

TITLE 2. ADMINISTRATION AND GOVERNMENT SERVICES

Chapter 2.3

AFFORDABLE HOUSING

Sections:

- 2.3.1 Title.
- 2.3.2 Authorization.
- 2.3.3 Interpretation.
- 2.3.4 Statement of Findings.
- 2.3.5 Purposes.
- 2.3.6 Definitions.
- 2.3.7 Jurisdiction.
- 2.3.8 Ownership of Suquamish Tribal Housing Developments.
- 2.3.9 Construction, Finance, Leasing, and Management Contracts.
- 2.3.10 Establishment of Suquamish Housing Board.
- 2.3.11 Terms of Board Members.
- 2.3.12 Minimum Qualifications for Board Members.
- 2.3.13 Appointment of Board Members.
- 2.3.14 Board Members — No Financial Interest in Private Housing Development.
- 2.3.15 Board Chairperson.
- 2.3.16 Board Members — Stipend or Compensation.
- 2.3.17 Removal of Board Members.
- 2.3.18 Housing Board Powers.
- 2.3.19 Powers Reserved to Tribal Council.
- 2.3.20 Tribal Council Cooperation with Tribal Housing Projects.
- 2.3.21 Housing Program Cooperation with Federal Agencies.
- 2.3.22 Board Administration — Purpose and Responsibility.
- 2.3.23 Promulgation of Regulations.
- 2.3.24 Board Meetings.
- 2.3.25 Director.
- 2.3.26 Other Personnel.
- 2.3.27 Bonding.
- 2.3.28 Record Maintenance.
- 2.3.29 Annual Report and Plan.
- 2.3.30 Annual Audit.
- 2.3.31 Public Disclosure.
- 2.3.32 Financial Obligations.
- 2.3.33 Compliance with Federal Law.
- 2.3.34 Observation of Ordinances and Regulations.
- 2.3.35 Property for Housing Program.
- 2.3.36 Denial of Participation in Tribal Housing Program.
- 2.3.37 Contracts with Contractors and Managers.

- 2.3.38 Profits Prohibited.
- 2.3.39 Enforcement.
- 2.3.40 Removal of Persons from a Housing Project.
- 2.3.41 Tribal Sovereignty and Jurisdiction.
- 2.3.42 No Waiver of Sovereign Immunity.
- 2.3.43 Contractual Obligations.
- 2.3.44 Exclusive Jurisdiction.
- 2.3.45 Limited Liability.
- 2.3.46 Insurance.
- 2.3.47 Amendments.
- 2.3.48 Severability; Construction.
- 2.3.49 Effective Date.

2.3.1. Title. This chapter is known as the “Suquamish Tribal Affordable Housing Ordinance.” (Res. 99-003, passed Jan. 14, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.2. Authorization. This chapter, governing the regulation and administration of affordable housing construction, management, and assistance within Suquamish Indian lands, is enacted by the authority vested in the Suquamish Tribe by its Constitution, and particularly by Article III of that Constitution, which grants authority to promote the social and economic welfare of the Tribe; and by the authority vested to the Tribe under the Native American Housing Assistance and Self-Determination Act ("NAHASDA"), PL 104–330, codified as 25 USC 4101 et seq., 1996. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008; amended by Res. 2008-146, passed Sep. 15, 2008)

2.3.3. Interpretation. (a) This chapter is an exercise of the Suquamish Tribe’s sovereign power and all of this chapter’s provisions will be liberally construed to accomplish the purposes listed in §2.3.5.

(b) Any ambiguity in this chapter or in any rules or regulations later enacted according to this chapter will be resolved so as to be consistent with applicable tribal and federal law. Unless affected or displaced by this chapter, principles of law and equity in the Tribe’s common law and tribal customs and traditions will apply, and the general principles of law of any other tribe or any other state may be used as a guide to supplement and interpret this chapter. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.4. Statement of Findings. The Suquamish Tribal Council finds that:

(a) The Suquamish Tribe has the sovereign right and authority to regulate affordable housing construction and management activities on Suquamish Indian lands.

(b) The exercise of tribal sovereign power through this chapter is necessary to protect the right of tribal self-government and to regulate its internal relations so as to protect its political, social, and economic security.

(c) The provision of decent, safe, sanitary, and affordable dwelling accommodations for tribal members of low income and other persons of low income in the Suquamish service area is a governmental function of tribal concern that is a public use and purpose for which tribal funds and public money may be spent and private property acquired.

(d) There is a shortage of decent, safe, and sanitary dwelling accommodations available at rents and prices which tribal members of low income and other persons of low income can afford on Suquamish Indian lands. This shortage forces these tribal members and other persons to occupy unsanitary, unsafe, and overcrowded dwelling accommodations in and around Suquamish Indian lands.

(e) These conditions cause an increase in and the spread of disease and crime and constitute a menace to the health, safety, morals, and welfare of the Suquamish tribal membership and the Suquamish tribal community. These conditions cause the Tribe to spend a disproportionate amount of tribal and other public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities.

