
Fecha:		
MAYA B. KARA (Acting) Attorney General		
RINISIBI AS:		
Jul 182		
JØSE I. DELEON GUERRERO SOLEDAD B. SASAMOTO		
Special Assistant for Administration Rehistradoran Kotporasion		



Falúw kka Marianas.

Northern Mariana Islands Museum

OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 • Phone: (670) 664-2160 • Fax: (670) 664-2170 • E-mail: cnmimuseum@saipan.com

ARONGORONGOL TOULAP

POMWOL ALLEGHUL ABWOS REEL TOOLONGOL LLOL MUSEUM

Boardul Sów Lemelem mellól Commonwealth Metawal Wóól falúw Kka Marianas. sángi bwángil iye e lo faal 2 CMC §4474(b) me (1) me ghol ngáli autol aileewal llól 1 CMC §19102, §9102(a) me §9105, ekke isiisiwow arong ngáliir toulap reel igha a tipeli ebwe atééw ló arong bwelle reel alléghúl schedule of fees ngáli Museum. Title 2 CMC §4874(1) e ayoora bwe Commonwealth Museum sángi Boardul Sów Lemelem nge efil rebwe ayoora me bwughil lapal abwós reel yááyáál fasilidóódul museum me reel igha aramas rebwe óuruur me collection kka eyoor mellól museum. Pomwol abwós reel tolongol llól museum nge a póbliikalong llól schéél tiliigh yeel.

Aramas ye e tipáli nge emmwel schagh bwe ebwe amwuri fischiiy pomwol allégh kkaal me ischiitiw meta tiip ngare mángemáng, igha u tipeyeew ngáli ngare saabw nge wa afanga ngáli Commonwealth. Metawal Wóól Falúw kka Marianas Museum of History and Culture, Caller Box 10007, Seipél, MP 96950, nge essóbw aluuw ló eliigh (30) rál sángi igha e arongoló arongorong yeel mellól Commonwealth Register.

E fféér llól ráál ye _______llól maramal Schoow (January) 1999, mewóól Seipél, Metawal Wóól

Sángi: Allman V. Luerse	مور
HERMAN T. GUERRERO	
Chairman, Board of Governors	
Sángi bwángil me ailééwal mille 1 CMC §2153, igh appasch nge ra takkal amweri fischiiy schóól llól By	
	Rál:
MAYA B. KARA (Acting) Attorney General	
BWUGHIYAL:	ISALIYAL:
guffh-	mm to
JOSE 1. DELEON GUERRERO	SOLEDAD B. SASAMOTO
Special Assistant for Administration	Registrar of Corporations
2/11/94	2/16/99





COMMONWEALTH HEALTH CENTER

Office of the Secretary

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH SERVICES

PUBLIC NOTICE

NOTICE OF ADOPTION OF THE AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE HEALTH SCREENING REQUIREMENTS OF ALIEN EMPLOYEES

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Public Health of the Commonwealth of the Northern Mariana Islands, in accordance with the authority vested in him pursuant to 1 CMC §2605, adopts the amendments to the Rules and Regulations Governing the Health Screening Requirements of Alien Employees. These Regulations were originally published in the December 15, 1998 Commonwealth Register, Volume 20, Number 12, pages 16395-16403. No comments were received in response to the publication of the proposed regulations.

The proposed Regulations are now being adopted without further amendment. Copies of the Rules and Regulations Governing the Health Screening Requirements of Alien Employees may be obtained from the Office of the Secretary of the Department of Public Health, located on the ground floor of the Commonwealth Health Center.

JOSEPH K.P. VILLAGOMEZ
Secretary of Health
Department of Public Health

Date: 2599

Certification by Office of the Attorney General

Pursuant to 1 CMC §2153 as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the <u>CNMI</u> Office of the Attorney General.

