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Little River Band of Ottawa Indians



*Housing Commission Meeting
Aki maadiziwin Conference Room*

November 8, 2018

Agenda

1. Prayer
2. Roll Call
3. Stipend
4. Approval of Agenda
5. Approval of Minutes
 - a. October
6. Department Update
7. New Business
 - a. By-Laws
 - b. 10 Aki houses
8. Public Comment
9. Closed Session
 - a.
10. Open Session
11. Policies and Procedures (limit discussion to ½ hour)- which ones are done.
12. Next Meeting Date – December 13, 2018
13. Adjournment

Little River Band of Ottawa Indians



Housing Commission Meeting Aki Maadiziwin Conference Room

October 11, 2018

MEETING MINUTES

The LRBOI Housing Commission meetings was held on October 11, 2018 at Aki Conference Room. Following are the minutes of that meeting.

1-3. Opening Prayer, Roll Call and Stipend

Commissioner Judy Hardenburgh called meeting to order at 10:10 AM.

Roll Call:

Judy Hardenburgh- Here	Marcella Leusby- Here	Julia Chapman- Absent
John Pabami- Here	Teresa Callis- Here	

Quorum: 4-1-0-0

Others Present: Lawyer Elise McGovern-Cuellar, Michelle Pepera, Rebecca Liebring

Council members: Ron Wittenburg, Shannon Crampton,

4. Approval of Agenda

Motion to approve the Agenda for: October 11, 2018

: Commissioner John Pabami moved to accept agenda.

Commissioner Judy Hardenburgh seconded, motion passed.

Judy Hardenburgh- Yes	Marcella Leusby- Yes	Teresa Callis- Yes
John Pabami- Yes	Julia Chapman- Absent	

Motion carried: 4-1-0-0

5. Approval on Minutes

Motion to approve minutes: Approval of minutes for September 13, 2018

Motion carried by Commissioner John Pabami to approve minutes.

Commissioner Marcella Leusby seconded, Motion carried.

Judy Hardenburgh- Yes	Marcella Leusby- Yes	Teresa Callis- Yes
John Pabami- Yes	Julia Chapman- Absent	

Motion carried: 4-1-0-0

6. Closed Session: Went into closed session at 11:00 am. Back into open session at 11:30 am.

7. Old Business: Last month the Commission talked of changing the time for the monthly meeting. It was decided on at this month's meeting to keep the time as is.

8. New Business: Back into open session at 11:30 am. The Commission and lawyers talked over the By-Laws and changes to be made. Elise will bring the new changes to next month's meeting. They told the Commission that the Stipend is now called Compensation. Shannon Crampton brought up the idea to the Commission about maybe in the future we could be able to get new commissioners from out of state by the use of skyping. Though it's a nice idea it wouldn't be feasible at this time. We don't believe that there are that many tribal members that have the ability to have this technology in their homes or have access to it. Plus, the process of using this in a meeting would take too long to go over. At times we have a lot of paperwork to go over, documents, legal paperwork, closed sessions, and ordinances to go over. Our lawyer said it would be better to have the commissioner here to be physically involved in the meeting. Michelle volunteered to do our 2019 calendar for us and get it out to council.

9. Public Comment: None

10. Next Meeting: November 8, 2018

11. Adjournment: Meeting adjourned at 12:20 pm.

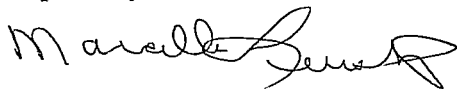
Commissioner Judy Hardenburgh moved to close meeting

Commission John Pabami seconded. Motion carried.

Teresa Callis- Yes	Julia Chapman- Absent	John Pabami- Yes
Marcella Leusby- Yes	Judy Hardenburgh- Yes	

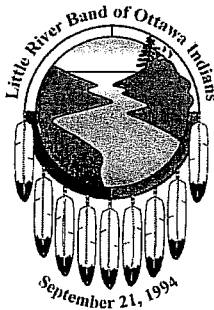
Motion carried: 4-1-0-0

Respectfully,



Marcella Leusby

Commission Secretary



Little River Band of Ottawa Indians
Housing Department
Mailing Address: 2608 Government Center Drive
Physical Address: 2953 Shaw Be Quo ung
Manistee, Michigan 49660
231-723-8288

HOUSING DEPARTMENT
For October 2018

I. Housing Activities

- A. The Construction of the two four-bedroom Fair Market rentals at Aki are completed. The landscaping for the Aki 10 and the new two four-bedroom units have also been completed.
- B. The department met four times this month with Rebecca Liebing and Elise McGowan-Cuellan Staff Attorney's and Bill Willis, Members Services Lead.
- C. I attended a meeting with Tribal Council on the Housing Strategic Plan.
- D. The 2018 Chevrolet 2500 Silverado maintenance truck with the plow was delivered to the office on October 10, 2018, the salt spreader still needs to be installed.
- E. The Housing Department submitted to HUD our 2019 Indian Housing Plan on October 11, 2018, which was due by October 17, 2018.
- F. I meet with Brett Byrnes from TKS Security on location and cost of Security Camera's for the Aki maadiziwin Community.
- G. The Housing Department attended the Fall 2018 Membership meeting where we answered membership questions and provided information on our Housing.
- H. I attended a work session with Tribal Council on rental rates of the Elders Apartments
- I. The Housing Department performed a walk thru with the contractor on October 18, 2018, and the keys were turned over to the Housing Department in preparation for rental. The Housing Department is now making arrangements for the purchase and installation of window treatment, appliance and mail boxes.
- J. Travois and Wieland Project Managers came into town on October 23, to do a site visit of the Elders Apartment construction site.
- K. During the month the Department performed the following activities.
 - Lease renewals due during the month: 5
 - Leases renewed: 9
 - New leases: 1
 - Annual Inspections: 5
 - Move-out Inspections: 0
 - Move outs: 0
 - Transfers: 0

- L. Down Payment and Closing Cost assistance grant (HI 100). This program was approved for the Calendar Year of 2018 in the amount of \$75,000, with additional funding of \$15,000.00 by Housing Department budget modification.
Applications received this month: 3
Number of Awards made during the month: 2
Amount of Awards made for the Month: \$6967.00
Total Number of Awards made during the Year: 15
Total Amount of Awards for the Year: \$68,611.00

II. Rental Payment Information for the Month.

- A. Notice of Delinquency issued: 6
B. Termination Notice(s) issued: 3
C. Notice(s) to Vacate or Renew: 0
D. Court Filing(s): 0

III. Condition of Properties.

- A. Johnson & Wood LLC the tribes HVAC sole source company is continuing with the annual preventative maintenance inspections on the mechanical items in all the homes.
B. Please see the attached daily log kept by the Housing Maintenance Technicians. This log is not intended to be an in depth description of the work performed each day, but instead a snap shot of their daily activities.