(f) The shortage of decent, safe, and sanitary dwellings for tribal members of low income and other persons of low income cannot be relieved through the operation of private enterprise.

(g) It is essential to the health, safety, and general welfare of the Suquamish Tribe and its tribal members that standards and regulations be promulgated to govern the construction and maintenance of affordable housing on Suquamish Indian lands.

(h) Residential construction activities and a supply of acceptable housing are important factors to the general economic activities of the Suquamish tribal community. The undertakings this chapter authorizes to aid the production of better housing stock and more desirable neighborhood and community development at lower costs will make it possible for the Suquamish tribal community to have a more stable and larger volume of residential construction and housing supply. The undertakings this chapter authorizes will materially assist in providing employment opportunities to the Suquamish tribal members, which will enhance the existing tribal economy and promote tribal economic development.

(i) A tribal membership secure in safe and sanitary housing within Suquamish Indian lands will strengthen the entire community's self-esteem and enable members who are currently of low income due to unemployment or underemployment to focus their attention on finding and maintaining work and becoming and remaining productive

members of the Suquamish tribal community. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.5. Purposes. The Suquamish Tribal Housing Program is organized and operated for the purposes of:

- (a) Remediating unsafe and unsanitary housing conditions that damage public health, safety, and morals;
- (b) Relieving the acute shortage of decent, safe, sanitary, and affordable housing for tribal members of low income and other persons within the Tribe's service area who are of low income;
- (c) Providing housing assistance to qualified Indians in accordance with applicable tribal and federal laws;
- (d) Improving the quality of housing as a tribal resource;
- (e) Establishing laws and procedures which are necessary in order to obtain governmental funding for tribal housing programs or loan guarantees for private or tribal housing construction, purchase, or renovation;
- (f) Doing any and all things necessary or desirable to secure the federal government's financial aid and cooperation in undertaking, constructing, maintaining, or operating any housing program development;
- (g) Providing employment opportunities through constructing, reconstructing, improving, extending, altering or repairing, and managing affordable housing; and
- (h) Preserving the peace, harmony, safety, health, and general welfare of the people of the Suquamish Tribe and those permitted to enter or reside on Suquamish Indian lands. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.6. Definitions. (a) "Affordable housing" means housing that complies with the requirements for affordable housing under NAHASDA.

(b) "Board" or "tribal housing board" means the Suquamish Tribal Housing Board established by this chapter.

(c) "Board member" means a member of the Suquamish Tribal Housing Board.

(d) "Contractor" means any contractor who enters into a contract with the Suquamish Tribe as a construction contractor, service or material supplier, manager, or any other provider of housing related services to the Tribe.

(e) "Entity" means any organization, including any division, department, or unit of that organization, and includes but is not limited to a public or private corporation, partnership, joint venture, voluntary or unincorporated association, proprietorship, trust, estate, commission, board, bureau, or agency, except this definition does not include the Suquamish Tribe.

(f) "Federal government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(g) "Housing development," "development project," or "project" means any work or undertaking to provide or assist in providing decent, safe, sanitary, and affordable housing for tribal members of low income and other persons within the Tribe's service area who are of low income. This housing may be provided by rental, sale of individual units in single or multi-family structures, cooperative sales contracts, lease-purchase agreements, loans, subsidies, or any other reasonable, suitable method. The work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenance; for streets, sewers, water service, utilities, parks, site preparation, or landscaping; or for administrative, community, health, recreational, welfare, or other purposes. The term "development" may also be applied to the planning of buildings and improvements; the acquisition of property or any interest in property; the demolition of existing structures; the construction, reconstruction, rehabilitation, alteration, or repair of the improvements or other property; and all other work in connection with any of the above; and the term includes all other real and personal property and all tangible or intangible assets held or used in connection with the housing development.

(h) "HUD" or "United States Department of Housing and Urban Development" means the federal agency responsible to regulate and fund low income housing and other public housing projects pursuant to federal law.

(i) "Immediate family" means a Council member's or board member's spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle, or first cousin and any person living in the same household as the Council member or the board member.

(j) "Indian lands" or "Suquamish Indian lands" means Indian lands as defined by 25 USC Section 2703(4)(A) and (B).

(k) "Indian" or "Native American" means a person who is an enrolled member of a federally recognized Indian tribe.

(l) "Individual" or "person" means but is not limited to natural persons and business entities, including business sole proprietorships, partnerships, corporations, joint ventures, organizations, and associations.

(m) "Low income family" as it relates to tribal members and other persons within the Tribe's service area means a family whose income does not exceed eighty percent (80%) of the median income for a family of the same size in the area or in the United States, whichever is higher, as determined by the Secretary under NAHASDA or other applicable federal law.

(n) "Management position" means a position having significant actual or potential legal influence over an organization's management, including having a position as a director, general partner, principal, or officer.

(o) "NAHASDA" means the Native American Housing Assistance and Self-Determination Act, PL 104-330, 1996, codified as 25 USC 4101 et seq.

