

GUIDELINES

DIVISION OF SANITATION FACILITIES CONSTRUCTION

Office of Environmental Health and Engineering
Navajo Area Indian Health Service
Window Rock, Arizona

CHAPTER 5--Service Policies

Section 4: Land Status and Procedures for Serving Mobile Homes
or New Homes on P.L. 86-121 Projects
Guideline No. 5.4 (05-11)
October 2005

Supersedes: G 5.4 (99-10) G 5.4 (90-10), G 79-3, G 80-1

Distribution: Standard List

A. MOBILE HOME POLICY

The following establishes an area-wide policy that should be followed when evaluating mobile homes for assistance through P.L. 86-121 projects.

1. The Indian owner should formally request, in writing, on an individual request form that his mobile home or new house be served with sanitation facilities under Public Law 86-121. Although it is sometimes difficult to enforce, the individual requesting facilities should be informed that he is entitled to only one service for each mobile home and that if he later moves it, he will be responsible for the service at the new location. This would allow additional services for someone who acquires a second mobile home. However, if it is obvious that an individual is receiving P.L. 86-121 facilities with the intent to profit from the resale of the home, the provision of facilities through P.L. 86-121 may be limited to one home for that individual.
2. An Individual Homeowners Agreement (PHS-4063) must be completed. If possible, the make, model and serial number of the mobile home should be stated on the agreement in addition to the list of facilities to be provided.
3. The owner must be able to produce documentation (e.g., one of the following: homesite lease, grazing permit holder written consent, service line agreement, etc.) showing that he has the right or authority to locate the mobile home on the site and that it is Indian-owned land. The type of authority required will vary depending on whether the land is Tribal, individual Indian allotment, or privately owned. In any case, the authorization should give him permission to use the site for a period of not less than ten years from the time

- it is anticipated the service will be provided. Attach a copy of this authorization to the Individual Agreement.
4. Mobile homes to be served must be "permanently" situated on the site. That is, they must be placed on an adequate foundation and the wheels removed.
 5. The owner will be responsible for protecting the mobile home piping from freezing by skirting and/or insulating the lines. This requirement must be stated on the Individual Agreement.
 6. The owner understands that they may be responsible for connecting the water and sewer service lines to the mobile home' plumbing if work underneath the mobile home is involved. For safety reasons, the IHS and NECA staff are not permitted under mobile homes.
 7. Unless there are well-justified reasons, (i.e., medical referral and a wood burning stove) any mobile home to be served with sanitation facilities must have adequate electrical power available at the site. (Nearly all mobile home heating systems depend on electricity to function).
 8. Mobile homes should not be served that can be considered to be a commercial venture, such as a mobile home park, unless service is paid for by the developer through an appropriate contribution to a project. Neither should mobile homes on any other kind of "rental" lot be served.
 9. As with any request for assistance in providing sanitation facilities, it must be determined whether or not the site is feasible to serve prior to making a commitment to serve it.
 10. NAIHS does not provide plumbing for mobile homes. Mobile are constructed with plumbing installed. If the original plumbing has been removed from the mobile home, chances are the home is not suitable for habitation. In addition, the thin walls do not allow for the installation of standard plumbing. Finally, the installation of plumbing would require the NECA crews to work under the mobile, and, again, IHS and NECA staff are not permitted under mobile homes for safety reasons.

B. LAND POLICIES

Land terms definitions for the Navajo Reservation are provided in Guideline 7.1. Our service policies for the most commonly encountered land types are discussed below.

Serving mobile homes or proposed new homes on:

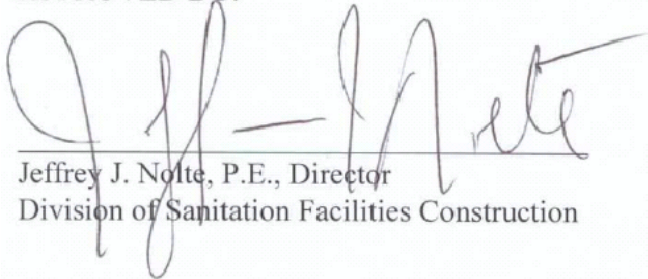
1. Reservation and Tribal Trust--The homeowner should obtain a homesite lease through the Tribe's Navajo Land Office. We should ask for a copy of the homesite

- lease for the homeowner file if there is any indication of the potential for nearby residents to complain, protest, or “dispute” the home.
2. P.L.O. 2198 Land -- Navajos can only get a use-permit, not a homesite lease, on these lands. The lengths of permits vary. A minimum 10-year use-permit is absolutely required.
 3. Tribal Fee--Tribe does not encourage building because it increases tax base. A minimum 10-year homesite lease is absolutely required.
 4. Allotments--The home builder or mobile home owner who does not hold a share of the allotment must obtain a residential lease from the BIA. A copy of the lease is to be provided for the homeowner file. The homebuilder or mobile home owner who does hold a share of the allotment must assist in completing a waster service line agreement for allotments (G7.1). In either case, where a Grant of Easement is required (i.e., two or more homes on a proposed/existing main) that terminates on the allotment, the engineer, in completing the right-of-way package, may wish to assign the gathering of signatures to the homeowner.
 5. Public Domain and State Land --Never serve anyone, mobile home or frame house, unless we get written permission from the Bureau of Land Management/State.
 6. Serving Existing Homes --Except in the cases of Public Domain and State Land we will serve existing frame houses.

C. SERVING HOMES IN BORDERTOWNS

Service to Native American homes in bordertowns will be considered on a case by case basis. However, because the demand for first time service on the Navajo Nation still remains high, the provision of sanitation facilities to Native American homes in border towns will generally be limited to technical support only.

APPROVED BY:



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