

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Adopting May 2015 Amendments to Nation's Housing Code)**

**RESOLUTION NO. 15-212**

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,**    **district councils are vested with the authority to assign to members of the**  
6                   **Nation homesites "for beneficial use and occupancy. . .under the customary**  
7                   **procedures of their respective communities, or in accordance with ordinances**  
8                   **enacted by the Tohono O'odham Council and approved by the district councils"**  
9                   **(Constitution, Article XVI, Section 4(a)); and**  
10 **WHEREAS,**    **the United States Department of Housing and Urban Development ("HUD"), the**  
11                   **United States Department of Veterans Affairs ("VA"), and the United States**  
12                   **Department of Agriculture ("USDA") all provide certain federally sponsored**  
13                   **home loan programs, which encourage homeownership in Indian Country; and**  
14 **WHEREAS,**    **federally sponsored loan programs offer a wide variety of benefits such as low,**  
15                   **fixed interest rates, and reduced down payments, all of which would benefit the**  
16                   **Nation's members and housing construction within the exterior boundaries of**  
17                   **the Nation; and**  
18 **WHEREAS,**    **while tribal nations are encouraged to participate in these beneficial programs,**  
19                   **certain tribal laws and procedures must first be in place before tribal members**  
20                   **may access such programs for on-reservation housing; and**  
21 **WHEREAS,**    **through the years, the Legislative Council Housing Committee has worked**  
22                   **collaboratively with HUD's Southwest Office of Native American Programs to**  
23                   **identify Nation's laws which satisfy the requirements for federally sponsored**  
24                   **loan programs such as foreclosure and eviction procedures, first lien priority,**  
25                   **and jurisdiction over tribal trust land; and**  
26 **WHEREAS,**    **the Housing Committee has also identified tribal legislation necessary to**  
27                   **participate in federally sponsored loan programs, including the Residential**  
28                   **Land Lease law and certain amendments to the Nation's Housing Code; and**  
29 **WHEREAS,**    **after working closely with HUD's Southwest Office of Native American Programs,**  
30                   **the Housing Committee drafted the May 2015 amendments to the Nation's**  
31                   **Housing Code, which clarify certain definitions and sections, and deletes Article**  
32                   **6 – District Rights in Homesite Assignments After Foreclosure; and**  
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1 **WHEREAS, the amendments are necessary to participate in federally sponsored loan**  
2 **programs, which require executed residential land leases for leasehold**  
3 **mortgages, and enforceable foreclosure and eviction procedures; and**

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

8 **WHEREAS, it is in the Nation's best interest to enact legislation, which meet the federal**  
9 **requirements for participation in federally sponsored loan programs, including**  
10 **the May 2015 amendments to the Nation's Housing Code.**

11 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it adopts**  
12 **the May 2015 amendments to the Nation's Housing Code, provided that deletion**  
13 **of Article 6 of the Nation's Housing Code, which is specific to a district council's**  
14 **authority to assign homesites, shall apply only in those districts that enact**  
15 **approving resolutions in accordance with Article XVI, Section 4(a) of the Nation's**  
16 **Constitution.**

17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 27<sup>TH</sup>**  
18 **day of MAY, 2015 at a meeting at which a quorum was present with a vote of 2,430.05 FOR;**  
19 **496.85 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the**  
20 **Council by Article VI, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation,**  
21 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**  
22 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**  
23 **16 of the Act of June 18, 1934 (48 Stat.984).**

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26 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31 **Timothy Joaquin, Legislative Chairman**

32 3 day of June, 2015

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36 **ATTEST:**

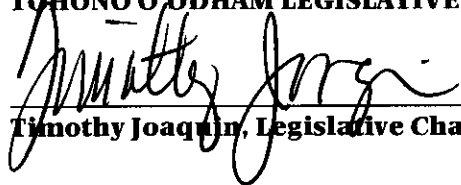
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39 **Evonne Wilson, Legislative Secretary**

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41 2 day of June, 2015  
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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 12:05 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 12:43 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.

  
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Evonne Wilson, Legislative Secretary

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ACTION: ADOPTING MAY 2015 AMENDMENTS TO NATION'S HOUSING CODE

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILMAN VERNON J. SMITH

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 (Absent) (Olivia Villegas-Liston) (Present)	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			
<b>TOTAL</b>		<b>2,926.9</b>	<b>2,430.05</b>	<b>496.85</b>	<b>-0-</b>	<b>[01]</b>