



Little River Band of Ottawa Indians
2608 Government Center Dr.
Manistee, MI 49660
(231) 723-8288

Resolution #16-0406-099

*Approving Emergency Amendments to Housing Regulations Chapter 2. Admission Procedures
for Low Income Elder and Tribally Owned Homes*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the legislative powers of the Little River Band are vested in the Tribal Council at Article IV, Section 7 of the Constitution; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to enact ordinances and adopt resolutions to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members and to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(f) to create by ordinance regulatory commissions or subordinate organizations and to delegate to such organizations the power to manage the affairs of the Little River Band; and

WHEREAS, the Tribal Council did by Ordinance #04-700-01 create the Housing Commission to oversee and regulate the Tribe's housing with the delegated power in Section 6.01(a) of that ordinance to develop and adopt regulations governing Tribal housing on Tribal trust or fee lands; and

WHEREAS, the Housing Commission has requested Tribal Council make an emergency amendment to the Ch. 2 regulations to address what they believe is an unduly harsh and punitive admission requirement; and

WHEREAS, the Housing Commission believes the current admission regulations are prohibiting Tribal members, who are in desperate need of housing, from qualifying for Tribal housing opportunities; and

WHEREAS, some of these denials have left Tribal members in unsafe or unhealthy living conditions; and

WHEREAS, the amendments will only be in effect for six (6) months, at which time, the Housing Commission will offer permanent amendment suggestions to the Tribal Council for their approval

NOW THEREFORE IT IS RESOLVED that the Tribal Council adopts the following amendments to the Housing Regulations, Chapter 2. Admission Procedures for Low Income Elder and Tribally Owned Homes:

Section 3-4. Criminal Background Screening.

- a. Automatic Exclusion. The Housing Department shall deny an applicant admission to a rental unit if he, she, or any of the applicant's household members listed on the application has been convicted of or entered a plea of guilty or no contest to any offense involving:
 1. Criminal Sexual Conduct where the perpetrator is an adult at the time that the crime is committed; or
 2. Selling, distributing, or manufacturing any controlled substance located on Schedules 1-5 of MCL 333.7211-333.7220 or the equivalent within the past seven (7) years; or
 3. Violent behavior involving murder, assault with intent to do great bodily harm, or stalking within the past twenty-five (25) years; and/or
 4. Furnishing alcohol to minors within the past seven (7) years.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 1 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on April 6, 2016, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Joseph Riley II, Tribal Council Recorder



Virgil Johnson, Tribal Council Speaker