

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting Tohono O'odham Code Title 18, Chapter 4 - Tohono O'odham Nation Housing Code)

RESOLUTION NO. 07-080

1 **WHEREAS, the Legislative Council is vested with the power to provide laws “to promote, protect**
2 **and provide for public health, peace, morals, education and general welfare of the**
3 **Tohono O'odham Nation and its members” (Constitution of the Tohono O'odham**
4 **Nation, Article VI, Section 1(c)(2)); and**

5 **WHEREAS, while the Legislative Council has established a Tribally Designated Housing Entity**
6 **and has appropriated significant funds for housing renovations and other housing-**
7 **related measures, the Nation does not have a housing code governing rental**
8 **arrangements, landlord and tenant responsibilities, and similar matters; and**

9 **WHEREAS, in response to these issues and to the need for foreclosure provisions providing a**
10 **legal framework necessary to obtain federally guaranteed home financing, the**
11 **Housing Committee has drafted Tohono O'odham Code Title 18, Chapter 4 - Tohono**
12 **O'odham Nation Housing Code (“Housing Code”); and**

13 **WHEREAS, the Housing Committee started work on the draft Code in 2002, using a model**
14 **published by the United States Department of Housing and Urban Development**
15 **Office of Native American Programs and a subsequent, amended draft developed by**
16 **the Tribal Law and Policy Institute, an Indian owned and operated nonprofit**
17 **corporation; and**

18 **WHEREAS, the Housing Code continued to be drafted from 2003-2005 with assistance from the**
19 **Office of the Attorney General and the Legislative Attorney's Office; and**

20 **WHEREAS, in October 2005, the Housing Code was distributed to Nation's Chairwoman, Ki:ki**
21 **Association Board of Directors and Executive Director, Office of the Attorney General,**
22 **Advocate Program, and Judicial Court for review and comment, with copies to the**
23 **Domestic Affairs and Judiciary Committees; and**

24 **WHEREAS, on March 24, 2006, the Housing Code was provided to all Districts for a 60-day public**
25 **comment period; and**

26 **WHEREAS, the Housing Committee presented the Housing Code to the San Lucy District in August**
27 **2006 and provided a detailed written response to issues raised by District officials**
28 **and members in December 2006; and**

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(Enacting Tohono O'odham Code Title 18, Chapter 4 - Tohono O'odham Nation Housing Code)

Page 2 of 3

WHEREAS, the Housing Code is designed to

- simplify the law governing the occupation of the dwelling units, and to protect the rights of landlords and tenants;**
- preserve the peace, harmony, safety, health and the general welfare of the people of the Nation and those entering or residing on the Nation;**
- provide eviction procedures and require landlords to use those procedures when evicting tenants;**
- encourage landlords and tenants to maintain and improve dwellings on the Nation in order to improve the quality of housing as a resource;**
- simplify the law governing the rights, obligations, and remedies of owners, sellers, buyers, lessors, and lessees, of buildings; and**
- make financing for the construction and/or the purchase of residences available on trust land within the Nation by prescribing procedures for the recording, priority, and foreclosure of mortgages given to secure loans made by or through a government agency or lending institution; and**

WHEREAS, if enacted, the Nation Housing Code will help improve the health, safety, and welfare of the Nation's members.

NOW, THEREFORE BE, IT RESOLVED that the Legislative Council hereby adopts and enacts Tohono O'odham Code Title 18, Chapter 4 - Tohono O'odham Nation Housing Code.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH. Day of FEBRUARY, 2007 at a meeting at which a quorum was present with a vote of 1,763.65 FOR; 580.6 AGAINST; 96.55 NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(1)(2)&(6) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Verlon M. Jose, Legislative Chairman

9 day of February, 2007

RESOLUTION NO. 07-080

(Enacting Tohono O'odham Code Title 18, Chapter 4 - Tohono O'odham Nation Housing Code)

Page 3 of 3

1 ATTEST:

2
3 *Lucille Lopez*

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5 Lucille Lopez, Acting Legislative Secretary

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7 07 day of February, 2007.

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9 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
10 O'Odham Nation on the 9 day of February, 2007 at 4:10 o'clock,
11 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
12 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours
13 of submittal.

14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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16 *Verlon M. Jose*
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18 Verlon M. Jose, Legislative Chairman

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22 APPROVED

on the 9 day of February, 2007

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24 DISAPPROVED

at 4:26 o'clock, P.M.

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26 *Vivian Juan-Saunders*
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28 VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
29 TOHONO O'ODHAM NATION

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33 Returned to the Legislative Secretary on the 09 day of

34 February, 2007, at 4:28 o'clock, P.M.

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37 *Lucille Lopez*

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39 Lucille Lopez, Acting Legislative Secretary

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ACTION: ENACTING TOHONO O'ODHAM CODE TITLE 18, CHAPTER 4 - TOHONO O'ODHAM NATION HOUSING CODE

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN SHIRLEY MOLINA

DATE: FEBRUARY 06, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQIVARI 310.8	1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40		X		
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55			X	
HICKIWAN 167.4	1. SHIRLEY SANTOS-MOLINA ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. LORRAINE EILER ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50		X		
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90		X		
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90		X		
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45		X		
	2. PHYLLIS JUAN ()	73.45		X		
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			X
TOTAL		2,440.80	1,763.65	580.6	96.55	[01]

**PASSED VOTES