MAYA KARA

Acting Attorney General

Date: 21199

COMMONWEALTH REGISTER VOLUME 20 NUMBER 02 FEBRUARY 18, 1999 PAGE 16559

Filed By:

SOLEDAD B. SASAMOTO Registrar of Corporations

Date: 2/16/99

Received By:

JOSE I. DELEON GUERRERO Special Assistant for Administration Date: 2//6/99

CERTIFICATION OF ADOPTION OF THE RULES AND REGULATIONS GOVERNING THE HEALTH SCREENING REQUIREMENTS OF ALIEN EMPLOYEES

I, Joseph K.P. Villagomez, the Secretary of the Department of Public Health which is promulgating the amendments to the Rules and Regulations Governing the Health Screening Requirements of Alien Employees, published in the December 15, 1998 Commonwealth Register, Volume 20, Number 12, at pages 16395-16403, by signature below, hereby certify that those amendments as published, are a true, complete, and correct copy of the amended Regulations now adopted by the Department of Public Health. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and by the Office of the Governor to the Rules and Regulations Governing the Health Screening Requirements of Alien Employees.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the ________, 1999 at Saipan, Commonwealth of the Northern Mariana Islands.

By:

JOSEPH K.P. VILLAGOMEZ SECRETARY OF HEALTH Department of Public Health



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

OFFICE OF THE GOVERNOR OFFICE OF PERSONNEL MANAGEMENT

P.O. Box 5153 CHRB, SAIPAN, MP 96950 - 5153 TEL. NOS.: (670) 234-6925 / 6958 / 8036 FAX NO.: (670) 234-1013

NOTICE OF ADOPTION OF THE PROPOSED NEW SECTION 1.10 OF THE EXCEPTED SERVICE PERSONNEL REGULATIONS

On December 12, 1998, the Office of Personnel Management published in the Commonwealth Register, Volume 20, Number 12, a proposed new section to the Excepted Service Personnel Regulations. The time for comments has expired and no comments recommending changes were received.

The proposed new Section I.10 to the Excepted Service Personnel Regulations clarifies the responsibilities of employees and management by providing more specific phrasing and references. The replacement section also updates the Excepted Service Personnel Regulations by adding new subsections, by referral, that include Part V.C, The Commonwealth Drug and Alcohol Free Workplace Regulation, Part V.D. Responsibilities of Employees and Management, and Part III.G, Grievance Procedure, of the Personnel Service System Rules and Regulations, as amended. These additions document, by regulation, those obligations and responsibilities relevant to employees and management in these subject areas.

In accordance with 1 CMC§9105(b), the adopted regulations shall take effect ten (10) days after the date of publication of this Commonwealth Register.

MATHILDA A. ROSARIO

Director of Personnel

Received by:

DELEON GUERRERO

Filed by:

SOLEDAD B. SASAMOTO

Registrar of Corporations



Commonwealth of the Northern Mariana Islands Department of Lands & Natural Resources Coastal Resources Management



TELS: (670) 234-6623/7320 FAX: (670) 234-0007

P.O. Box 10007, 2nd Floor Morgen Building San Jose, Saipan, MP 96950

NOTICE OF CERTIFICATION AND ADOPTION FOR AMENDMENTS TO THE CRM JET SKI RULES AND REGULATIONS

I, Felipe Q. Atalig, Director of Coastal Resources Management Office, hereby notify the general public of the adoption of the "Amended Coastal Resources Management Jet Ski Regulations" published in the Commonwealth Register December 15, 1998, Volume 20, Number 12. By my signature below, I hereby certify that the published amendments are a true, correct and complete copy of the amendments formally adopted by the Coastal Resources Management Office.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration

was executed on the 2 day of Seb., 1999 at Saipan, Commonwealth of the Northern Mariana Islands.

Felipe Q. Atalig

Director, Coastal Resources Management

Soledad B. Sasamoto
Registrar of Corporations

Received By:

Jose I. Deleon Guerrero
SAA, Office of the Governor

Pursuant to 1 CMC §2153 as amended by P.L. 10-50, the rules and regulations attached hereto have been reviewed and aaproved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated the 3 day of 7eb, 1999

Maya B. Kara Attorney General (Acting)

Elliot A. Sattler AAG



P.O. Box 2078 Saipan, MP 96950 Tel. No.: (670) 234-5897

Fax No.: (670) 234-6040 NOTICE AND CERTIFICATION OF ADOPTION OF AMENDED RULES AND REGULATIONS FOR REAL PROPERTY APPRAISERS

I, Manuel M. Pangelinan, Chairman of the Board of Professional Licensing which is promulgating the Rules and Regulations for Real Property Appraisers published in the Commonwealth Register Volume 20, No. 10 on October 15, 1998 at pages 16187 to 16218, by signature below hereby certify that as published such Rules are a true, complete and correct copy of the Rules and Regulations for Real Property Appraisers previously proposed by the Board of Professional Licensing which, after the expiration of appropriate time for public comment, have been adopted with no changes.

By signature below, I hereby certify that the proposed Rules and Regulations for Real Property Appraisers as herein amended are the true, correct and complete Amended Rules and Regulations for Real Property Appraisers adopted by the Board of Professional Licensing. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

Commonwealth of the Northern Mariana I	siands.	
Manuel M. Pangelinan/CHAIRMAN		
Filed by:		
mil for	12/14/98	
Soledad B. Sasamoto	Date	Time
Registrar of Corporations		
Received by:		
Jul M	14/14/48	
Jose I. Guerrero	Date	Time
Special Assistant for Administration		



P.O. Box 2078 Saipan, MP 96950 Tel. No.: (670) 234-5897

Fax No.: (670) 234-6040 NOTICE AND CERTIFICATION OF ADOPTION OF AMENDED RULES AND REGULATIONS

FOR REAL PROPERTY APPRAISERS

I, Manuel M. Pangelinan, Chairman of the Board of Professional Licensing which is promulgating the Rules and Regulations for Real Property Appraisers published in the Commonwealth Register Volume 20, No. 10 on October 15, 1998 at pages 16187 to 16218, by signature below hereby certify that as published such Rules are a true, complete and correct copy of the Rules and Regulations for Real Property Appraisers previously proposed by the Board of Professional Licensing which, after the expiration of appropriate time for public comment, have been adopted with no changes.

By signature below, I hereby certify that the proposed Rules and Regulations for Real Property Appraisers as herein amended are the true, correct and complete Amended Rules and Regulations for Real Property Appraisers adopted by the Board of Professional Licensing. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

Mariuel M. Pangelinan
CHAIRMAN

Filed by:

Soledad B. Sasamoto
Registrar of Corporations

Received by:

Jose I. Guerrero
Special Assistant for Administration

Mariuel M. Pangelinan

/>//4/98

Date

Time



P.O. Box 2078 Saipan, MP 96950 Tel. No.: (670) 234-589

Tel. No.: (670) 234-5897 Fax No.: (670) 234-6040

NOTICE AND CERTIFICATION OF ADOPTION OF AMENDED RULES AND REGULATIONS FOR REAL PROPERTY APPRAISERS

I, Manuel M. Pangelinan, Chairman of the Board of Professional Licensing which is promulgating the Rules and Regulations for Real Property Appraisers published in the Commonwealth Register Volume 20, No. 10 on October 15, 1998 at pages 16187 to 16218, by signature below hereby certify that as published such Rules are a true, complete and correct copy of the Rules and Regulations for Real Property Appraisers previously proposed by the Board of Professional Licensing which, after the expiration of appropriate time for public comment, have been adopted with no changes.

