

LUMBEE TRIBE OF NORTH CAROLINA

CLL0-2013-0919-03

DATE: SEPTEMBER 19, 2013

"GOVERNING THE LUMBEE HOUSING DEPARTMENT AND COMMITTEE ORDINANCE"

WHEREAS, The Lumbee Tribe of North Carolina, ("Lumbee Tribe") is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina ("Tribal Constitution") and its inherent powers of self-governance; and

WHEREAS, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina ("Tribal Council"); and

WHEREAS, The Tribal Housing Committee is a standing committee of the Lumbee Tribal Council by legislative authority of the Tribal Council, and its purpose is to assist in the development of housing policies and procedures that will provide broad range of housing services for enrolled Lumbee members that result in affordable, safe, and decent housing; and

WHEREAS, it is essential that this Committee meet on a monthly basis to address their mission and develop ways to accomplish specific goals and objectives; and

WHEREAS, The Lumbee Tribal Council has established the Lumbee Housing Department and Programs pursuant by tribal law and decides how IHBG funds will be used to meet the unique needs of the Lumbee Tribe; and

THEREFORE, be it enacted by the Tribal Council of the Lumbee Tribe of North Carolina the following ordinance shall be cited as "**GOVERNING THE LUMBEE HOUSING DEPARTMENT AND COMMITTEE ORDINANCE**".

SECTION 1 PURPOSE

Adequate housing for the Lumbee Tribal members is vital to the cultural and economic existence of the Lumbee Indian Tribe and the well-being of its members. This Lumbee Housing Department and Committee Ordinance is enacted pursuant to the inherent authority of the Tribal Council of the Lumbee Tribe of North Carolina in accordance to the Lumbee Constitution and applicable federal law of the NAHSADA ACT. By this Ordinance and the regulations adopted under it, the Lumbee 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.

SECTION 2 DECLARATION OF NEED.

It is hereby declared:

1. That there exists in the Lumbee territory of the Lumbee Tribe 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 insanitary, unsafe and overcrowded dwelling accommodations;

2. That the shortage of decent, safe and sanitary dwellings for tribal members cannot be relieved through the operation of private enterprises;
3. That the providing of decent, safe and sanitary dwelling for tribal members are public uses and purposes for which money may be spent and private property acquired and are governmental functions of tribal concerns;
4. That residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertaking authorized by this Ordinance to aid the production 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 employments; and
5. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

SECTION 3 LIBERAL CONSTRUCTIONS

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

SECTION 4 JURISDICTIONS

The provisions of this Ordinance shall apply to the fullest extent of the sovereign jurisdiction of the Lumbee Tribe authorized by the Constitution of the Lumbee Tribe of North Carolina and applicable federal law. The provision of the Ordinance shall apply to and be in conformity with all agreements and other cooperative arrangements entered into by the Lumbee Tribe designed to ensure adequate housing for the Lumbee Tribal members. The provisions of this Ordinance shall apply to all persons who are eligible to receive housing services and benefits from the Lumbee Tribe.

SECTION 5 DEFINITIONS

1. "Council" means the Tribal Council of the Legislative Branch of the Lumbee Tribe.
2. "Housing Committee" means the Standing Housing Committee of the Tribal Council.
3. "Department" means the Lumbee Housing Department and Programs.
4. "Federal government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentally, corporate or otherwise, of the United States of America.
5. Homebuyer" means a person(s) who has executed a lease-purchase agreement with the housing department, and who has not yet achieved homeownership.
6. "Housing Project" or project' means any work or undertaking to provide, or assist in providing (by 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, and facilities, and other real or personal property for necessary, convenient, desirable appurtenances, for streets, sewers, water service, utilities, parks,

site preparation of landscaping, and administrative, community, health, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of 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.

7. "Tenant" means either 1) a person who occupies a house owned by the Lumbee Tribe under a rental agreement with the Housing department; or 2) a participant in the Lumbee Tribe's Mutual Help Home Ownership Program.

8. "Tribal member" means an enrolled member of the Lumbee Tribe of North Carolina.

9. "Tribe" means the Lumbee Tribe of North Carolina.

HOUSING DEPARTMENT

SECTION 6 RESPONSIBILITIES

1. *Primary Responsibilities.* The primary responsibilities of the department shall be;

- (a) To follow the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 1004-330, 110 Stat. 4019) (NAHASDA) and the federal regulations implementing this statute.
- (b) To implement the provisions of this Ordinance and all Ordinances governing the Tribal housing activities, by assisting with the development and adoption of policies governing Tribal housing programs. Policies shall be approved by the Tribal Council.
- (c) To promulgate regulations and policies necessary to federally funded projects regarding housing, including development, construction, maintenance and/or repairs that shall be approved by the Tribal Council.
- (d) 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 of housing programs, that shall be approved by the Tribal Council.
- (e) To prepare, for Tribal Council approval, the Tribe's annual Indian Housing Plan/ Annual Performance Report under the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330, 110 Stat. 4019) for submission to HUD.

2. *Additional Responsibilities.* The department shall have the following additional responsibilities:

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

- (b) To development and foster cooperative and constructive working relationships with governments, organization, and agencies which assistance will benefit the Tribal membership.
- (c) To solicit and accept housing applicants to the housing waiting list.
- (d) To approve housing applicants to the housing waiting list, pursuant to all Tribal Laws and Policies and Procedures.
- (e) To select and place eligible families from the housing waiting list, pursuant to Ordinance "Elderly Priority for the Purposes of Rehabilitations"
- (f) To set forth the criteria for the selection of tenants, including the establishments of priorities for assignment, occupancy, and rental, care and management of housing units.
- (g) To make expenditure decisions based on the IHP/APR once the Tribal Council and HUD have approved the IHP/APR in its entirety.
- (h) To promulgate such further regulations and policies as the Department 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 upon completion and receipt.
- (k) To ensure the development of private housing finance mechanisms for Tribal members seeking to build or purchase housing on property acquisition by the Lumbee Tribe in the housing programs.

