

Chapter 1. Housing Commission

8.101 SHORT TITLE, PURPOSE, AND REPEAL OF PRIOR STATUTE

- A. Short Title.** This Statute may be cited as the “Housing Commission Act.”
- B. Purpose.** The purpose of this Statute is to set up a Housing Commission that will act in an advisory capacity to the Tribal Council in the research, funding, development and monitoring of Tribal housing.
- C. Repeal of Prior Statute.** The Little Traverse Bay Bands of Odawa Indians Odawa Housing Council Ordinance (Waganakising Odawak Statute 1997003), and all amendments thereto, are hereby repealed as of the effective date of this Statute.

(Source: WOS 1998009, June 21, 1998, Section I)

8.102 CREATION OF THE HOUSING COMMISSION

- A. Creation of Commission.** The Tribal Council hereby creates the Housing Commission, which shall consist of seven (7) LTBB Tribal members at least eighteen years of age appointed by the Tribal Council. Members of the Tribal Council may be appointed to the Commission.
- B. Term and Compensation.** Members of the Housing Commission shall be appointed to serve for four (4) year terms. Members may be reappointed for additional terms without limitation. Provided, to stagger terms, when the Tribal Council makes initial appointments, three people shall be appointed to three (3) year terms, and four people shall be appointed to four (4) year terms. All appointments thereafter shall be for four (4) year terms. The Commission shall appoint separate individuals from within the Commission to serve as chairperson, vice-chairperson, and secretary for terms of (2) years. There shall be no limit on reappointment. The Tribal Council may determine and authorize compensation to be paid to members of the Commission based upon the Tribal Council's determination of the time required to be expended upon Commission duties and the qualifications of the appointed Commissioners. The term of office shall extend until a person's replacement is sworn in or the person is reappointed.

C. Oath of Office. Upon appointment, the Tribal Court shall administer the oath of office to the members of the Housing Commission which oath of office shall include a commitment to uphold the Constitution and laws of the Little Traverse Bay Bands of Odawa Indians and to perform faithfully and diligently the duties and responsibilities set forth in this Statute.

D. Vacancies. In the event a vacancy occurs in the Housing Commission, by virtue of death, resignation or removal, the Tribal Council shall appoint a qualified Tribal member to fill the remaining term of office.

E. Removal. Commission members may be removed for the reasons, and following the procedures set out in the Removal of Commissioners and Nepotism Statute (Waganakising Odawak Statute 1997005), or such successor statute as the Tribal Council may enact and make applicable to the Commission.

F. Continuation of Current Housing Council Appointees. The members of the Board of the Odawa Housing Council who are serving under Waganakising Odawak Statute 1997003 on the effective date of this Statute are deemed members of the Housing Commission to serve until the date that their terms would have expired under Waganakising Odawak Statute 1997003 or until a successor is sworn in to replace them.

(Source: WOS 1998009, June 21, 1998, Section II)

8.103 DUTIES OF THE HOUSING COMMISSION

The Housing Commission shall have the following duties:

A. Develop proposed plans and policies for the development of Tribal housing that will provide for diverse, aesthetically pleasing, healthy, and environmentally sound residential communities for Tribal members of all income levels, and recommend such proposals and plans to the Tribal Council for approval.

B. The Commission will be responsible for preparation of all proposals and documents that must be submitted to the United States Department of Housing and Urban Development for the Tribe to receive funds under the Native American Housing Assistance and Self-Determination Act of 1996, 25 U.S.C. § 4101 *et. seq.*, and shall

present such proposals and documents to the Tribal Council for review and submission by the Tribal Council on behalf of the Tribe.

C. The Commission shall attempt to find additional sources of funding for Tribal housing, shall prepare all proposals and documents that must be submitted to apply for and receive such funding and shall present such proposals and documents to the Tribal Council for review and submission by the Tribal Council on behalf of the Tribe.

D. The Commission shall develop proposed rules and regulations for the administration and maintenance of Tribal housing including eligibility, rent, eviction, and repairs, and present such proposals to the Tribal Council.

E. The Housing Commission is authorized to enter into and hold leases of parcels of property leased from the Tribe to the Housing Commission. When authorized by Tribal Council resolution, the Housing Commission may grant leasehold mortgages to lending institutions and/or enter into such other security agreements as necessary to secure loans. When authorized by Tribal Council resolution, the Housing Commission may enter into sublease agreements. Any instruments requiring Bureau of Indian Affairs approval under applicable law or regulation shall only be effective upon such approval.

(Source: WOS 1998009, June 21, 1998, Section III; subsection E added by WOS 2001-01, February 4, 2001)

8.104 STAFFING

The Commission shall work in conjunction with the Tribal housing director and housing staff in carrying out its duties.

(Source: WOS 1998009, June 21, 1998, Section IV)

8.105 MEETINGS, VOTING

A. Meetings. The Housing Commission may meet as often as they deem necessary but must meet at least once each quarter.

B. Voting. Actions of the Housing Commission shall be decided by a majority vote

of those present at the meeting. The Chairperson is entitled to vote on all matters before the Commission. A quorum shall consist of four (4) members including the Chairperson. Provided, an action may be ratified by non-attending members. If ratification is sought, all non-attending members shall be contacted personally, or by phone or fax, and all ratifications shall be reduced to writing and placed in the minutes and approved at the next regularly scheduled Commission meeting.

(Source: WOS 1998009, June 21, 1998, Section V)

8.106 EFFECTIVE DATE

This Statute shall take effect on July 1, 1998.

(Source: WOS 1998009, June 21, 1998, Section VI)

8.107 SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this Statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, 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.

(Source: WOS 1998009, June 21, 1998, Section VII)