By signature below, I hereby certify that the proposed Rules and Regulations for Real Property Appraisers as herein amended are the true, correct and complete Amended Rules and Regulations for Real Property Appraisers adopted by the Board of Professional Licensing. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

Commonwealth of the Profiler Medicina Island	er rous	
Manuel M. Pangelinan CHAIRMAN		
Filed by:		
milo	12/14/98	
Soledad B. Sasamoto	Date	Time
Registrar of Corporations		
Received by:	12/04/88	
Jose I. Guerrero	Date	Time
Special Assistant for Administration		



P.O. Box 2078 Saipan, MP 96950 Tel. No.: (670) 234-5897 Fax No.: (670) 234-6040

NOTICE AND CERTIFICATION OF ADOPTION OF AMENDED REGULATIONS REGARDING

THE REGULATIONS FOR ENGINEERS, ARCHITECTS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

I, Manuel M. Pangelinan, Chairman of the Board of Professional Licensing which is promulgating the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects published in the Commonwealth Register Vol. 20, Number 10 on October 15, 1998 at pages 16219 to 16259, by signature below hereby certify that as published, such Regulations are a true, complete and correct copy of the Regulations for Engineers, Architects, Land Surveyors and Landscape Architects previously proposed by the Board of Professional Licensing which, after the expiration of appropriate time for public comment, have been adopted with minor modification or amendment as set forth below:

1. 4.5 Schedule of Fees

Examination Fees

Fundamentals of Engineers - Change of fee amount from \$75.00 to \$100 Principles and Practice of Engineering - Change of fee amount from \$100 to \$150

Structural I - Change of fee amount from \$100 to \$150 Structural II - Change of fee amount from \$150 to \$350

Principles and Practice of Land Surveying - Change of fee amount from \$100 to \$150

- 7.1 Certificate of Authorization General Provisions Delete 7.1
 Subsection B and C from the Regulations.
- 12.4 Enforcement-Delete this section from the Regulations.
- **4. 13.1 Disciplinary Action, Subsection C** Delete this section from the Regulations.

By signature below, I hereby certify that the proposed Regulations for Engineers, Architects, Land Surveyors and Landscape Architects as herein amended are the true, correct and complete Amended Regulations for Engineers, Architects, Land Surveyors and Landscape Architects adopted by the Board of Professional Licensing. I further request and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

Commonwealth of the Northern Mariana Islands. Manuel M. Pangelinan, Board of Professional Licensing Filed by: Soledad B. Sasamoto Registrar of Corporations Received by: Jose I. Guerrero Special Assistant for Administration Pursuant to 1 CMC 2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Elliott A. Satiler

Municipality of Tinian and Aguiguan Commonwealth of the Northern Mariana Islands

Commonwealth of the Northern Mariana Islands



Executive Director

Esther H. Barr

Deputy Director

Oscar C. Rasa

Consultant

Commissioners:

Vicente M. Manglona Chairman

Martin DLG San Nicolas Vice Chairman

Jose P. San Nicolas Joaquin H. Boria Jeffrey M. Hofschneider

Notice of Adoption of the Amendments to the TCGCC Rules and Regulations: Chapter 1 - Subchapter 8, Sections 1:8.9(a)(b), 1:8.9.01(a)(b), 1:8.10, 1:8.11, 1:8.12, 1:8.12.01

The Chairman of Tinian Casino Gaming Control Commission (TCGCC) hereby gives notice to the public that the Commission has adopted the amendments to the existing TCGCC Rules and Regulations on Operations of the TCGCC: Chapter 1 - Subchapter 8, Sections 1:8.9(a)(b), 1:8.9.01(a)(b), 1:8.10, 1:8.11, 1:8.12, 1:8.12.01. These amendments were published in the Commonwealth Register Volume 20, Number 12, dated December 15, 1998. The adoption is pursuant to Section 5 (8) (c) and Section 121 of the Revised Tinian Casino Gaming Control Act of 1989, also cited at 10 CMC §2521(h)(3) and 10 CMC §25123. Copies of the adopted amendments may be obtained from the Tinian Casino Gaming Control Commission's main office.

