

SKOKOMISH HOUSING ORDINANCE

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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February 7, 1977, and the Skokomish Housing Committee Ordinance, S.T.C. 2.11, adopted October 2, 2002, are hereby repealed in their entirety.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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 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 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.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

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"). The committee structure shall be as defined in S.T.C. 1.06, Skokomish Committee Standards Ordinance.
- (b) *Role of the Housing Committee.* In addition to those duties defined in S.T.C. 1.06, the Housing Committee shall provide advisory direction, excluding budget issues, to the Tribal Council and members of the Tribe on policies so as to effectively and fairly guide housing decisions. The Housing Committee shall:
 - (1) Cooperate with the Tribe and the Department to increase the resources and funding for new housing and the maintenance of existing homes; and
 - (2) Encourage professionalism in the provision of housing services; and
 - (3) Abide by NAHASDA, federal housing regulations, federal housing notices, housing policies, and tribal policies and ordinances; and
 - (4) Hear grievances pursuant to the Department's Grievance Policy.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

COMPLAINTS AND APPEALS

2.12.030 Grievance Process

Housing complaints shall be heard by the Housing Committee only if brought forward pursuant to the Department's Grievance Policy.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

Legislative History prior to July 5, 2017

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

Amended by Resolution No. 07-062 (May 9, 2007)

Amended by Resolution No. 09-025 (February 4, 2009)

Amended by Resolution No. 09-163 (November 4, 2009)

Amended by Resolution No. 10-061 (June 16, 2010)

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

+Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives