

HOUSING ORDINANCE

Adopted by Resolution No. 07-007 (January 17, 2007)

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General Provisions

2.12.001 Title

This Ordinance shall be known as the Skokomish Housing Ordinance. The Housing Authority Ordinance, S.T.C. 2.05, adopted February 7, 1977, and the Skokomish Housing Committee Ordinance, S.T.C. 2.11, adopted October 2, 2002, are hereby repealed in their entirety.

2.12.002 Authority and Declaration of Policy

Adequate housing for Skokomish Tribal members is vital to the cultural and economic existence of the Skokomish Indian Tribe and the well-being of its members. This Skokomish Housing Ordinance is enacted pursuant to the inherent sovereign authority of the Skokomish Indian Tribe in accordance with the Treaty of Point No Point, the Constitution of the Skokomish Indian Tribe and applicable federal law. By this Ordinance and the regulations adopted under it, the Skokomish Indian Tribe intends to ensure the provision of equitable housing services, with

priority given to those most in need of housing, including the elderly, disabled, and families who are economically distressed.

2.12.003 Declaration of Need

It is hereby declared:

- (a) That there exists on the Skokomish Indian Reservation a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which Tribal members can afford; and that such shortage forces such persons to occupy unsanitary, unsafe and overcrowded dwelling accommodations;
- (b) That the shortage of decent, safe and sanitary dwellings for Tribal members cannot be relieved through the operation of private enterprises;
- (c) That the providing of decent, safe and sanitary dwellings for Tribal members are public uses and purposes for which money may be spent and private property acquired and are governmental functions of Tribal concern;
- (d) 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 improved housing and neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction and housing supply which will assist materially in achieving full employment; and
- (e) That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

2.12.004 Liberal Construction

This Ordinance shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

2.12.005 Severability

If any provision of this Ordinance, or its application to any person, legal entity, or circumstance is held invalid, the remainder of the Ordinance, or the application of the provision to other persons, legal entities, or circumstances, shall not be affected.

2.12.006 Jurisdiction

The provisions of this Ordinance shall apply to the fullest extent of the sovereign jurisdiction of the Skokomish Indian Tribe authorized by the Constitution of the Skokomish Indian Tribe, the Treaty of Point No Point and applicable federal law. The provisions of this Ordinance shall apply to and be in conformity with all agreements and other cooperative arrangements entered into by the Skokomish Indian Tribe designed to ensure adequate housing for Skokomish Tribal members. The provisions of this Ordinance shall apply to all persons who are eligible to receive housing services and benefits from the Skokomish Indian Tribe.

2.12.007 Definitions

The following terms, wherever used or referred to in this ordinance, shall have the following respective meanings, unless a different meaning clearly appears from the context:

- (a) “Council” means the Skokomish Tribal Council.
- (b) “Department” means the Skokomish Housing Department.
- (c) “Federal government” includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.
- (d) “Homebuyer” means a person(s) who has executed a lease-purchase agreement with the Department, and who has not yet achieved homeownership.
- (e) “Housing project” or “project” means any work or undertaking to provide, or assist in providing (by any suitable method, including but not limited to: rental; sale of individual units in single or multifamily structures under conventional, condominium, or cooperative sales contracts or lease-purchase agreements; loans; or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for Tribal members. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or 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” or “project” also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, 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.
- (f) “Tenant” means either 1) a person who occupies a house owned by the Skokomish Indian Tribe under a rental agreement with the Housing Department; or 2) a participant in the Skokomish Indian Tribe’s Mutual Help Home Ownership Program.
- (g) “Tribal member” means an enrolled member of the Skokomish Indian Tribe.
- (h) “Tribe” means the Skokomish Indian Tribe.