IV. Number of Units and Vacancies.

LRBOI Housing Department has 69 rental units in total of which 68 were rented giving us an occupancy rating of 99%.

- A. Aki has 45 income based rental units of which 45 were rented during the month as follows:
1. Aki has 9 low income elder designated rental units and 9 units are rented.
2. Aki has 2 low income elder ADA designated rental units and 2 are rented.
3. Aki has 28 low-income family rental units and 28 are rented.
4. Aki has 6 low income family ADA rental units and 6 are rented.
B. Aki has 24 Fair Market rentals and 23 are rented.

V. Significant Problems and Accomplishments.

- A. 2019 Indian Housing Plan (IHP) has been submitted to HUD on October 11, 2018.

VI. Plans for the Future.

- A. Continue construction of the Elders Apartment Complex at Aki maadiziwin.

VII. Other Information

- A. None

End of Report
Michelle L. Pepera
Administrative Assistant
November 2, 2018

Attachments: October 2018 daily maintenance log, attachment
Cc: File

Housing 2018
Daily Worksheet

Date 10-1 Mileage, EOM paper work, daily logs
Cleaned equip ment started winter prep, mowed with
push mower around CC BLD

Date 10-2, Replaced Furnace Filter and checked thermostat @ 2698 OC
Required / Adjusted BiFold Doors on Laundry area @
2596 IC

Date 10-3 Cutt Feilds, mowed Elders/Handicap units

Date 10-4 Installed Tenant supplied bulbs @ 2683 IC
checked Lift Station @ 2698 OC Called Dave From Johnson+Wood
Possible warranty issue, Continued with Fields and Elder/HC
units mowing
Salt and Ice melt delivered

Date 10-5 Picked up Trash cans for 2 new units Lots 51+52
Got PO for Mail Boxes also, scheduled appt for Monday @ 2654 OC
Fueled Grey truck, checked Pavilion

Thank you for filling out this Daily Worksheet

Housing 2018
Daily Worksheet

Date 10-8 snaked / Plunged clogged drain Kitchen @ 2727 OC
Typed up statement for Pavilion Lockset repair,
Plugged in Backup Fridges for morning
Called & scheduled apt for 10-9

Date 10-9 Exchanged Fridge with shop backup @ 2646 IC
Inspected Furnace @ 2654 OC blower motor not working
properly called Dave he ordered and will install motor on Fri
Installed tenant supplied Blinds and toe kick plate on Door
@ 2711 OC, Mowed New Ten for hydro seeding this week

Date 10-10 Quarterly inspection @ 2658 IC, Mowed and weed
whicked, Picked up new truck and Plow, dropped off Grey
truck for repair, Repaired Bifold Door @ 2690 OC

Date 10-11 Called Tured about washing Machine left message,
Mowed alleys and Fields, Replaced toilet Flush handle @
2602 OC, Got Quote for paint and materials for tenant
paint @ 2631 IC, walk thru @ 2662 + 2670 OC

Date 10-12 Mowed hill for stalling area, Requested Three
Quotes for Satter, Picked up Grey truck from Proger,
Picked up paint & materials for 2631 IC, Made extra
keys for New units Lots 51 + 52, Inspected washer @
2646 IC Informed MP/CG should be replaced, dropped off
paint/materials @ 2631 IC, Took new truck for measure
to Amore's,

Thank you for filling out this Daily Worksheet

Housing 2018
Daily Worksheet

Date 10-15 Closed Pavilion, Annual Inspection @ 2594 IC
annual Inspection @ 2647 OC repaired shower handle and
door knob while there, Inspected toilet @ 2721 needs
New fill Valve scheduled for Thurs 9am

Date 10-16 Attached Plow + Satter to Grey truck & Verified working
order, cleaned salt bags for winter Parking / access, took
totes and shovels downstairs for walks, filled ruts along
pavement parking lot, cleaned zero turn

Date 10-17 Final walk thru Lots 51+52, Picked up Blinds
Completed annual Inspection @ 2647 OC, got Quote for
materials to hook up new Appliances, Dumpsters Delivered
Called and scheduled Work Orders Repairs, Fridges Delivered
to New Units

Date 10-18 Repaired damage in drywall @ 2605th Replaced Fill
Valve in toilet @ 2721 IC, Installed suction cup style
assist bar in shower, reprogrammed thermostat @ 2596 IC
Repaired door knob and hung picture for tenant @ 2627 OC

Date 10-19 Completed trash in dumpsters, took ranges and
appliance hook ups to 2 new units Lots 51+52
Removed Refrigerator from Dumpster, took old ceiling fans and
Misc items to the dumpster, Sorted Blinds for new units

Thank you for filling out this Daily Worksheet

Housing 2018
Daily Worksheet

Date 10-22 took down Canopy & stored for winter
Installed New Mail boxes Lots 51 & 52, Annual Inspection
@ 2683 IC, Took Blinds, trashcans to new units
Plung Toilet @ 2720 IC

Date 10-23 Installed blinds and appliances and screens @
New Units, 2662 Lot # 52 Missing 8 screens notified
Row @ Stillwater, Checked and ensured working properly Fireplace
@ 2723 OC

Date 10-24 Finished installing Appliances, took time for
tractor to Roger, Installed in tractor Replaced Drip
Pan and repaired Lock set Deadbolt @ 2654 OC

Date 10-25 Cott board for slider and checked Lock mechanism
@ 2648 OC, Installed light bulbs @ 2683 IC, Re installed
smoke alarms with batteries @ 2644 IC
Installed New Dryer @ 2647 OC

Date 10-26 Repaired Door Sub main entrance, Replaced
Kitchen Sink sprayer hose and handle, tightened and checked
all Plumbing Connections under Kitchen Sink @ 2647 OC
Receipts, Completed work orders submitted