Vicente M. Manglopa

Chairman

Filed by:

Date

Soledad B. Sasamoto Registrar of Corporations

Received by

Jose I Deleon Guerrero

Special Assistant for Administration

Office of the Governor

TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan
Commonwealth of the Northern Mariana Islands

Commonwealth of the Northern Mariana Islands



Commissioners:

Vicente M. Manglona Chairman

Martin DLG San Nicolas Vice Chairman

Jose P. San Nicolas Joaquin H. Borja Jeffrey M. Hofschneider Notisia Pot I Ma Adopta Na Amendasion Para I Kapitulo Uno I Papa Kapitulo Ocho, Seksion 1:8.9(a)(b), 1:8.9.01(a)(b), 1:8.10, 1:8.11, 1:8.12, 1:8.12.01

I Kabesan i Tinian Casino Gaming Control Commission ("TCGCC" or "Commission") ha notitisia i henerat publiku na i Commission ha adapta i amendasion para i presente na areglo yan regulasion gi i operasion i TCGCC. Kapitulo Uno gi papa Kapitulo Ocho, seksion 1:8.9(a)(b),1:8.9.01(a)(b),1 :8.10, 1:8.11, 1:8.12, 1:8.12.01. Este na amendasionma publika gi Commonwealth Register, Volume 20, Numero 12, gi December Kinse Mit Nuebe Sientos Nobenta Ocho. I amendason ma adopta sigun gi Seksion Sinko(Ocho)(c) yan Seksion Siento bente Uno gi tinulikuan i Tinian Casino Gaming Control Act of 1989, lokkue ma indentifica gi dies CMC papa §2521(h)(3) yan dies CMC §25123.

Kopian i man ma adopta na amendasion para esta na regulasion sina machule gi principat na ofisinan i TCGCC, osino uma kattavi gi P.O. Box 143, San Jose Village, Tinian, MP 96952.

Ginen este na ha'ane dia 5th gi Febrero, 1999.

Chairman

RECEIVED BY:

Jose L'Deleon Guerrero

Special Assistant for Administration

Office of the Governor

FILED BY:

Soledad B. Sasamoto

Registrar of Corporations

COMMONWEALTH REGISTER VOLUME 20 NUMBER 02 FEBRUARY 18 P.O. Box 143 San Jose Village, Tinian, MP 96952 • Tel: (670)433-9292/9288 • Fax: (670)433-9290

Executive Director

Esther H. Barr Deputy Director

Oscar C. Rasa Consultant

TINIAN CASINO GAMING CONTROL COMMISSION

Municipality of Tinian and Aguiguan

Commonwealth of the Northern Mariana Islands

Commonwealth of the Northern Mariana Islands



Commissioners:

Vicente M. Manglona Chairman

Martin DLG San Nicolas Vice Chairman

Jose P. San Nicolas Joaquin H. Borja Jeffrey M. Hofschneider

Certification of Adoption of the Amendments to the TCGCC Rules and Regulations: Chapter 1 - Subchapter 8, Sections 1:8.9(a)(b), 1:8.9.01(a)(b), 1:8.10, 1:8.11, 1:8.12, 1:812.01

I, Vicente M.Manglona, Chairman of the Tinian Casino Gaming Control Commission, the Regulatory Agency which is promulgating the Amendments to the TCGCC Rules and Regulations: Chapter 1 - Subchapter 8, Sections 1:8.9(a)(b), 1:8.9.01(a)(b), 1:8.10, 1:8.11, 1:8.12, 1:812.01, published in the Commonwealth Register on December 15, 1998, at pages 16390 to 16394. By signature below, I hereby certify that the amendments published in the Commonwealth Register are a true, complete and correct copy of the Amendments as to the referenced Rules and Regulations formally adopted by the Tinian Casino Gaming Control Commission. I further request and direct that this Certification be published in the Commonwealth Register and then be attached by both the Registrar of Corporations and the Office of the Governor to the amendments as referenced above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 5th day of February, 1999, at Tinian, Commonwealth of the Northern Mariana Islands.

Executive Director

Esther H. Barr Deputy Director

Oscar C. Rasa Consultant

Chairman

COMMONWEALTH REGISTER VOLUME 20 NUMBER 02 FEBRUARY 18, 1999 P.O. Box 143 San Jose Village, Tinian, MP 96952 • Tel: (670)433-9292/9288 • Fax: (670)433-9290