

# **lipay Nation of Santa Ysabel**

## **Housing and Land Code**

To Establish a Housing and Land Department and Code for the lipay Nation of Santa Ysabel

### **INTRODUCTION AND PURPOSE**

According to Article V Section 2(g) of the Constitution of the lipay Nation of Santa Ysabel as amended November 4, 2018, (“Constitution”) the Tribal Council shall oversee the establishment of governmental departments and offices. The Tribal Council has determined that a housing and land department is necessary to promote the health, safety and welfare of the citizens of the Nation.

Pursuant to Article II of the Constitution, all interests in tribal trust land on the Reservation shall be granted solely by the Tribal Council. The Nation will not recognize as valid any occupation or use of tribal trust land except in accordance with this Code.

Purpose: to create a Housing and Land Department and Code to improve the efficiency and equity in the processes and procedures for the selection of beneficiaries for various housing programs which the Tribe now has or may have in the future, for which the tribe is an eligible applicant, and for assignments of land and housing units to tribal members.

Objective:

1. To provide a clear and fair procedure for assignment of tribal lands to members of INSY to use for housing and residential purposes.
2. To establish a Tribal regulation/standard which will improve current housing for the Membership of INSY.
3. To provide eligible families with safe and adequate housing.
4. To establish an equitable process for the selection of housing recipients to provide safe, decent, and sanitary living conditions for members of the INSY and to assure affordable standard housing on the Reservation. Therefore, this Code will be applicable to any Federal or State funded Tribal Housing Program. In addition, this Code is applicable to all housing assistance programs operated by the INSY.
5. To provide the requirements for home ownership, financial resources, housing rehabilitation and housing construction on the INSY Reservation.

### **Chapter 1. Land Department and Code**

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Amended February 8, 2022

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*This chapter held in reserve.*

## **Chapter 2. Housing Department and Code**

### **Article I. Housing Department Structure**

The Housing Department shall be under the direction of the Tribal Council. The Tribal Council is creating the position of Housing Coordinator which will supervise housing program project managers and grant writers; who will be independent contractors. Pursuant to the Constitution, the Tribal Council shall have monitoring and oversight responsibility for the programs, policies, and activities of the Housing Department.

The Housing Coordinator will be a hired position within the Business office of the INSY. The Housing Coordinator reports to Tribal Council and will collaborate with the Tribal Administrator. His/her duties will be as written in the job description which is approved by the Tribal Council and updated as needed. In addition, the Housing Coordinator is responsible for maintaining files, reviewing and processing applications and establishing priorities according to the need in relation to income, family size, and condition of housing and evidence that housing assistance cannot be secured from any other source. The Housing Coordinator is also responsible for creating and maintaining a spreadsheet for the Blind Point system.

### **Article II. Housing Committee**

#### **Section 1. Selection of Members**

The Tribal Council shall appoint members of the Housing Committee, however, pursuant to Article V Section 2(h)(ii) of the Constitution, Committee members shall not be immediate family members of the Tribal Council or of the existing Committee members.

Housing Committee Members shall be selected by nomination by the Tribal Council, subject to confirmation of the General Council. Open Committee seats will be brought to regularly convened General Council meeting for selection.

There shall be 5 Committee Members. For the first term of the Committee, three members will serve for three (3) years and the remaining members will serve for a term of two (2) years to assure staggered terms. Thereafter, each Committee Member shall serve a term of two (2) years.

#### **Section 2. Duties of Members**

- A. Take action necessary to carry into effect this Code, resolutions or other directives of the Tribal Council.
- B. Periodically review any codes, resolutions, policies and procedures and provide recommendations to the Tribal Council on any proposed changes.

- C. Any duties under Grants to which a Housing Committee is written in.
- D. Review Spreadsheet of housing applicants provided to Committee by the Housing Coordinator to select housing recipients according to the Blind Point System.
- E. Inspect for completion of housing construction.
- F. Research and recommend funding/grant opportunities for the INSY.

**Section 3. Meetings**

The Housing Committee shall convene monthly. Special Housing Committee meetings may be called by the Housing Committee Chair and/or Vice Chair. A meeting of the Housing Committee shall not be valid unless there are at least 3 committee members in attendance, which establishes a quorum, and no business shall be conducted in the absence of a quorum. Meetings may be held in person, virtually or via conference call. Members will be notified at least two 2 days in advance of all Special Housing Committee Meetings. The Housing Committee shall provide minutes of all meetings to the Tribal Council.