Housing Department

2.12.010 Responsibilities

- (a) *Primary Responsibilities.* The primary responsibilities of the Department shall be:
 - (1) To follow the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330, 110 Stat. 4019) (NAHASDA) and the federal regulations implementing this statute.
 - (2) To implement the provisions of this Ordinance and all Ordinances governing Tribal housing activities, by assisting with the development and adoption of policies governing Tribal housing on Tribal trust or fee lands. Policies shall be approved by the Tribal Council.
 - (3) To promulgate regulations and policies necessary to implement federally funded projects regarding housing, including development, construction, maintenance and/or repairs, that shall be approved by the Tribal Council.

(4) To promulgate regulations, policies and procedures 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.

(5) To prepare, for Tribal Council approval, 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) for submission to HUD.

(b) *Additional Responsibilities.* The Department shall have the following additional responsibilities:

(1) To review on an ongoing basis the Tribal Housing Policies and Procedures for the Tribe.

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

(3) To solicit and accept applications to the housing waiting list.

(4) To approve housing applicants to the housing waiting list.

(5) To select and place eligible families from the housing waiting list.

(6) 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.

(7) To make expenditure decisions based on the IHP once the Tribal Council and HUD have approved the IHP in its entirety.

(8) To promulgate such further regulations and policies as the Department and/or the Housing Committee may deem necessary and desirable to effectuate the powers granted by this Ordinance, subject to the approval of the Tribal Council.

(9) 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.

(10) 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 through the Housing Committee upon completion and receipt.

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

2.12.011 Miscellaneous Responsibilities

(a) The Department shall submit the required Annual Performance Report to the Council for approval prior to submission to HUD.

(b) Each project developed under a contract providing for federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable federal legislation, and with all regulations and requirements prescribed from time to time by the federal government in connection with such assistance.

(c) The Department shall not construct or operate any project for profit.

(d) 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.

(e) The Department does not have the authority to waive the Tribe's sovereign immunity.

Housing Committee

2.12.020 Role of the Housing Committee

(a) *Housing Committee Established.* There is hereby established the Skokomish Housing Committee (hereinafter "Housing Committee").

(b) *Role of the Housing Committee.* The Housing Committee shall provide advisory direction, excluding budget issues, to the Tribal Council and members of the Tribe on policies and programs so as to effectively and fairly guide housing decisions. The Housing Committee shall :

- (1) Address Tribal members' housing issues in a timely and fair manner; and
- (2) Cooperate with the Tribe and the Department to increase the resources and funding for new housing and the maintenance of existing homes; and
- (3) Take Tribal members' housing concerns into due consideration and be impartial in the advisory and decision-making process; and
- (4) Encourage professionalism in the provision of housing services; and
- (5) Abide by NAHASDA, federal housing regulations, federal housing notices, housing policies, and tribal policies and ordinances.

2.12.021 Housing Committee Membership and Officers

(a) *Composition and Appointment.* There shall be five (5) members and one alternate member of the Housing Committee. For purposes of coordination and direction, at least one member of the Housing Committee shall be a Tribal Council member. One member shall be a Tribal elder. Other members may be drawn from Tribal membership at large. Members shall be appointed to three-year staggered terms. No member shall serve more than two consecutive terms. Prior to appointing the initial committee, and prior to the expiration of committee members terms thereafter, the Tribal Council shall advertise for applications to the committee and shall select appointees based on qualifications, interests, and needs as of the time of selection.

(b) *Officers.* The Housing Committee shall elect from among its ranks a chairperson and vice-chairperson. The chairperson shall chair meetings of the committee, prepare agendas and represent the

committee to the Tribal Council and the Tribal membership. The vice-chairperson shall serve as chairperson in the absence of the chairperson. The committee may also, at its discretion, elect a Secretary.

2.12.022 Vacancy, Removal and Resignation

(a) *Vacancy.* The Tribal Council may, on its own or at the request of the Housing Committee, declare a position on the Housing Committee to be vacant if a Housing Committee member is unwilling or unable to fulfill their duties, provided:

(1) The Tribal Council appoints an eligible, qualified person to fill the vacant position and to serve the remainder of the unexpired term; and

(2) Notice of any proposed removal pursuant to sub-section (b) below must be in writing, state the reason for the proposed removal and be delivered to the member at least 14 days prior to the review by Tribal Council.