Thank you for filling out this Daily Worksheet

Housing 2018
Daily Worksheet

Date 10-29 Repaired and moved mailboxes for Lots 51+52
Updated maps + Contact Info for new tenants
Annual Inspection Replaced Doorbell Chime, 8 Smoke alarms
with new batteries tenant supplied, recopied Keys @ 25910C

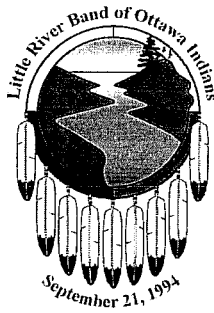
Date 10-30 Replaced Dryer, Rekeyed Dead bolt @ 25910C
Replaced sprayer handle @ 2631 IC, Ordered Dryer parts
Emailed Invoice to Ron @ Stillwater, Scheduled Sutter install for 10-6
8am, Installed new light bulb in Fridge @ 2662 OC

Date 10-31 Picked up Materials to install 240 Dryer/Range
hookup in shop for appliance testing, Brush removal
along road and hill side, Installed new batteries in
Smoke alarms @ 27160C

Date 11-1 Mileage, took new truck for Logo installation
Hooked up 240 in shop area for testing Appliances
Installed New Window Switch and bulb in Fridge @ 2670 OC
Inspected Garage Door Called Eric (Ron) warranty work @ 2693 OC
Picked up more paint for tenant @ 2677 OC,

Date 11-2 Cardboard Run, Receipts, Investigated Photocopy
For street light Control needs to be replaced, Verified
Garage door repair @ 2693 OC
Remove trash from shop area and organize tools equip
Daily log + EOM paperwork

Thank you for filling out this Daily Worksheet



Little River Band of Ottawa Indians Housing Commission

Regular Housing Commission Meetings have been established for
the second Thursday of the month at 10:00 a.m.

Meeting dates listed below

All meetings shall be held at the Aki maadiziwin Conference Room

Housing Commission Meeting Dates for 2019

Regular Meetings

January 10, 2019

February 14, 2019

March 14, 2019

April 11, 2019

May 9, 2019

June 13, 2019

July 11, 2019

August 8, 2019

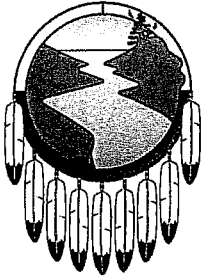
September 12, 2019

October 10, 2019

November 14, 2019

December 12, 2019

Housing Commission Annual Informational
Meeting for all Little River Band of Ottawa
Indians Membership regarding Housing, will be
held on April 11, 2019, at 2:00 p.m. at the
Aki Community Center



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

Resolution # HC-1108-07

Approving Amendments and Re-Authorizing Housing Commission By-Laws

WHEREAS, the status of the *Gaá Čhíng Ziibi Dadwaa Aníshinaábek* (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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; 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 #04-150-01 created the Commissions Ordinance to govern commissions including creation and authorization Commission By-Laws in

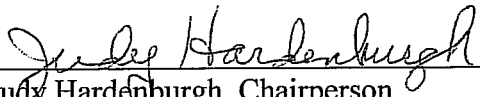
Section 6.02 and by Ordinance #04-700-01 Tribal Council created the Housing Commission.

NOW THEREFORE IT IS RESOLVED that the Housing Commission adopts the attached amendments to the Housing Commission By-Laws and re-authorizes with amendments.

IT IS FURTHER RESOLVED that the Housing Commission shall forward these By-Laws to the Tribal Council with a recommendation for adoption.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Housing Commission with 2 FOR, 0 AGAINST, 1 ABSTAINING ___ and 1 ABSENT at a regular session of the Little River Band of Ottawa Indians Housing Commission held on - _____, at the Aki Maadiziwin Community Center in Manistee, Michigan, with a quorum being present for such vote.



Judy Hardenburgh, Chairperson

Distribution: Tribal Council
Housing Department
Unified Legal Department

Housing Commission
By-Laws

Article ~~II~~. Title; Authority; Purpose.

- 1.01. This entity shall be known as the "Little River Band of Ottawa Indians Housing Commission," and may be referred to as the "Housing Commission." The official address is 2608 Government Center Drive, Manistee, MI 49660.
- 1.02. *Authority.* The Housing Commission was created by Article IV of the Housing Commission Ordinance, Ordinance #04-700-01, and by-laws as adopted by Tribal Council Resolution #15-0909-266.
- 1.03. *Purpose.* As identified in the Housing Commission Ordinance, the purposes of the Housing Commission are to:
- a. Develop regulations to implement activities to provide housing services for Tribal members;
 - b. Coordinate with Federal, State, local, and private entities to further housing opportunities for Tribal members; and
 - c. Provide housing programs and services for Tribal members.

Article ~~2II~~. Commissioners.

- 2.01. *Members.* The Commission shall consist of five (5) commissioners appointed to four (4) year terms of office according to the Constitution and the Commissions Ordinance, Ordinance #04-150-01. Any person twenty-one (21) years of age or older may be appointed to serve as a commissioner, provided that no more than one (1) non-Tribal member may be seated on the eCommission at any one-time.
- a. *Appointment of Tenants.* A person's status as a tenant of the Tribe shall not prohibit them from serving on the Housing Commission. A tenant commissioner shall be entitled to fully participate in all meetings concerning matters that affect all tenants, even though such matters have a personal effect. However, a tenant commissioner shall not participate in an official capacity in any matter involving his or her individual rights, obligations or status as a tenant.
 - b. *Employees Prohibited from Appointment.* A person shall not be eligible to be appointed as a Commissioner if he or she is employed by the Housing Department.