**Section 4. Officers of the Housing Committee**

- A. Chair: The Chair shall preside at all meeting of the Housing Committee. It will be the duty of the Chair to see that all the Housing Committee duties are carried out. The Chair shall vote only in the instance of a tie vote.
- B. Vice Chair: In the absence of the Chair, he/she shall have the authority and duties of the Chair, and shall if requested by the Chair, assist in the performance of his/her duties.
- C. Secretary: The Secretary shall keep the minutes of the Housing Committee meetings. He/She shall maintain and keep all records consistent of the Housing Committee and type all notices and correspondence, a copy will be given to the Tribal Council.
- D. Committee Members: The Committee members shall attend and participate in all Housing Committee meetings.

**Section 5. Removals and Vacancies**

- A. Any person serving as a Housing Committee Member who is

convicted of a felony in any jurisdiction while in office or convicted of theft or embezzlement while in office shall be immediately removed from office and such office shall be deemed vacant.

B. Any person serving as a Housing Committee Member who negligently or intentionally fails to participate in his/her role as a Committee Member, regularly fails to attend meetings requiring his/her attendance, conducts his or her self in a manner that reflects poorly on the Nation or on his/her position, or fails to fulfill any further duties or obligations as required by his/her position shall be subject to removal from office.

C. The Tribal Council shall have the power to initiate the process for removal of a Housing Committee Member for gross misconduct or failure to fulfill his/her role as a Committee Member, by majority vote of the Tribal Council as follows:

D. *Grievance Process.* Once the Tribal Council certifies the petition for removal, a public hearing, in the form of a Special Meeting shall be called to hear the grievance. The Tribal Council shall provide the Committee Member subject to removal with due process including:

1. Written notice of the charges;
2. An opportunity to prepare and present a defense including presenting witnesses and other evidence and an opportunity to respond at a public hearing, which shall be held thirty days after providing written notice of the charges; and
3. After the conclusion of the public hearing, the Tribal Council shall deliberate and issue a decision. A written copy of the decision shall be provided to the Committee Member subject to removal. The decision shall include appeal rights. If the subject Committee Member appeals the final decision of removal:
  - a. The Committee Member shall be placed on the agenda of the next Regular General Council where a quorum is present; and
  - b. A secret ballot vote by a majority of the Members in attendance at such meeting will be taken; and
  - c. The results of said vote shall determine whether the

Committee Member is removed; and

- d. The decision of the General Council shall be final.
- E. A Committee Member who is removed shall be prohibited from becoming a candidate for any elected or appointed office until the original term of office for such Council Member expires, plus two additional terms; provided that such person is qualified for the position in the future. However, if the Committee Member's removal is for a misdemeanor or felony crime against the Nation, his/her disqualification from service shall be for a period of twenty years.

**Article III. Tribal Housing**

**Section 1. Eligibility**

Housing services will be for Santa Ysabel Tribal Members only as stated in Article 3, Section 1 of the Constitution of the lipay Nation of Santa Ysabel Constitution. Therefore, the following are eligible for housing services.

- A. All persons who are enrolled Members of the Nation as of the date of the adoption of the Constitution; and,
- B. All persons who were properly enrolled as Members of the Nation but are no longer enrolled for the sole purpose of allowing their lineal descendants to be eligible for Membership in the Nation; and,
- C. All lineal descendants of any person listed in subsections (A), (B), or (C) above; provided such descendants possess at least one-eighth degree of Indian blood from a Federally recognized tribe located in the United States.

**Section 2. Applicant Criteria and Process**

*A. Criteria*

- 1. The applicant must be an enrolled member of INSY.
- 2. All applications will be processed through the Housing Coordinator.
- 3. Applicants are required to turn in the following information in order to have a complete application:
  - a. Date and time of the receipt of the application.
  - b. Full name and Date of Birth.
  - c. Mailing and Physical address.
  - d. Phone number or message phone number.

- e. Occupation, yearly gross earned and unearned income and sources of income for (applicant and Spouse).
  - (1) Head of household and /or family member with unearned income (SS, SSI, DHS, Veterans pay) statements or letters from Agencies verifying current benefit amount;
  - (2) Self-employment, seasonal worker, etc., will need a notarized statement from the Head of Household and /or family member who is 18 years of age or older if previous years' income tax is not available.
- f. Housing information pertaining to status of current living conditions. For example, the number of bedrooms, number of occupants, and a brief description of conditions of home.
- g. Type of assistance requesting.
- h. Signature of applicant
- i. Applications must be updated when there are any changes to the above-mentioned requirements.