(b) *Removal.* The Housing Committee shall submit to the Tribal Council a “Notice of Proposed Removal and Declaration of Vacancy” for review pursuant to subsection (a) above to request that a member of the Housing Committee be removed for the following reasons:

(1) For failure to attend three consecutive meetings without prior notice to the Housing Committee stating the reason for his or her absence; or

(2) For cause (e.g. breach of confidence, malfeasance, etc.), by a unanimous vote of the remaining members

(c) *Resignation.* A member of the Housing Committee may resign his or her position. Such resignation must be by a signed writing submitted to the Housing Committee and the Tribal Council, through the chairpersons of those bodies.

2.12.023 Meetings and Voting

(a) *Meetings.*

(1) The Housing Committee shall schedule regular monthly meetings.

(2) Special meetings may be called by the Chairperson, or by a majority of the members of the Housing Committee upon two days written notice to each member, stating the place, day and hour of the meeting and the specific purpose(s) for which the special meeting is called.

(3) For the purpose of conducting business, a quorum of the Housing Committee shall be a simple majority consisting of three (3) of the five (5) members.

(b) *Voting.* Housing Committee decisions shall be by simple majority vote of the members present.

(c) *Meeting Minutes.* The chairperson or his or her designee shall be responsible for taking all minutes of meetings at which a quorum is present. Such minutes shall be made available to the Tribal Council within thirty (30) days following such meetings.

2.12.024 Compensation and Reimbursement

Members of the Housing Committee will receive stipends as compensation for services. Expenses for travel and training will be covered as per tribal policy. Other out of pocket expenses may be reimbursed with prior written approval from the Tribal Council.

2.12.025 Duties of the Housing Committee

- (a) *Duties of the Housing Committee.* The Housing Committee shall have the following duties:
 - (1) Make recommendations to the Tribal Council on the following issues:
 - (A) Establishment of housing priorities;
 - (B) Development of new or modified housing policies that immediately affect Tribal members;
 - (C) Planning for future housing needs and related infrastructure development;
 - (D) Programming for the annual Indian Housing Plan (IHP);
 - (3) Perform its duties under the Grievance Policy;
 - (4) Act as liaison between the Tribe and the Department; and
 - (5) Perform other duties as required, to include:
 - (A) Monitoring housing programs and periodically report to the Tribal Council on activities, budgets, expenditures and plans;
 - (B) Representing the Tribal Council's interests and priorities to the Department; and
 - (C) Assisting the Department in explaining housing policies to housing residents and applicants.

2.12.026 Relationship of the Housing Committee to the Tribal Council

- (a) *Communication.* The line of communication between the Tribal Council and the Housing Committee shall be through the Chairperson of the Housing Committee.
- (b) *Council Approval.* Except as otherwise provided in this Ordinance, those items needing Housing Committee Recommendation shall be final only upon Tribal Council approval.

2.12.027 General Policies and Procedures of the Housing Committee

- (a) *Expenditures.* No individual member of the Housing Committee shall be authorized to expend funds, commit any funds, or take action with respect to any matter, whether or not formally brought to the Housing Committee for resolution, without prior authorization of the Housing Department.
- (b) *Liability of Committee Members.* No individual Housing Committee member shall be held liable for any action taken by the Housing Committee. The Housing Committee shall be considered an agency of the Tribe.

Complaints and Appeals

2.12.030 Grievance Process

Any housing complaints shall be heard pursuant to the Department's Grievance Policy.

2.12.031 Records and Confidentiality

A complete file of original documents and related information shall be established and maintained in the office of the Housing Manager regarding any action or decision rendered pursuant to the Grievance Policy related to a hearing and/or appeal. All records and documents, including any evidence or information, gathered as a result of a hearing and/or appeal shall be held in confidence by the Housing Manager and any related program. Any partial or full release of information to any agency or individual other than those related to the appeal shall require the appellant's written consent