Housing Commission

By-Laws

Adopted by Housing Commission Resolution # _____

Adopted by Tribal Council Resolution #~~15~~-_____-____

- 2.02. *Appointment to Vacancy.* In the event of a vacancy before the expiration of a term, an individual appointed to the eCommission shall fill the remainder of the term of the vacant office. If less than six (6) months remain of the vacant term, the individual shall be appointed for the reminder of the term and a full term thereafter.
- 2.03. *Officers.* The Housing Commission shall have the following officers elected by its members for a one (1) -year term of office. Officer elections shall be held annually in December. No member may serve in two officer positions simultaneously. If an officer's seat becomes vacant, the members shall elect a new officer for the remainder of the vacant term and for one full term thereafter.
- a. *Chairperson.* This officer shall be responsible for:
1. Calling all meetings.
 2. Presiding at all meetings.
 3. Managing and reporting on all finances of the entity, including review of budget of Commission.
 4. Reporting to the Tribal Council and other entities or persons as directed.
 5. Signing all correspondence and representing the Commission at all meetings with outside entities unless the Housing Commission designates another member to act as a representative at such a meeting by motion.
 6. Appoint Secretary in the event of a vacancy in that office before elections.
- b. *Secretary.* This officer shall be responsible for:
1. Maintaining all minutes, agendas, reports, and correspondence of the Housing Commission at a secure location at the office of the Housing Department or as directed by Tribal Council.
 2. Presiding at duly called meetings in the absence of the Chairperson.
 3. Provide agenda to Commission members and for public posting prior to meetings.
- 2.04. *Resignations.* Resignation of a commissioner is effective upon submission of a written resignation to the Chairperson or Secretary.

Housing Commission

By ~~H~~ Laws

Adopted by Housing Commission Resolution # _____

Adopted by Tribal Council Resolution #15-_____-____

Article ~~3~~III. Duties and Responsibilities.

3.01. The Housing Commission has the following responsibilities and is delegated all necessary power by the Tribal Council to carry out these responsibilities:

- a. To implement the provisions of the Housing Commission Ordinance, Ordinance #04-700-01, and any other ordinance adopted by Tribal Council governing housing activities on Tribal lands;
- b. To create, adopt and amend regulations, subject to Tribal Council adoption, on the following subject matters:
 - i1. Tribal housing on Tribal trust or fee lands;
 - ii2. The implementation of federally-funded projects regarding housing, including but not limited to, the development, construction, maintenance and repairs of housing projects;
 - iii3. The implementation of market-based rental housing, low-income tenancy or home ownership, federal tax credit rentals or home ownership and private mortgage financing for home ownership on Tribal trust or fee lands;
 - iv4. Further regulations as the Commission may deem necessary and desirable to effectuate the powers granted by the Housing Commissions Ordinance, Ordinance #04-700-01;
- c. To adopt regulations on the foregoing subject matters for emergency implementation without Tribal Council adoption, provided that adoption of emergency regulations satisfies the procedures for the adoption of emergency amendments as provided in the Administrative Procedures Act, Ordinance #04-100-07, and that emergency regulations not exceed ninety (90) calendar days in duration without formal adoption by the eCommission and approval by Tribal Council;
- d. To develop and complete an annual survey and assessment of housing needs of the Tribal membership, and to determine and implement appropriate housing programs to meet the identified needs, subject to the approval of the Tribal Council and to design and carry out studies and analyses of housing needs, as may be necessary from time to time, to ensure the accuracy of housing information for planning purposes, for the information of Tribal Council and the Ogema;
- e. To issue orders and directives not inconsistent with regulations adopted by the Commission, the Housing Commission Ordinance, or ordinances regulating the housing activities of the Tribe;

Housing Commission

By HLaws

Adopted by Housing Commission Resolution # _____

Adopted by Tribal Council Resolution #15-_____-____

- f. To develop and foster cooperative and constructive working relationships with governments, organizations, and agencies to benefit the housing needs of the Tribal membership;
- g. To set forth the criteria for the selection of tenancy, including the establishment of priorities for assignment of housing, occupancy, rental, care and management of housing units, to identify income requirements for tenancy and to set occupancy rates for regulated housing units
- ~~h. To establish by resolution, on an annual basis, the rents for any Tribal rental housing, subject to Tribal Council approval;~~
- ih. To plan for the development of land set aside for the use of low-income and other housing projects consistent with the Tribe's land use and/or acquisition plans(s) and in collaboration with other departments as directed, and subject to the approval of Tribal Council;
- ji. To ensure the development of private housing finance mechanisms for members seeking to build on trust and fee lands or purchase housing on fee lands;
- kj. To prepare and present to the Tribal Council a proposed budget requesting an appropriation of funds to permit the eCommission to carry out the responsibilities of the Housing Commission Ordinance and other ordinances governing Tribal housing activities; and
- lk. The eCommission shall act as the hearing body according to this subsection and any regulations adopted by the eCommission governing the conduct of administrative hearings.
 - 1. The eCommission shall have original jurisdiction to hear:
 - iA. All appeals of denials, suspensions, revocations or other Departmental actions involving Tribal Members or lessees;
 - iiB. All cases where a lease or rental agreement allegedly breached by a tenant have resulted in notice of termination or eviction issued by the Housing Department;
 - iiiC. All cases in which a tenant disputes a withholding by the Housing Department of all or any part of the person's security deposit;
 - ivD. All cases in which the Housing Department requests a variance from Tribal building, housing, or zoning codes. The standard in any such

Housing Commission

By H L a w s

Adopted by Housing Commission Resolution # _____

Adopted by Tribal Council Resolution # 15 - -

case shall be whether the requested variance is necessary and reasonable. The Tribal Building Official shall be a necessary party to any such action.

2. The ~~C~~eommission shall adopt all decisions by a majority vote in an order that clearly identifies the parties, facts, issues, rules and decision.
3. Decisions of the ~~e~~Commission, acting as a hearing body may be appealed to the Tribal Court on an appeal review of an administrative decision and not as an original hearing.
4. The Housing Department may appeal an adverse decision of the Commission only with the approval of the Ogema.
5. The Commission shall maintain all records and filings submitted during this administrative hearing process in a secure location.

Article 4IV. Commission Meetings.

4.01. *Regular Meetings.*

- a. The Housing Commission meeting shall have at least one (1) regular meeting per month, but shall not meet more than three (3) times monthly.
- b. The Commission shall establish its regular meeting schedule for the next calendar year no later than the last meeting before the end of the current calendar year. Upon adoption, the meeting schedule shall be posted at Tribal properties and on the Tribal website or social media page(s). The meeting schedule shall also be published in the Tribe's next available newsletter and submitted to Tribal Council ~~with~~ no later than the Commission's yearly January report.
- c. The meeting place shall be the ~~Tribal Governmental~~ Aki Maadiziwin Conference Room Center or other location as directed by the Tribal Council. The meeting location shall be posted with the meeting schedule and the monthly agenda.