4. Documents needed:

- a. Birth certificate.
  - b. Blood certification approved by the Santa Ysabel Enrollment Committee.
  - c. Current income documents.
  - d. Proof of Social Security.
  - e. Site location map.
  - f. Proof of site entitlement (from Tribal Council).
  - g. Caretakers must show proof of citizenship (must comply with the November 1, 1986, immigration standards).
- B. *Verification.* To assure that the data upon which the determination of eligibility, and size of dwelling are full, true and complete, the information submitted by each applicant shall be verified.
- C. *Process.* If the application has been submitted without the proper documentation, it will be considered incomplete. A letter will be sent allowing 60 days to provide the necessary documents. If the applicant fails to complete the request within the time frame, the application will be made inactive and will

be held for up to 1 year. After the year, the file will be destroyed, and the applicant must reapply.

### **Section 3. Selection Criteria**

A. Blind Point System. The Blind Point system has been created to ensure the selection of housing recipients are chosen in a non-biased, equitable manner according to the Blind "Pointing" of all applicants.

1. Housing Coordinator will create a spread sheet that transfers all necessary information from the completed applicant's file. The spreadsheet will not include any identifiable information. Names will be excluded and replaced by a number.
2. After the spreadsheet is completed by the Housing Coordinator it will be given to the Tribal Administrator for verification and final sign off by the Tribal Council. An Eligibility certification sheet will be signed by the Housing Coordinator, Tribal Administrator and Tribal Council. After Tribal Council signs off, it will be turned over to the Housing Committee to complete the Blind Pointing Process.
3. The Housing Committee will use the spreadsheet created by the Housing Coordinator and the Blind Point Sheet to assign points according to guidelines below.
4. After the selections have been made using the Blind Point System, the Point sheet will be handed over to the Housing Coordinator to continue the process of assigning home ownership for the selected individuals.
5. The Housing Coordinator and the Tribal Administrator will re-enter the name identification for the housing recipients into the spreadsheet, which will be reviewed and verified by Tribal Council.

### **B. Point Designations**

The following is a list of priorities that must be adhered to:

1. Senior Citizens and persons with disability or handicap that are low income.
2. Families with condemned and substandard living conditions with low income.
3. Families with no home and low income.
4. Families with four or more children based on low income, and housing is inadequate for capacity to meet the physical needs of the family.
5. Families with three or less children based on low income.
6. Families with household members with low income.

7. Families with low income (no children) and are unable to acquire suitable housing.
8. Single person with no Children with low income.
9. Definition of family means when two or more persons maintaining a house: 18 years or older.

C. Criteria Point schedule

The INSY Housing Department will implement the following schedule of the minimum requirements to be met to ascertain that the individual is eligible for housing assistance. Ranking order will be established by awarding points in accordance with the following schedule:

1. *Income Limits:* This program intends to serve low-income INSY families. The physical need of all applicants is the determining factor. Current Anti-poverty guidelines published will be the guidelines that will be used to determine eligibility for grants from the Department of Housing and Urban Development and the Housing Improvement Program. In addition to the most recent Anti-poverty guidelines, additional points shall be awarded to families to further qualify them for a Home.

<b>If the Applicant is:</b>	<b>Then add the following:</b>
25% below income limit	10 Points
50% below income limit	20 Points
75% below income limit	30 Points

2. *Family Size-*Another factor to be considered in prioritizing applicants is the structure and size of the family. Points should be added as follows:

<b>If the applicant is:</b>	<b>Then add the following:</b>
Single applicant, no children	0 Points
Single parent, including 1 child	5 Points, add 5 points for each additional child
Married couple, no children	0 Points

Married couple with 1 child	5 Points, add 5 Points for each additional child
Homeless	10 Points
Age 55 years +	5 Points
Age 60 years +	10 Points
Age 65 years+	15 Points
Age 70 years +	20 Points
Age 75 years +	25 Points
*Persons with physical or mental disability	15 Points
**Overcrowded living conditions	10 Points

