

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting 18 Tohono O'odham Code Chapter 5 – Residential Land Leases for
Leasehold Mortgages)

RESOLUTION NO. 15-211

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

5 **WHEREAS,** the “unallotted lands of the Tohono O'odham Nation and all lands hereafter
6 acquired by the nation, or held for the use of the nation or its members, are a
7 valuable public resource and shall be held as national lands forever. Control
8 and management thereof are vested in the Tohono O'odham Council, which may
9 enact laws governing the use, assignment, permit, lease or other disposition of
10 lands, interests in land and resources of the nation consistent with Federal law.”
11 (Constitution, Article XVI, Section 1); and

12 **WHEREAS,** district councils are vested with the authority to assign to members of the nation
13 homesites “for beneficial use and occupancy. . . under the customary procedures
14 of their respective communities, or in accordance with ordinances enacted by
15 the Tohono O'odham Council and approved by the district councils”
16 (Constitution, Article XVI, Section 4(a)); and

17 **WHEREAS,** the United States Department of Housing and Urban Development (“HUD”), the
18 United States Department of Veterans Affairs (“VA”), and the United States
19 Department of Agriculture (“USDA”) all provide certain federally sponsored
20 home loan programs, which encourage homeownership in Indian Country; and

21 **WHEREAS,** federally sponsored loan programs offer a wide variety of benefits such as low,
22 fixed interest rates, and reduced down payments, all of which would benefit the
23 Nation's members and housing construction within the exterior boundaries of
24 the Nation; and

25 **WHEREAS,** while tribal nations are encouraged to participate in these beneficial programs,
26 certain tribal laws and procedures must first be in place before tribal members
27 may access such programs for on-reservation housing; and

28 **WHEREAS,** through the years, the Legislative Council Housing Committee has worked
29 collaboratively with HUD's Southwest Office of Native American Programs to
30 identify Nation's laws, which satisfy the requirements for federally sponsored
31 loan programs such as foreclosure and eviction procedures, first lien priority,
32 and jurisdiction over tribal trust land; and

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1 **WHEREAS, the Housing Committee has also identified tribal legislation necessary to**
2 **participate in federally sponsored loan programs, including the Residential**
3 **Land Lease law and certain amendments to the Nation's Housing Code; and**

4 **WHEREAS, the proposed Residential Land Lease law provides a framework for Nation's**
5 **members and the Nation's tribally designated housing entity, Tohono O'odham**
6 **Ki:Ki Association, to submit applications for residential land leases, which are**
7 **then used as security for federally sponsored loan program mortgages; and**

8 **WHEREAS, the proposed Residential Land Lease law provides in several provisions that if**
9 **an applicant applies for a residential land lease on a parcel of land with a pre-**
10 **existing homesite assignment, the applicant and respective district council**
11 **must acknowledge by district council resolution, that in the event of a default,**
12 **the executed residential land lease will control; and**

13 **WHEREAS, the Housing Committee traveled to all the Nation's districts and presented a**
14 **summary of federally sponsored loan programs such as HUD's Section 184**
15 **Indian Home Loan Guarantee Program, a proposed Nation's Residential Land**
16 **Lease law, and May 2015 amendments to the Nation's Housing Code; and**


17 **WHEREAS, it is in the Nation's best interest to enact legislation, which meet the federal**
18 **requirements for participation in federally sponsored loan programs, including**
19 **the Residential Land Lease law.**

20 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it enacts**
21 **18 Tohono O'odham Code Chapter 5 – Residential Land Leases for Leasehold**
22 **Mortgages, provided that Subsection 5103(H), Subsection 5106(B)(9), Subsection**
23 **5106(C)(10), and Subsection 5111(B), which are specific to a district council's**
24 **authority to assign homesites, shall apply only in those districts that enact**
25 **approving resolutions in accordance with Article XVI, Section 4(a) of the Nation's**
26 **Constitution.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 27TH**
28 **day of MAY, 2015 at a meeting at which a quorum was present with a vote of 2,430.05 FOR;**
29 **496.85 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the**
30 **Council by Article VI, Section 1(c)(2); Article XVI, Section 1; Article XVI, Section 4(a) of the**
31 **Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on**
32 **January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
33 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
3 day of June, 2015

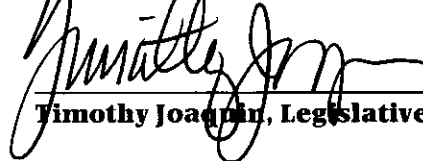
ATTEST:



Evonne Wilson, Legislative Secretary
2 day of June, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 3 day of June, 2015 at 12:04 o'clock, p.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

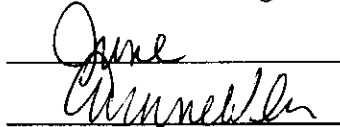
on the 03 day of June, 2015

DISAPPROVED

at 12:42 o'clock, p.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 3 day of
June, 2015, at 1:49 o'clock, p.m.


Evonne Wilson, Legislative Secretary

ACTION: ENACTING 18 TOHONO O'ODHAM CODE CHAPTER 5 - RESIDENTIAL LAND LEASES FOR LEASEHOLD MORTGAGES

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: MAY 27, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. ANTHONY J. RIOS ()	87.1		X		X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1		X		
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1		X		
	2. RACHEAL VILSON-STONER (<i>Absent</i>) (Olivia Villegas-Liston) (<i>Present</i>)	112.1		X		
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45		X		
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,926.9	2,430.05	496.85	-0-	[01]