4.02. *Special Meetings.*

- a. Special meetings may be called as needed to conduct business or convene hearings that, if delayed, would be detrimental to the health, safety or welfare of the Tribe, its members or the regulated activity.
- b. The chairperson, or any two commissioners, may call a special meeting on twenty-four (24) hours' notice to the commissioners and the public. Notice may be

Housing Commission

By ~~H~~aws

Adopted by Housing Commission Resolution # 15-1106

Adopted by Tribal Council Resolution #15- -

provided by telephone to commissioners with written notice to follow as early as practicable by hand, fax or e-mail.

4.03. *Quorum.* Quorum for the Housing Commission's meetings shall consist of at least one officer and at least one (1) ~~two~~ other members. A Tribal Council liaison may act as a commissioner for a meeting to satisfy quorum.

4.04. *Agenda.*

- a. Every meeting of the Housing Commission shall be conducted in accordance with an agenda delivered before the meeting by hand, mail, fax, e-mail or other transmission method to each commissioner and posted for the public.
- b. At the time of the meeting, the eCommission may, by majority vote, accept additional items for the agenda which were not give prior notice, with the exception of the election of officers.
- c. Each agenda shall be drafted to clearly identify the following:
 1. Opening Prayer
 2. General Business
 - iA. Call to order and time of call
 - iiB. Roll call of commissioners present
 - iiiC. Approval of agenda
 - ivD. Approval of available open session minutes
 3. Hearings, if any
 4. Housing Department update – no more than thirty minutes
 5. Unified Legal Department update – no more than thirty minutes
 6. Regulatory drafting
 7. Public Comment
 8. Closed Session – for items pertaining to contracts, litigation, personnel or hearings on request of the Tribal Member subject to the hearing

Housing Commission

By H Laws

Adopted by Housing Commission Resolution # _____

Adopted by Tribal Council Resolution #15-_____-____

- iA. Approval of available closed session minutes
- iiB. Closed hearings, if any
- iiiC. Litigation update, if any
- 9. Return to open session
- 10. Agenda items and date for next meeting
- 11. Adjournment

4.065. *Open and closed meeting sessions.*

- a. Commission business shall be conducted in open session; however, the eCommission, by proper motion, may move that a topic under discussion be discussed in closed session.
- b. Records of the eCommission shall be considered public documents; however confidential records pertaining to contracts, litigation, personnel or hearings on the request of the Tribal Member subject to the hearing shall remain confidential and non-public documents, and shall be discussed in closed session.
- c. No persons, other than commissioners, shall attend closed sessions of the eCommission, except upon proper motion of the eCommission. Legal counsel may be permitted to remain in closed session unless excused by motion of the eCommission.

4.06. *Minutes.* Commission minutes shall be drafted to clearly identify

- a. The date, time and place the eCommission meeting or hearing was called to order;
- b. The names of commissioners and guests present, and whether a commissioner is not present;
- c. Adoption of the agenda, and any amendments;
- d. Any action taken regarding each agenda item;
- e. The date and time the meeting was concluded, and the manner in which it was concluded (i.e., loss of quorum, completed, etc.);
- f. The date(s) of any minutes approved;

Housing Commission

By H Laws

Adopted by Housing Commission Resolution # _____

Adopted by Tribal Council Resolution #15-_____-____

- g. The times a commissioner arrives or departs the meeting if the commissioner arrives late or leaves early; and
- h. The date, time and place of the next regular meeting.

4.07. ~~Stipend~~Compensation; *Attendance*. Commissioners may attend by telephone or by real-time electronic remote access with audio and visual technology. A commissioner shall be entitled to a ~~stipend~~compensation only if the commissioner is in attendance for at least half of a ~~e~~Commission meeting, unless otherwise determined by motion of the remaining commissioners present. Tribal Council may overrule the ~~e~~Commission's motion to grant a stipend to a commissioner under this subsection.

Article ~~5~~V. *Liaisons; Employees.*

5.01. *Liaisons.*

- a. The Housing Department shall identify a liaison to whom the ~~e~~Commission shall forward correspondence, requests and other like material. The liaison shall be responsible for ensuring the delivery of Department reports or other information to the ~~e~~Commission.
- b. The Tribal Council shall assign as a liaison a Council Member to provide communication between the Council and the ~~e~~Commission.
- c. The ~~e~~Commission ~~e~~Chairperson shall act as a liaison to Tribal Council to provide communication to the Department and Tribal Council at work sessions, public meetings or otherwise. The ~~e~~Commission may select a commissioner other than the ~~e~~Chairperson to act as liaison by majority vote.

5.02. *Employees of the Commission.* The ~~e~~Commission does not have the power to employ individuals.

Article ~~6~~VI. *Amendment; Repeal.*

6.01. *Amendment.*

- a. The ~~e~~Commission shall review its bylaws by the end of each year for amendments and re-authorization.
- b. Amendments must be presented at least one (1) meeting before scheduled action by the ~~e~~Commission, and must be adopted by a majority vote of the commissioners present.

Housing Commission

By ~~H~~Laws

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- c. Amendments shall be final after presentation to and approval by Tribal Council resolution.

67.02. Repeal.

- a. These bylaws may be repealed by the presentation of a resolution to the Tribal Council by the eCommission containing the reasons why a repeal of these bylaws is necessary.
- b. The eCommission must approve the resolution requesting repeal by a majority vote of the commissioners present.
- c. The Tribal Council may unilaterally repeal these bylaws by amendment to the creating ordinance, or by adoption of a resolution repealing these bylaws.

CERTIFICATION

I, _____, Judy Hardenburgh, as Chairperson of the Housing Commission, do hereby certify that the Housing Commission adopted these bylaws at a regular meeting with Housing Commission Resolution #HC18-1011-00.

1109

Date

I, _____, Sandra Lewis, Tribal Council Recorder, do hereby certify that the Tribal Council, approved these bylaws by the adoption of Tribal Council Resolution # - - .

~~Joseph Riley II~~ Sandra Lewis
Tribal Council Recorder

Date

Housing Commission

By: ~~L~~aws

Adopted by Housing Commission Resolution # _____

Adopted by Tribal Council Resolution # ~~15~~ - _____ - _____

HOUSING COMMISSION ORDINANCE
Ordinance # 04-700-01

Article I. Purpose; Findings

1.01. *Purpose.* The Little River Band of Ottawa Indians has determined that it is in the best interests of its members to regulate the development of Tribal housing through a Tribal Commission organized and operated for the purposes of developing regulations to provide housing services for Tribal members; to coordinate with Federal, State, local, and private entities to further housing opportunities for Tribal members; and to provide housing programs and services for the members of the Little River Band of Ottawa Indians.