*\*Persons with disability, generally described as: legally blind; legally deaf; having the loss of one or more limbs; being chair or bed ridden; being unable to work without crutches or walker; a mentally disable adult who requires a companion to aide in basic needs such as dressing, preparing food, etc.; having severe heart and/or respiratory ailments that prevent even minor exertion at housework; having a mental illness that prevents individual from obtaining and keeping employment.*

*Proof of disability must be provided by a legal physician's report and the caretaker (if needed) must provide proof of income, and /or contract with the agency providing services. Verification must be submitted prior to service of award to applicant. If this proof cannot be provided, the caretaker will be deleted from the application and remain off. If proof is provided, the caretaker must attend a pre-screening phase of application and sign a form supplied by the Housing Coordinator.*

*\*\*Overcrowded living conditions: To be eligible for points for overcrowding, the applicants must be an enrolled member of the INSY and residents shall be spouse, minor children or persons under legal care of the applicant and occupying:*

- *One-bedroom dwelling with 3 or more persons*
- *Two-bedroom dwelling with 5 or more persons*

- *Three-bedroom dwelling with Eight or more persons*

**Section 4. Distribution of Housing**

- A. All occupancy of tribal land shall follow the provisions of this Ordinance and requires approval from the Tribal Council of the lipay Nation.
- B. Housing, whether HUD or non-HUD, will be distributed to eligible members pursuant to the application and selection process set forth in this Ordinance.
- C. All HUD housing will be provided upon a duly approved lease.
- D. Any recipient of a HUD home is responsible for removing any substandard or temporary housing (such as shacks, tents, trailers, recreational vehicles, etc.) within one month of moving into the home or as required by HUD. Any temporary housing considered substandard and not removed within one month will be destroyed.
- E. All old or substandard housing may be destroyed by the Nation prior to delivery of the new unit. Substandard housing means housing with any condition which exists to an extent that it endangers the life, limb, property, safety or welfare of the occupant(s) or general public.
- F. A recipient of a HUD home will own the home five (5) years after the close of the grant.

**Section 5. Succession of Housing**

- A. A notarized document shall be signed and filed for the succession of the housing unit. In the instance the recipient has no one to pass the dwelling to, it will be returned to the Nation and reissued to the next eligible applicant.
- B. All non-tribal member spouses, whether legal or common law (7 years), are permitted to continue living on the lipay Nation of Santa Ysabel Reservation in the dwelling after his/her spouse is deceased for the duration of the lease, provided:
  - 1. He or she does not remarry or cohabitate with a non-tribal member on the Santa Ysabel Reservation; and
  - 2. Follows all of the laws of the Nation.
  - 3. If the non-tribal member spouse abandons or ceases to live in the housing unit, the unit will be reassigned based on this Ordinance.

- C. If the recipient has minor children who are members of the lipay Nation that survive him/her, the Nation will endeavor to keep the children in the family home.
- D. Unless occupied by a spouse or immediate family, no dwelling shall be reassigned and occupied for one year after the recipient is deceased.
- E. If a unit is abandoned by a recipient, the Housing Department will follow the preferred succession document. Where there is no succession document, the unit will be placed back into the tribal housing inventory.
- F. In cases of divorce, custom and tradition will be followed and housing units will be assigned according to family holdings.

**Section 6. Prohibitions/Requirements**

**A. Prohibitions**

1. No rental of housing to non-tribal members.
2. No use of housing for vacation residency (e.g., Airbnb, VRBO).
3. No illegal activities, including anything that violates the Nation's Peace and Security Code, other tribal law or state or federal criminal laws.
4. No sale or use of resources on or within the housing property without permission of the Tribal Council.
5. No use, occupation or disturbance of any burial areas in and around the housing unit.

**B. Requirements**

1. Housing recipients must maintain the dwelling and property around it in a habitable and well-maintained manner.
2. Recipients must make necessary improvements to the home to make it habitable, through HIP funding or otherwise.
3. Recipients are required to maintain and pay for all utilities such as gas and electricity.

**Section 7. Enforcement**

- A. Recipients in violation of any provisions of this Code may be fined.
- B. Where the violation or activity is contrary to the health, well-being and safety of the Nation, the recipient may be evicted.

**Section 8. Repeal and Replacement**

- A. This ordinance repeals and replaces the Tribal Housing Ordinance (Ordinance No. 4).
- B. The Land Assignment Act shall remain in full force and effect until amended by the Tribal Council through the Legislative Process.

