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**PROJECT PARTICIPATION INFORMATION**  
**Public Law 86-121 Sanitation Facilities Construction Program**  
Division of Sanitation Facilities Construction  
Office of Environmental Health and Engineering  
Portland Area Indian Health Service

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## INTRODUCTION

Under the authority of Public Law 86-121, the Indian Health Service (IHS), Office of Environmental Health and Engineering is presently engaged in a program to assist Indian families with the construction of sanitation facilities which include water supply and sewage disposal facilities. The funding for this program is provided by the Congress to the Indian Health Service. These funds are to be used for items such as water wells, septic tanks, drainfields, lagoons, and community water and sewer hookups.

## GENERAL ELIGIBILITY CRITERIA

- You must be a member of a Federally recognized Indian tribe, band, or group.
- You must own the property on which your home is located and provide to the IHS a copy of the deed, title, 10 year lease, or contract for sale. (See “Special Circumstances Relating to Proof of Ownership”)
- If you are building a new home or moving a home or mobile home to a site, the site must be evaluated by the IHS and found to be suitable for the provision of sanitation facilities. (See “Feasibility”)

## PROJECT PARTICIPANT INFORMATION

- Your home must meet minimum construction standards and be your primary place of residence. (See “Minimum Home Construction Standards”)
- If your home was built or purchased by an Indian housing authority through a Department of Housing and Urban Development (DHUD) program and is still under housing authority management, it is not eligible for assistance under the Public Law 86-121 program.
- If your house was previously served by the IHS under the Public Law 86-121 program, you may not be eligible for additional assistance and you will have to talk with an IHS representative at your local service unit for information about these services.

## TYPE OF PROJECTS

The Indian Health Service customarily receives funds from the Congress in two separate accounts. One account allows the IHS to provide sanitation facilities to existing Indian homes and is referred to by the IHS as “**regular**” project funding. The second account is earmarked to provide sanitation facilities to new or renovated Indian homes and is referred to by IHS as “**housing**” , or “**like-new**” support project funds.

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**Housing Support Projects:** Homes that have been built or will be built or homes that have been renovated or will be renovated under the Bureau of Indian Affairs' Home Improvement Program (HIP) are eligible for IHS projects funded with "housing" support funds and are given preference over other homes that are eligible for inclusion in a "housing" support project. Other homes eligible for service under projects funded with "housing" support funds include newly constructed homes, "like-new" homes, and homes renovated to "like-new" condition. To be eligible for service under a "housing" support project, the plumbing in the home must be in place and in good working condition or must be provided by other than IHS funding sources prior to or concurrently with the IHS "housing" support project.

A "like-new" home is defined as follows:

- The home shall be owned and occupied by the participant, and the home shall be the participant's primary residence. Primary residence shall mean that the participant occupies the residence for more than eight months of each calendar year.
- The home shall have functional interior plumbing to include a kitchen sink, a water heater, and at least one bathroom with a lavatory, flush toilet, and bath tub and/or shower. All fixtures shall be functional, and there shall be no leaks in the supply or waste piping nor in the fixtures or faucets.
- The home shall have a permanently installed, functional, thermostatically controlled heating system which can be relied upon to function during the extended absence of the occupants while outside temperatures are at or below 0 °C (32 °F).
- The home shall have electricity from a commercial provider.
- The home shall have adequate insulation which shall be equivalent to an R-11 rating in the walls and an R-19 rating in the ceilings.
- All windows and doors shall be in place and functional.
- The home shall have an adequate 10-year roof with no leaks.
- The structural integrity and overall functionality of the home shall be judged to be such that the home will be occupiable for minimum of 10 years.
- For new or like-new mobile homes to be considered permanent, they shall be blocked, tied down, towing tongue and wheels removed, and skirted. Single wide mobile homes shall be greater than 40 feet in length and shall not be

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marketed/sold as a recreational vehicle.

- If the home is served by existing water supply and sewage disposal facilities, these facilities must be certified by a qualified inspector or engineer to be unsafe and/or nonfunctional, and such unsafe or nonfunctional conditions shall not have been caused by homeowner neglect.
- The home shall have a poured in place, undamaged concrete foundation.

As sanitation facility applications for new, like-new, or renovated to like-new homes are received, the IHS evaluates the eligibility of the home for a housing support project and for the feasibility to provide adequate sanitation facilities. Feasibility means our ability to design and install sanitation facilities that will function properly, that will meet applicable codes and design considerations, and that can be constructed at a reasonable cost. Once eligibility, feasibility, and tribal sponsorship are confirmed, the home is placed on the next available "housing" support project within the IHS service unit in which the home is located.