1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds:

- a. That the Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members[.]” Article IV, Section 7(a).
- b. That providing affordable housing in safe and healthy environments is an essential element of providing for the health, peace, and general welfare of the Tribal members;
- c. That there exists in and about the Reservation of the Little River Band of Ottawa Indians and the Tribe’s Indian Area:
 1. unaffordable, unsafe, and overcrowded dwelling accommodations;
 2. a shortage of decent, safe, and sanitary dwelling accommodations available at rents or prices that Tribal members can afford;
 3. insufficient dwelling accommodations to meet the needs of Tribal members desirous of residing within the Tribal Indian Area;
- d. That these conditions:
 1. compel Tribal members to leave the area and deter Tribal members from returning to the Manistee Reservation or Tribal Indian Area, thus contributing to the ongoing disconnectedness of the Tribal community; and
 2. impede Tribal member’s search for work in and around the Manistee Reservation;
- e. That the shortage of decent, safe, and affordable dwellings cannot be relieved fully through the operation of private enterprises;
- f. That the provision of decent, safe, and affordable dwelling accommodations are public uses and purposes, for which money may be spent and private property acquired, and are governmental functions of Tribal concern; and
- g. That residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertakings authorized by this Ordinance to aid the production of better housing and more desirable neighborhood and community development at affordable costs will make possible a more stable and larger volume of residential construction and housing supply.

Article II. Adoption; Amendment; Repeal; Severability

2.01. *Adoption.* This Ordinance is adopted by Resolution # 04-1016-408, which supersedes Ordinance # 96-700-01, and Tribal Council Resolutions #00-0913-01, #98-0618-01; #96-1208-01.

- a. Amendments adopted by Resolution #08-0528-155 requiring Housing Department Director to prepare annual Indian Housing Plan.
- b. Resolution # 11-0907-326, adopting emergency amendments to reduce the number of commissioners to three.
- c. Resolution #12-0229-049, permanently adopting emergency amendments.
- d. Resolution #14-0305-051, adopting on an emergency basis amendments to require that rental rates be authorized by Tribal Council Resolution.
- e. Resolution #14-0514-148, permanently adopting emergency amendments and increasing the number of Commissioners from three (3) to five (5).
- f. Amendments adopted by Resolution #...

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.

2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article III. Definitions

3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Article. The word "shall" is always mandatory and not merely advisory.

3.02. *Affordable Housing Activities* means activities to develop or support affordable housing for rental, or to provide housing services with respect to affordable home rental or ownership for Tribal members through activities that include the following:

- a. The acquisition, new construction, reconstruction, or rehabilitation of affordable housing, which may include site improvement, development of utilities and utility services, conversion, demolition, design, financing, administration, and planning and other related services;
- b. The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance; establishment and support of resident organizations and resident management agencies; energy auditing; and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities authorized under federal and Tribal housing laws;
- c. The provision of housing management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and the management of affordable housing

projects;

d. The coordination, planning and provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

3.03. *Commission* means the Housing Commission as created in this Ordinance, with the powers and authority vested therein pursuant to this Ordinance.

3.04. *Commissioner* means a member of the Housing Commission.

3.05. *Department* means the Housing Department of the Tribe charged with the enforcement of the Little River Band of Ottawa Indians housing policies and housing administration.

3.06. *Federal government* includes the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

3.07. *Housing project* means any work or undertaking to provide or assist in providing decent, safe, and affordable dwellings, apartments, or other living accommodations. Such work or undertaking may include buildings, equipment, facilities, and other personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for administrative, community, health, recreational welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

3.08. *Indian Area* means the area within which the Little River Band operates affordable housing programs, as defined by the NAHASDA, section 4(1) and the 24 CFR Part 1000, and as defined under Tribal law.

3.09. *Persons of low income* means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use, and as may be further defined by the Housing Commission.

Article IV. Housing Commission

4.01. *Creation of Commission; General Authority.* There is hereby created a Housing Commission, created for the purposes described in Article I of this Ordinance. The Commission is charged with the oversight and regulation of the Tribe's housing within the Tribe's jurisdiction and shall exercise the powers and authorities described in this Ordinance or as may be designated by separate Ordinance.

4.02. Membership.

a. The Commission shall consist of at least three (3) but no more than five (5) Commissioners appointed according to the Constitution and the Commissions Ordinance. At least one (1) member of the Commission shall be an elder of the Tribe.

b. Any person 21 years of age or older may be nominated for appointment to the Commission. A Commissioner may be a member ~~or~~ descendent or non-member of the Tribe, provided that no more than one Commissioner may be a non-Tribal member.

c. No person shall be barred from appointment to the Commission because they are a

tenant in a housing project, and such Commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants, even though such matters affect them as well. Provided that, no such Commissioner shall be entitled or permitted to participate in or be present at any meeting, except in their capacity as a tenant, or to be counted or treated as a member of the Commission, concerning any matter involving their individual rights, obligations or status as a tenant.

d. A person shall not be eligible to be appointed as a Commissioner if they are employed in the Department.

4.03. *Terms of Office.* The term of office for members of the Commission shall be limited as follows.

a. *Commissioners.* The term of office of a Commissioner shall be four years unless the Tribal Council authorizes a longer term to stagger terms of office to assure the stability of the Commission.

b. *Officer.* The term of office for an officer shall be one year. A Commissioner may be elected to successive years in the same office.

4.04. *Removal.* In addition to the reasons for removal from office as set forth in the Commissions Ordinance, a member may be removed for the following additional reasons.

a. Conviction of a felony in Tribal, State, or Federal court during a term of office, unless such conviction stems from performance of a legal duty to the Tribe;

b. Fraud, conspiracy to commit fraud or material misrepresentation, or malfeasance in the performance of duties and responsibilities under this Ordinance.

