

TUNICA-BILOXI TRIBE OF LOUISIANA
HOUSING ORDINANCE AS AMENDED

No _____

Pursuant to the authority as authorized by Article VIII, Section I of the Constitution of the Tunica-Biloxi Tribe of Louisiana thereof and its authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the Tunica-Biloxi Indians of Louisiana, the duly elected governing body of the Tunica-Biloxi Tribe, enacts this ordinance which shall establish the purposes and duties of the Housing Department. **The objects and purposes to be transacted and carried on are to promote the general social welfare of the community. Specific purposes are further enumerated in Article II.**

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, authority is exclusively under the Tunica-Biloxi Tribal Council and only the Tunica-Biloxi Tribal Council (or with approval from the Tunica-Biloxi Tribal Council) shall transact business and exercise its powers upon proof of the adoption of this Ordinance. A copy of the Ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

Article I – Declaration of Need

It is hereby declared:

1. That there exist on the lands owned by the Tunica-Biloxi Indian Reservation unsanitary, unsafe, and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low-to-moderate incomes can afford; that such shortage forces such persons to occupy unsanitary, unsafe and overcrowded dwelling accommodations; and that such shortage prevents enrolled members of the Tunica-Biloxi Tribe residing on their reservation thereby creating a barrier to the retention and growth of their unique tribal culture.
2. That there has existed and continues to exist on the Tunica – Biloxi Indian Reservation barriers to traditional forms of private financing;
3. That these conditions cause an increase in and spread of disease and crime and constitute a menace to public health, safety, morals and welfare; and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and other public services and facilities;
4. That the shortage of decent, safe, and sanitary dwellings for persons of low-to-moderate incomes cannot be relieved through the operation of private enterprises;

5. That the providing of decent, safe and sanitary dwelling accommodations for enrolled members of the Tunica- Biloxi Tribe for public uses and purposes for which money may be spent and private property acquired and are essential governmental functions of Tribal concern;
6. 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 neighborhoods 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;
7. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination

Article II- Purposes

The Tunica-Biloxi Tribal Council has organized the Housing Department for the purposes of promoting the general social welfare of the community. The specific primary purposes of the Housing Department include:

1. Remediating unsafe and unsanitary housing conditions that are injurious to the public health and safety;
2. Alleviating the acute shortage of decent, safe, affordable, and sanitary dwellings for – enrolled members of the Tunica-Biloxi Tribe via a myriad of public and private programs, including but not limited to: all applicable existing or hereinafter established United States Department of Housing and Urban Development (HUD), Rural Housing Association, Bureau of Indian Affairs (BIA), or Fannie Mae Programs as well as any funding that the Tunica-Biloxi Tribe may secure through private foundation grants or charitable donations; and
3. Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair, and operation and financing of various types of affordable dwellings for enrolled members of the Tunica-Biloxi Tribe.

Article III- 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:

1. **Area of Operation** - means all areas where there is a concentration of enrolled members of the Tunica-Biloxi Tribe.
2. **Board (Committee)** - means the Tunica-Biloxi Advisory Committee.
3. **Council** - means the Tunica-Biloxi Tribal Council.
4. **Federal Government** - includes the United States of America, United States Department of Housing and Urban Development, or and other agency or instrumentality, corporate or otherwise, of the United States of America.
5. **Homebuyer** - means a person(s) who has executed a lease-purchase agreement with the Tunica-Biloxi Tribe of Louisiana, and who has not yet achieved home ownership.
6. **Homeowner** - means a person who has achieved home ownership and/or still has an outstanding financial obligation with the home as collateral.
7. **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; subsidizing of rentals or any other housing charges; housing counseling services; rehab assistance; or acquisition assistance) decent, safe, and sanitary dwellings, apartments, or other living accommodations for enrolled members of the Tunica-Biloxi Tribe. Such work or undertaking may include but is not limited to buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient or desirable appurtenances, for streets, sewers, water services, 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 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 tangible or intangible assets held or used in connection with the housing project.
8. **Non-Compliance** - means failure to meet the terms and conditions of that individual’s program specific agreement (for example: rental or deed of trust or promissory note) with the Tunica-Biloxi Tribe.
9. **Obligations** - means any notes, bonds, interim certificates, debentures, or other forms of obligation issued by the Tunica-Biloxi Tribe pursuant to this Ordinance.
10. **Obligee** - includes any holder of an obligation, agent, or trustee for any holder of an obligation or lessor demising to tribal property used in connection with a project, or any

assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the tribe in respect to a housing project.