**Regular Projects:** With the regular fund account, a more elaborate process is used to determine which projects and homes will be served. During the spring of each year, the IHS reviews applications on file which do not otherwise qualify for "housing" support type projects. These homes are grouped into projects by community, county, or community water and sewer system service areas and reported to the IHS headquarters in Rockville, Maryland, through a computer database called the Sanitation Deficiency System (SDS)

## **SPECIAL CIRCUMSTANCES RELATING TO PROOF OF OWNERSHIP**

**Property Currently In Probate:** Property that is in probate **does not** qualify for IHS assistance.

**Undivided Trust Property:** In the event you are requesting assistance for property for which you own an undivided share of the property, and another individual or individuals own the remainder of the property, you will be required to obtain a statement(s) from all the owner(s), giving you permission to occupy the property and make improvements. The statement(s) can be typed or hand written but must be signed by the owner(s) and notarized. You may obtain one statement signed by all other owners or utilize individual statements from each owner. When providing this documentation, an official deed/title showing all ownership is still required.

## **PROJECT PARTICIPANT INFORMATION**

**Site Evaluation:** Once your completed application and land ownership papers are received, the IHS will arrange to evaluate your homesite to verify the need for sanitation

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facilities and determine the feasibility of providing those which are needed. If you are planning to build a new house or purchase a new mobile home, the IHS will evaluate the homesite before construction of the new home begins or the mobile home is placed on the site. The IHS is not obligated to serve your new home or mobile home on sites which are determined by the IHS to be technically or economically unfeasible to construct safe, adequate sanitation facilities. Once your site has been evaluated by the IHS and determined acceptable for the provision of sanitation facilities, you will be considered for placement on an active project (if slots are available) or on a future project if all active projects are filled.

**Feasibility:** It must be technically and economically feasible to provide safe, adequate sanitation facilities to your home before you will be added to a project. The IHS is committed to provide you with the safest, most reliable water supply and waste disposal facilities available. In order to achieve this the IHS provides connection to community water distribution and sewer systems whenever possible. The IHS will not provide an individual water supply well for a home when community water is available. In addition, the IHS will not provide individual water supplies to homes that have lost their connection to community systems due to lack of payment of their utility bill. However, the IHS will encourage the homeowner to work with the utility company in order to reestablish service. The IHS will **not** connect unwilling individuals to community systems. If you wish facilities other than those recommended by the IHS, **you** are free to obtain those facilities from a private contractor at your own expense and at no cost to the Government. If individual on-site water supply and sewage disposal facilities are needed, your homesite must be large enough to accommodate these facilities with the proper separation distances between the well or water service line and the sewage disposal system, between the facilities and the property lines, and between the house and the facilities. If an on-site septic system is required, the soils, site drainage, and site layout must be suitable for this type of system. The cost of the facilities must be within the Portland Area IHS's unit cost threshold for water supply and sewage disposal facilities as defined by the Sanitation Deficiency System.

**Minimum Home Construction Standards:** The home must be your permanent residence and capable of being occupied 24 hours a day, 365 days of the year. The structure must be sound, must be insulated, and must have a heating system that is capable of maintaining a minimum temperature of 70 degrees during the coldest weather in the area with even distribution of the heat throughout the house. The home must be served by a commercial electric utility and have an electrical system that is capable of supplying electrical energy to a water heater and/or a well pump, if necessary. The IHS is not funded for and will not provide structural improvements, finish carpentry work to walls or floors, nor electrical upgrades or wiring within your house. Travel trailers, motor homes, and camp homes do not qualify for service. Mobile home must be permanently placed on the site, blocked leveled, tied down, towing tongue and wheels removed, and skirted.

**Plumbing:** The IHS does not provide interior plumbing facilities for BIA HIP new or renovated homes, other new homes, or mobile homes. If your plumbing needs repairs, the IHS will be happy to assist you in locating a private plumber to perform the repairs at your expense.

**Scheduling:** Construction scheduling is set by the IHS and is based on need and the date your application for service is completed. The IHS attempts to respond as quickly as practical, but at times service delivery times may be slower than you would like. You may **at your option and at your own expense** obtain the services of a private contractor to have your facilities installed. The IHS will not reimburse you for services that you obtain through your own contractor.

If you need assistance in completing the application or if you have questions regarding your eligibility for assistance under the Public Law 86-121 sanitation facilities construction program, please contact the IHS Office of Environmental Health and Engineering Representative.

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