4.05. *Restrictions on Actions.*

a. During a Commissioner's tenure and for one year thereafter, no Commissioner shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project, unless prior to such acquisition, they disclose their potential interest in writing to the Commission.

b. Such disclosure shall be entered upon the minutes of the Commission, and the Commissioner shall not participate in any action by the Commission relating to the property or contract in which they have any such interest.

c. If any Commissioner involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment as a Commissioner, the Commissioner, in any such event, shall immediately disclose their interest, in writing, to the Commission; and such disclosure shall be entered upon the minutes of the Commission relating to the property or contract in which they have any such interest.

d. Any violation of the foregoing provisions of this section shall constitute misconduct in office and may be grounds for removal from the Commission.

e. This section shall not be applicable to the acquisition of any interest in obligations of the Commission issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project, or to act as trustee under any trust indenture, or to utility services the rates for which are fixed

or controlled by a governmental agency, or to membership on the Commission.

Article V. Meetings of the Commission

5.01. Public Informational Meeting. The Commission shall have a public informational meeting, to be held at a large, centrally located facility, at least one time per year at such a date, time, and location as may be designated by the Commission, subject to the following requirements:

- a. The agenda of the meeting shall be informational in nature.
- b. The Commission shall be required to convene a quorum at the meeting.
- c. Substantial time shall be set-aside at each such meeting to permit the Tribal membership the opportunity to provide input on any aspect or issue which is relevant to the purpose and authority of the Commission.
- d. Notice of such meeting shall be published in the Tribal newspaper no later than two weeks before the meeting, the notice to set forth the place, date, time, and duration of the meeting and the agenda for the meeting.
- e. Complete minutes of the meeting shall be taken and retained, and shall become a part of the regulatory history of the Commission.

5.02. Regular Meetings. Regular meetings of the Commission shall be held once each month for the purpose of conducting the business of the Commission. Regular meetings shall be subject to the following requirements:

- a. Notice of such meetings, including the date, time and location, shall be provided in the annual publication of meeting dates.
- b. Changes to the date, time, or location of any meeting shall be presented to each Commissioner at least 14 days before the date of the meeting change.
- c. Meeting notice shall be deemed to be provided upon adoption of the annual publication of meeting dates. Changes to any meeting date, time, or location shall be deemed noticed by personal notice to the Commissioners or may be sent by telefax or e-mail.
- d. Each Commissioner shall have a vote on all issues to be decided by the Commission.
- e. The Commission shall take no official action unless a quorum is present. A quorum of the Commission shall consist of one officer and at least one (1) other Commissioners.
- f. Complete minutes of such meetings shall be taken and the open session minutes shall be attached to a Commission monthly report to the Tribal Council. A Tribal member may obtain access to Commission minutes by making a request to the Tribal Council Recorder.

5.03. Special Meetings. Special meetings of the Commission shall be held as needed upon the directive of the Chairperson or any two Commissioners upon receipt of 24 hours notice in writing delivered to all members of the Commission.

- a. Notice shall be deemed to be provided upon being sent by telefax or e-mail.
- b. All other provisions applicable to regular meetings shall apply to special meetings of the Commission.

5.04. Conduct of Meetings. Regular and special meetings shall be conducted pursuant to the following additional rules:

- a. It shall be the standard that all meetings of the Commission shall be open to all members

of the Little River Band of Ottawa Indians; however, the Chairperson or a majority of the Commissioners present may direct all or a portion of a regular or special meeting to be closed to everyone except designated participants, when such closed meeting is necessary to deal with personnel issues or to discuss any matters deemed to require a closure.

b. Minutes of all regular and special meetings of the Commission shall be kept on permanent file in the offices of the Tribal Council, and shall be available for inspection by any member of the Little River Band of Ottawa Indians upon reasonable advance notice; provided, however, that as to any closed meeting or closed portion of a meeting, the minutes shall merely reflect that a closure took place.

c. Minutes of all closed meetings or closed portions of meetings of the Commission shall be transcribed and shall be kept on permanent file in the confidential files of the Commission. Such minutes may be released only upon a majority vote of the Commission explicitly authorizing such release.

d. Roberts Rules of Order shall govern the conduct of Commission meetings.

Article VI. Powers; Regulations

6.01. *Primary Responsibilities.* The primary responsibilities of the Commission shall be:

a. To implement the provisions of this Ordinance and all Ordinances governing Tribal housing activities, through the development and adoption of regulations governing Tribal housing on Tribal trust or fee lands. Regulations shall be approved by the Tribal Council or in accordance with any Ordinance promulgated regarding adoption of regulations.

b. To promulgate regulations necessary to implement federally funded projects regarding housing, including development, construction, maintenance and/or repairs, that shall be approved by the Tribal Council or in accordance with any Ordinance promulgated regarding adoption of regulations.

c. To promulgate regulations necessary to implement market-based rental housing, low-income home ownership, federal tax credit home ownership, private mortgage financing home ownership for housing activities on Tribal trust and fee lands, that shall be approved by the Tribal Council or in accordance with any Ordinance promulgated regarding adoption of regulations.

d. To review, prior to Tribal Council submission, the Tribe's annual Indian Housing Plan under the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330, 110 Stat. 4019) which shall be prepared by the Director of the Housing Department.

6.02. *Additional Powers.* The Commission shall have the following additional powers:

a. To develop and complete a bi-annual survey and assessment of housing needs of the Tribal membership, and to determine and implement appropriate housing programs to meet the identified needs, subject to the approval of the Tribal Council.

b. To issue orders and directives not inconsistent with regulations adopted by the Commission, this Ordinance, or Ordinances regulating the housing activities of the Tribe.

c. To adopt, when deemed necessary by the Commission, such emergency regulations not

to exceed 90 days in duration.

d. To develop and foster cooperative and constructive working relationships with governments, organizations, and agencies which assistance will benefit the Tribal membership.

e. To identify income requirements and to set occupancy rates.

f. To establish by resolution, on an annual basis, the rents for any rental or leased unit, and the basis therefore. In order to be effective, any resolution adopted under this Section shall be authorized by Tribal Council Resolution.

g. To set forth the criteria for the selection of tenants, including the establishment of priorities for assignment of housing, occupancy, rental, care and management of housing units.

h. To promulgate such further regulations as the Commission may deem necessary and desirable to effectuate the powers granted by this Ordinance, subject to the approval of the Tribal Council.

i. To plan for the development of land set aside for the use of low-income and other housing projects. The proposed development or use of any such lands shall be consistent with the Tribe's land use and/or acquisition plan(s) and subject to approval of the Tribal Council.

j. To design and carry out studies and analyses of housing needs, as may be necessary, from time to time, to ensure the accuracy of housing information for planning purposes. Such studies shall be submitted to the Tribal Council and Ogema upon completion and receipt.

k. To ensure the development of private housing finance mechanisms for members seeking to build on trust and fee lands or purchase housing on fee lands.

l. To prepare and present to the Tribal Council a proposed budget requesting an appropriation of funds to permit the Commission to carry out the responsibilities of this Ordinance and all Ordinances related to Tribal housing activities.

