



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 05- 11
Of the
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises, and its agencies by authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, on the 8th day of October, 1998, and by Resolution No. 98-99, the Squaxin Island Tribal Council adopted an Interim Housing Ordinance to regulate housing on the Reservation; and

WHEREAS, it would be in the best interests of the Squaxin Island Tribe to amend the Interim Housing Ordinance to define the terms and conditions upon which residences on the Reservation may be occupied, leased, or owned, and the manner in which legal interest in such residences shall be transferred:

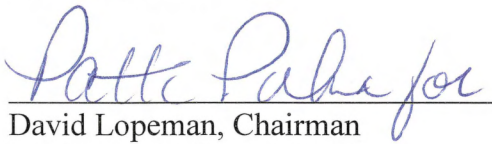
NOW, THEREFORE, BE IT RESOLVED AND ENACTED, that the Squaxin Island Tribal Council does hereby amend the Interim Housing Ordinance as follows:

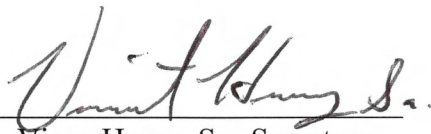
1. The existing Chapter 7, entitled "MISCELLANEOUS PROVISIONS", shall be renumbered as Chapter 8; and

2. A new Chapter 7, entitled "OCCUPANCY, OWNERSHIP AND TRANSFER OF RESIDENCES", per the attached, is hereby approved and adopted as Tribal Law effective this date.

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this ___th day of January, 2005 at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.


David Lopeman, Chairman

Attested by: 
Vince Henry, Sr., Secretary


Andy Whitener, Vice Chairman

CHAPTER 7 OCCUPANCY, OWNERSHIP AND TRANSFER OF RESIDENCES

1-7-1 PURPOSE

The purpose of this Chapter is to define the terms and conditions upon which residences may be occupied, leased, or owned, and the manner in which legal interest in such residences shall be transferred. This Chapter shall apply only to those residences in which the Squaxin Island Tribe (SIT) Housing Program is authorized and serves as the landlord in the underlying real property. This Chapter shall not apply to residences occupied pursuant to the terms of a Mutual Help Agreement (MHA – United States Housing Act of 1937), **provided**, once the MHA is terminated and the residence is removed from the Mutual Help Program, this Chapter shall apply.

1-7-2 WRITTEN REQUIREMENT

In order to occupy, lease or own any residence the occupant, lessee, or owner of the residence shall have a written agreement with the SIT Housing Program. The occupant, lessee, or owner of the residence shall not convey or transfer their interest in the residence, or convey or transfer their interest in the written agreement, without first obtaining written approval from the SIT Housing Program.

1-7-3 PRIMARY RESIDENCE

Unless otherwise approved by the SIT Housing Program, any individual occupying, leasing or owning a residence shall physically occupy and maintain it as their primary residence.

1-7-4 RESTRICTION ON OCCUPANCY, LEASING AND OWNERSHIP

Only SIT enrolled members shall be entitled to lease, hold a leasehold interest, or own a residence. This provision shall not apply to the following:

- (1) **Spouses.** An SIT non-member spouse may reside in the residence for the duration of his or her life, conditioned upon the following:
 - A. The SIT member owning or leasing the residence passes away leaving his or her interest in the residence to the SIT non-member spouse; and
 - B. The SIT non-member spouse maintains and occupies the residence as their primary residence and complies with all SIT Housing Program policies and procedures; and
 - C. In the event the SIT non-member spouse transfers or conveys legal interest in the residence, whether during

his or her lifetime, or upon death, such transfer of interest shall only be made to an SIT enrolled member.

(2) **Descendants.** An SIT descendant may reside in the residence for the duration of his or her life, conditioned upon the following:

- A. An SIT enrolled member owns or leases the residence and, during his or her lifetime, or upon death, conveys the residence to a direct, lineal descendant of the SIT enrolled member.
- B. The SIT descendant maintains and occupies the residence as their primary residence and complies with all SIT Housing Program policies and procedures; and
- C. In the event the SIT descendant transfers or conveys the legal interest in the residence, whether during his or her lifetime, or upon death, such transfer of interest shall only be made to an SIT enrolled member.

(3) **Other Indian.** An Indian other than an SIT enrolled member may reside in the residence for the duration of his or her life, conditioned upon the following:

- A. He or she was formerly enrolled as an SIT member, **or** he or she is an enrolled member of a federally recognized tribe and came into legal ownership of the residence pursuant to the terms of an MHA; and
- B. The non-SIT Indian maintains and occupies the residence as their primary residence and complies with all SIT Housing Program policies and procedures; and
- C. In the event the non-SIT Indian transfers or conveys the legal interest in the residence, whether during his or her lifetime, or upon death, such transfer of interest shall only be made to an SIT enrolled member.

(4) **Minority and Other Legal Incapacities.** A minor or any other legally incapacitated individual having an ownership interest in a residence, may reside in the residence during the term of the minority or incapacity, conditioned upon the following:

- A. The minor or legally incapacitated individual is an SIT enrolled member, or legally obtained their interest in the residence pursuant to the provisions of Section 1-7-4 (1), (2) or (3) above;
- B. A legal guardian has been appointed over, and resides with the minor or legally incapacitated individual;

- C. The minor/legally incapacitated individual and the legal guardian maintains and occupies the residence as their primary residence, and complies with all SIT Housing policies and procedures; and
- D. Any future transfer of the residence by the minor/legally incapacitated individual and/or guardian complies with the provisions of Section 1-7-4 above.

1-7-5 PURCHASE OF RESIDENCE BY TRIBE

Any individual possessing a legal interest or claim in a residence, but is precluded from occupying, leasing or owning the residence pursuant to the terms of this Chapter, may petition Squaxin Island Tribal Council with the request that SIT purchase their interests in the residence. Any purchase shall be upon the following terms and conditions:

- A. The individual(s) requesting purchase of the residence must demonstrate to Tribal Council's satisfaction that for a period of at least six months prior to the petition a good faith effort was made to sell the residence at fair market value; and
- B. Tribal Council, on behalf of SIT, shall have no duty or obligation to purchase the residence, however, if in the exercise of its discretion Tribal Council decides to purchase the residence, it will be done so on terms and conditions mutually agreed to between the parties.

1-7-6 ENFORCEMENT The SIT Housing Program shall have the authority and duty to enforce the terms and conditions of this Chapter, including but not limited to: (1) seeking injunctive relief to prevent the improper transfer of a residence; and (2) initiation of an unlawful detainer action to prevent an improper tenancy in a residence.