11. **Persons of Low-to-Moderate Income** – Tunica-Biloxi Tribal Members who meet the HUD national median income limits published annually by HUD or any other federal or non-federal program specific standardized income eligibility requirements.
12. **Qualifying Income** - is defined as that income which satisfies all program specific conditions regarding income in any program being administered by the Tribal Council. Income shall be determined using a combination of paycheck stubs and IRS records (i.e. tax returns).

Article IV-Tribal Council Has a Right to Reserve the Following Powers

1. The Tribal Council, on behalf of the Tunica-Biloxi Tribe of Louisiana has the authority to sue on or enforce any contract, claim, or obligation arising out of its activities under this ordinance. The Tunica-Biloxi Tribe of Louisiana, as a federally recognized tribe, may take such action necessary to assert its immunity to the full extent provided by law.
2. The Tribal Council shall have the following powers which it may exercise consistent with the purpose for which it is established:
 - A. To adopt and use a corporate seal.
 - B. To enter into agreements, contracts and understandings with any governmental agency, Federal, state, or local or with any person, partnership, corporation or Indian Tribe; and to agree to any conditions attached to federal or private financial assistance.
 - C. To agree, notwithstanding anything to the contrary contained in this ordinance or in any other provision of law, to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or operation of projects; and the Housing Department may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to maximum hours of labor, and comply with any conditions which the Federal Government may have attached to its financial aid to the project.
 - D. To obligate itself, in any contract with the Federal Government for annual contributions to the Housing Department, to convey to the Federal Government possessions of or title to the project to which such contracts relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to

which the Housing Department is subject and such contract may further provide that in case of such conveyance, the Federal Government may complete , operate, manage , lease, convey or otherwise or otherwise deal with the project funds in accordance with the terms of such contract. Provided that the contact requires that as soon as practicable after the Federal Government is satisfied that all defaults with respect to the project have been cured, and that the project will thereafter be operated in accordance with the terms of the contract, the Federal Government shall refer to the tribe the project as then constituted.

- E. To lease property from the Tribe and others for such periods as are authorized by law, and to hold and manage or to sublease the same.
- F. To execute all necessary and required financing documents, including but not limited to Deeds of Trust and Promissory Notes in conjunction with the requirements of any tribally administered financing program, both public and private.
- G. To borrow or lend money, to issue temporary or long-term evidence or indebtedness, and to repay the same. Obligations shall be issued and repaid in accordance with the provisions of Article V of this ordinance.
- H. To pledge the assets and receipts of the Housing Department as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.
- I. To purchase land or interest in land or take the same by gift: to lease land or interests in land to the extent provided by law.
- J. To undertake and carry out studies and analyses of housing needs, to prepare housing needs, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extensions, alteration or repair of any project or any part thereof.
- K. To establish income limits for admission that ensure that dwelling accommodations in a housing project shall be made available only to persons of qualifying income.
- L. To purchase insurance from any stock or mutual company for any property or against any risk or hazards.
- M. To invest such funds as are not required for immediate disbursement.
- N. To establish and maintain such bank accounts as may be necessary or convenient.

- O. To employ a Housing Director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Housing Department may require, and to delegate to such officers and employees such powers or duties as the Tribal Council shall deem proper.
 - P. To take such further actions as are commonly engaged in by public bodies of this character as the board may deem necessary and desirable to effectuate the purposes of the Housing Department.
 - Q. To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a State or another Tribe in the exercise, either jointly or otherwise, of any or all the powers of the Housing Department and such other public housing agency or agencies for the purposes of financing (including but not limited to the issuance of notes or other obligations and giving security therefor), planning undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects of the Housing Department or such other public housing agency or agencies, so joining or cooperating with the Housing Department or such to act on the Housing Department's behalf with respect to any or all powers, as the Housing Department's agent or otherwise, in the name of Housing Department or in the name of such agency or agencies.
 - R. To adopt such By-Laws as the Board/Tribal Council deems necessary and appropriate.
 - S. The Tribal Council may delegate any of the above activities to the Housing Department and/or the Housing Advisory Committee.
3. It is the purpose and intent of this ordinance to authorize the Housing Department to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government or any other entity in the undertaking, construction, maintenance, or operation of any project by the Housing Department.
 4. All ordinances or other enactments of the tribe with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the Housing Department in its operations pursuant to this ordinance.