6.03. *Hearing Body.* The Commission shall act as the hearing body for the activities listed below in accordance with hearing procedures adopted by the Commission.

a. The Commission shall hear:

1. ~~all appeals of suitability determinations and removal from waitlists, suspensions, revocations, or other by the Departmental actions involving of Tribal housing tenants;~~
2. ~~all cases where a lease or rental agreement allegedly breached by a tenant has resulted in notice of termination or eviction issued by the Department;~~
3. ~~all cases in which a tenant or former tenant disputes the withholding by the Department of all or any part of the person's security deposit;~~
4. ~~all cases in which the Department requests a variance from Tribal building, housing, or zoning codes. The standard in any such case shall be whether the requested variance is necessary and reasonable. The Tribal Building Official shall be a necessary party to any such action.~~

Commented [EM1]: What other hearings should the commission here?

- b. The Commission shall issue all decisions in an order that clearly identifies the parties, issues, facts, rule or law and decision.
- c. The Commission shall adopt all orders by majority vote and an original shall be presented to the affected party.
- d. Decisions of the Commission, acting as the hearing body for all activities listed herein, may be appealed to the Tribal Court on an appeal review of an administrative decision and not as an original hearing.
- e. The Department may appeal an adverse decision of the Commission only with the approval of the Ogema.
- f. The Commission shall maintain all records and filings submitted during this administrative hearing process in a safe and confidential location.

Article VII. Miscellaneous Responsibilities

7.01. *Report to Tribal Council.* The Housing Commission shall submit a monthly report to the Tribal Council. Such report shall be based on the Department activity report due on a monthly basis to the Housing Commission. The report must show:

- a. a summary of the housing activities of the previous month;
- b. the rents received;
- c. the condition of the properties;
- d. the number of units and vacancies;
- e. any significant problems and accomplishments;
- f. plans for the future; and
- g. such other information as Tribal Council shall deem pertinent.

7.02. *Project Development in Accordance with Applicable Laws.* Each project developed or operated under a contract providing for federal financial assistance shall be developed and operated in compliance with all requirements of such contract and all applicable Tribal, state, and federal law and regulations.

7.03. *Restrictions on Projects.* The Tribe shall not construct or operate any project for profit constructed or operated utilizing federal funding.

7.04. *Housing Needs.* The design and development of housing that is compatible with the needs and desires, to the extent possible, of the Tribal membership, is of high quality, is energy efficient, and will ensure a sound, manageable, and long-term housing program.

7.05. *Public Property.* The property designated for use for Tribal housing is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes and special assessments of the Tribe.

7.06. *Exemption from Levy, Sale or Judicial Process.* All property, including funds received for housing activities pursuant to this Ordinance, shall be exempt from levy and sale by virtue of an execution.

- a. No execution or other judicial process shall issue against the same, nor shall any judgment against the Housing Commission or the Department constitute a charge or lien upon such property.

b. Provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Tribe on its rents, fees, or revenues; or the right of the federal government to pursue any remedies conferred upon it pursuant to the provisions of this Ordinance or the right of the Department to bring eviction actions.

Article VIII. Tribal Cooperation in Connection With Projects

8.01. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the following restrictions shall apply to future Ordinances or actions of the Tribal Council or Ogema.

- a. It shall not levy or impose any real or personal property taxes or special assessments upon any housing project authorized under this Ordinance.
- b. To cause to be furnished to the tenants of projects any services and facilities the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants.
- c. Insofar as it may lawfully do so, it shall grant such deviations from any present or future Tribal building or housing codes as are reasonable and necessary to promote economy and efficiency in the development and operation of any project, and at the same time safeguard health and safety; and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development of such project, and the surrounding territory.
- d. It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of housing projects.
- e. The Tribal Council hereby declares that the powers of the Tribal government through the Department shall be vigorously utilized to enforce eviction of a tenant for nonpayment or other contract violations including action through the appropriate courts.
- f. The Tribal Courts shall have jurisdiction to hear appeals of an action for eviction of a tenant after a hearing by the Commission. The Tribal Council hereby declares that the powers of the Tribal Courts shall be vigorously utilized to enforce eviction of a tenant for nonpayment or other contract violations.

8.02. *Restriction on Amendment of this Section in Regards to Federal Projects.* The provisions of this section shall remain in effect with respect to any project; and said provisions shall not be abrogated, changed or modified without the consent of the Department of Housing and Urban Development, so long as:

- a. the federally assisted project is owned by a public body or governmental agency and is used for low income housing purposes;
- b. any contract between the Tribe and the Department of Housing and Urban Development for loans or annual contributions, or both, in connection with such project, remains in force and effect, or
- c. any obligations issued in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period ends the latest. If at any time title to, or possession of, any project

Housing Commission Ordinance

Ordinance # 04-700-01

Emergency-Adoption-by-Resolution # 11-0907-326

Permanent-Adoption-February-29, 2012

Emergency-Amendments-March-5, 2014

Permanent-Adoption—May-14, 2014/Adopted by Resolution

is held by any public body or governmental agency authorized by law to engage in the development or operation of low income housing including the Federal government, the provisions of this section shall inure to the benefit of and be enforced by such public body or governmental agency.

CERTIFICATION

I, ~~Sandy Mezeske~~ Sandy Lewis, Tribal Council Recorder, do hereby certify that this is a true and correct copy of the Housing Commission Ordinance adopted by the Tribal Council on ~~May 14,~~ 2014.

[Seal]

Housing Commission Ordinance
Ordinance # 04-700-01
~~Emergency Adoption by Resolution # 11-0007-326~~
~~Permanent Adoption February 29, 2012~~
~~Emergency Amendments March 5, 2014~~
~~Permanent Adoption -- May 14, 2014~~ Adopted by Resolution