SECTION 7 MISCELLANEOUS RESPONSIBILITIES

1. The Department shall submit the required Annual Performance Report to the Council for approval prior to submission to HUD.
2. Each project development under a contract providing for federal 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.
3. The Department shall not construct or operate any project for profit.
4. 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.

5. The Department does not have the authority to waive the Tribe's sovereign immunity.
6. The Department shall provide a monthly report on all housing activities to the Tribal Council Housing Committee's regular scheduled meeting for review, recommendations or change in policies and procedures of any actions needed for approval by Tribal Council.

COMPLAINTS AND APPEALS

SECTION 8 GRIEVANCE PROCESS

Any housing complaints shall be heard pursuant to the Department's Grievance Policy and appeals shall be pursuant to the Administrative Court Ordinance.

SECTION 9 SAVING CLAUSE

1. In the event that any phase, provision, part, paragraph, subsection, or section of this ordinance is found by court of competent jurisdiction to violate the Constitution, laws, or ordinances of the Lumbee tribe of North Carolina, such phase, provision, part paragraph, subsection or section shall be considered to stand alone and to be deleted from this ordinance, the entirety of the balance of the ordinance to remain in full and binding force and effect.

CERTIFICATION OF VETO OVERRIDE

THIS VETO OVERRIDE OF “GOVERNING THE LUMBEE HOUSING DEPARTMENT AND COMMITTEE ORDINANCE” WAS CERTIFIED AT A MEETING OF THE 21 SEATED MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 20 MEMBERS WERE PRESENT , CONSTITUTING A QUORUM, THIS 21TH DAY OF NOVEMBER, 2013 BY A VOTE OF 20 FOR, 0 AGAINST, ABSTENTION(S).

ROLL CALL VOTE RESULTS TO ADOPT

“GOVERNING THE LUMBEE HOUSING DEPARTMENT AND COMMITTEE ORDINANCE”
20 FOR, 0 AGAINST, ABSTENTION(S)

District 1:	Evan Davenport	YES
District 2:	Terry Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Pearlean Revels	YES
	Lesaundri Hunt	YES
District 4:	Jonathan Locklear	ABSENT FOR VOTE
District 5:	Bobby Oxendine	YES
	Charles Bullard	YES
District 6:	Larry Anthony Chavis	YES
	McDuffie Cummings	YES
District 7:	Robert Chavis	YES
	Larry Campbell	YES
	Terry Campbell	YES
District 8:	Steve Sampson	YES
District 9:	Anita Hammonds Blanks	YES
District 10:	Terry Collins	YES
District 11:	Linda Revels	YES
District 12:	Danita Locklear	YES
	Walter Lowery	YES
District 13:	William Maiden	YES
District 14:	Homer Fields	YES


ATTEST: MCDUFFIE CUMMINGES
Treasurer, Tribal Council of the Lumbee Tribe of North Carolina

1-7-14
Date


ATTEST: LARMARI LOUISE MITCHELL
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

1-7-14
Date

CERTIFICATION

THIS "GOVERNING THE LUMBEE HOUSING DEPARTMENT AND COMMITTEE ORDINANCE". CLL0-2013-0919-03, ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE TRIBE OF NORTH CAROLINA WHERE 20 MEMBERS WERE PRESENT, CONSTITUTING A QUORUM, THIS THE 19TH DAY OF SEPTEMBER, 2013 BY A VOTE OF 18 YES, 0 NO, AND 0 ABSTENTION(S).

Pearlean Revels September 23, 2013
ATTEST: PEARLEAN REVELS

Speaker, Tribal Council of the Lumbee Tribe of North Carolina

Larmari Louise Mitchell Sept. 23, 2013
ATTEST: LARMARI LOUISE MITCHELL

Secretary, Tribal Council of the Lumbee Tribe of North Carolina

VELO

PAUL BROOKS

Chairman, Lumbee Tribe of North Carolina

Date

POSTING

This CLL0-2013-0919-03 "GOVERNING THE LUMBEE HOUSING DEPARTMENT AND COMMITTEE ORDINANCE", duly posted on this the 1 day of September, 2013.

Cynthia L. Hunt October 01, 2013
ATTEST: CYNTHIA HUNT

Date

Tribal Clerk, Lumbee Tribe of North Carolina

**ROLL CALL VOTE RESULTS TO ADOPT
CLL0-2013-0919-03 "GOVERNING THE LUMBEE HOUSING DEPARTMENT AND**

COMMITTEE ORDINANCE"

18 YES, 0 NO, 0 ABSTENSION(S)

District 1:	Evan Davenport	YES
District 2:	Terry Hunt	YES
	Larmari Louise Mitchell	YES
District 3:	Pearlean Revels	YES
	Lesaundri Hunt	YES
District 4:	Jonathan Locklear	YES
District 5:	Bobby Oxendine	YES
	Charles Bullard	ABSENT FOR VOTE
District 6:	Larry Anthony Chavis	YES
	McDuffie Cummings	YES
District 7:	Robert Chavis	YES
	Larry Campbell	YES
	Terry Campbell	YES
District 8:	Steve Sampson	ABSENT
District 9:	Anita Hammonds Blanks	YES
District 10:	Terry Collins	YES
District 11:	Linda Revels	YES
District 12:	Danita Locklear	YES
	Walter Lowery	ABSENT FOR VOTE
District 13:	William Maiden	YES
District 14:	Homer Fields	YES