Article V-Responsibilities of the Housing Department

1. With respect to any dwellings, accommodations, lands, buildings or facilities embraced within any project (including individual cooperative or condominium units): To lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers, including the establishment of

priorities, and concerning the occupancy, rental, care and management of housing units; and to make sure further rules and regulations as the board deems necessary and desirable to effectuate the powers granted by this ordinance.

2. To assist in securing financing for the purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development or any other public or private program administered by the Housing Department. And to execute all necessary financing documents in conjunction with the aforementioned financing.
3. To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreements, or failed to meet any of its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement and to bring action for eviction against such tenant or homebuyer.

Article VI-Miscellaneous

1. The Housing Department shall submit an annual report, signed by the Housing Director, to the Council showing (a) a summary of the year's activities, (b) the financial condition of the Housing Department, (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 the Housing Department or council shall deem pertinent.
2. During his or her tenure and for one year thereafter, no Tribal Council Member, officer or employee of the Housing Department, or any member of the governing body of the Tribe, or any other public official who exercises any responsibilities or function with regard to the project, shall voluntarily acquire any interest, direct or indirect, in any project or in any property include or planned to be included in any project, or in any contract or proposed contract relating to any project, unless prior to such acquisition, he discloses his interest in writing to the Tribal Council and such disclosure is entered upon the minutes of the Tribal Council, and the officer or employee shall not participate in any action by the Housing Department relating to the property or contract in which he has any such interest. If any Tribal Council Member, officer, or employee of the Housing Department involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer, or employee, the Tribal Council Member, officer or employee, in any such event, shall immediately disclose his interest in writing to the Tribal Council; and such disclosure shall be entered upon the minutes of the Tribal Council, officer, or employee shall not participate in any action by the Tribal

Council relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in obligations of the tribe 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 Board.

3. 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 applicable federal legislation, and with all regulations and requirements prescribed from time to time by the Federal Government in connection with such assistance.
4. The Tribal Council shall obtain or provide for the obtaining of adequate fidelity bond handling cash, or authorized to sign checks or certify vouchers.
5. The Housing Department shall not construct or operate any project for profit.
6. The property of the tribe is declared to be public property used for essential public and governmental purposes and such property are exempt from all taxes and special assessments of the Tribe.
7. All property including funds acquired or held by the tribe pursuant to this ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgement against the Tribe to be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obliges 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 Tribe to bring eviction actions.

Article VII - Cooperation in Connection With Projects

1. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the Tribe hereby agrees that:
 - A. It will not levy or impose any real or personal property taxes or special assessments.

- B. It will furnish or cause to be furnished the occupants of the projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or change to other dwellings and inhabitants.
- C. Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the Tribe 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 and moderate 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.
- E. Covenant to aid and cooperate in the planning, undertaking, construction or operation of projects.
- F. The Tribal Government hereby declares that its powers shall be vigorously utilized to enforce eviction or foreclosure for nonpayment or other contract violations including action through the appropriate courts.
- G. The Tribal Courts shall have jurisdiction to hear and determine an action for eviction of or foreclosure. The Tribal Government hereby declares that the powers of the Tribal Court shall be vigorously utilized to enforce eviction or foreclosure for nonpayment or other contract violations.

The provisions of this Article shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed or modified without the consent any of any parties who have entered into a contractual relationship with the Tribe subject to the provisions of this Ordinance, so long as (a) the project is owned by a public body or governmental agency and is used for low or moderate income housing purposes, (b) any contract between the Tribe and any public or private entity 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 remain unpaid, whichever period ends the latest. If at any time title to, or possession of, any project is held by the public body or governmental agency authorized by law to engage in the development or operation low and moderate 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 government agency.

Article VIII-Approval by Secretary of the Interior

With respect to any financial assistance contract between the Tunica-Biloxi Tribe of Louisiana and the Federal government that is subject to approval by the Secretary of the Interior, the tribe shall obtain the approval of the Secretary of the Interior of the United States of America or his designee.

Article IX- Interpretation

The provisions of this Ordinance, being necessary for the benefit of the Tribe and its members, shall be liberally construed to effect the purpose and objectives thereof.

Article X- Effective Date

This Ordinance is effective upon enactment

Article XI -Enforcement

This ordinance shall be enforced by the Governing Body of the Tunica-Biloxi Tribe of Louisiana.

ENACTED THIS ___th DAY OF _____.

Joey P. Barbry, Chairman

Date

Approved by Tunica-Biloxi Tribal Council per Resolution # _____.