(p) "Obligations" means any notes, bonds, interim certificates, debentures, or other forms of obligation the program issues according to this chapter.

(q) "Obligee" includes any holder of any obligation, any agent or trustee for any holder of an obligation, any lessor demising to the program property used in connection with a project, any assignee or assignees of part or all of that lessor's interest, and the federal government when it is a party to any contract with the program in respect to a housing project.

(r) "Secretary" means the Secretary of the United States Department of Housing and Urban Development.

(s) "Service area" means the geographical area within which tribal or federal law authorizes the Suquamish Tribe to provide government-funded assistance for affordable housing.

(t) "State" means the State of Washington.

(u) "Substantial interest" means a financial interest of such significance that it would reasonably be expected to exert an influence on the judgment of the person having such interest, including ownership of more than either ten percent (10%) or one thousand dollars (\$1,000), whichever is less, of the assets or capital stock of an organization.

(v) "Suquamish Housing Program" means the tribal government program or tribal housing program that administers and manages the Suquamish Tribe's affordable housing program.

(w) "Suquamish Tribal Council" or "Tribal Council" means the governing body of the Suquamish Tribe as set forth in the Suquamish Tribe's Constitution and Bylaws.

(x) "Suquamish Tribe" or "Tribe" means the Suquamish Tribe, recognized by the United States Government in 1965 and having the special rights of self-government. This definition includes all Suquamish tribal agencies and officials.

(y) "Tribal Court" means the Suquamish Tribal Court.

(z) "Tribal housing tenant" means any individual, family, or household who applies for or is a party to a Suquamish Tribal Housing Contract and resides in a tribal housing unit.

(aa) "Tribal member" means an enrolled member of the Suquamish Tribe.

(bb) "Tribal members of low income" or "persons of low income" within the service area of the Suquamish Tribe means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary affordable housing for their use. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.7. Jurisdiction. (a) Jurisdiction by the Suquamish Tribe is extended over all buildings and lands intended for human dwelling, occupation, or residence which may lie within:

(1) The exterior boundaries of the Port Madison Indian Reservation;

(2) Lands owned by, held in trust for, or leased or used by the Tribe, its members, its housing program, or any other tribal entity; or

(3) The Tribe's Indian lands, as they may be defined from time to time by the laws of the Tribe or the laws of the United States.

(b) Jurisdiction by the Suquamish Tribe is extended over all persons or entities within the Tribe's jurisdiction who engage in activities related to this chapter's subject matter. This personal jurisdiction is extended over all persons and entities, whether or not they are members of the Tribe, whether they are Indian or non-Indian, and whether they have a place of business within the Port Madison Indian Reservation. Any act within the reservation dealing with this chapter's subject matter is subject to the Tribe's jurisdiction.

(c) Jurisdiction by the Suquamish Tribe is extended over:

(1) All buildings which may lie upon lands owned by, held in trust for, or leased or used by the Tribe, its members, its Suquamish Housing Program, or any other entity of the Tribe; and

(2) All persons or entities who lease, mortgage, or otherwise secure an interest in any building, structure, or personal property situated on lands within the Tribe's jurisdiction as defined in this chapter. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.8. Ownership of Suquamish Tribal Housing Developments. The Suquamish Tribe has the sole proprietary interest in and authority and responsibility for operating and managing tribal affordable housing units situated on Suquamish Indian lands. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.9. Construction, Finance, Leasing, and Management Contracts. (a) The Suquamish Tribal Council or its authorized agents may enter into construction, consulting, or other contracts necessary to operate, build, and maintain Suquamish tribal housing development on Suquamish Indian lands, including the authority to enter engineering, architectural, and environmental assessment agreements preliminary to those contracts, provided all such contracts conform to applicable tribal and federal laws, rules, and regulations then in effect.

(b) The Suquamish Tribal Council or its authorized agents may enter into financing contracts relating to Suquamish tribal housing projects on Suquamish Indian lands, provided no financing contract exceeding ten thousand dollars (\$10,000) is valid to bind the Suquamish Tribe without the prior approval of the Tribal Council and all such contracts conform to this chapter's provisions and any other applicable tribal and federal laws, rules, and regulations then in effect.

(c) The Suquamish Tribal Council or its authorized agents may enter into leasing contracts relating to Suquamish tribal housing projects on Suquamish Indian lands, provided those leases conform to this chapter's provisions and any other applicable tribal and federal laws, rules, and regulations then in effect.

(d) The Suquamish Tribal Council or its authorized agents may enter into a contract with an individual manager or managers, with a management company, or with an intertribal housing authority to manage and administer any Suquamish tribal housing units, provided those management contracts conform to this chapter's provisions and any other applicable tribal and federal laws, rules, and regulations then in effect. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.10. Establishment of Suquamish Housing Board. (a) The Suquamish Tribal Council will appoint five individuals to serve on the Suquamish Tribal Housing Board. The housing board is empowered to administer this chapter and to exercise all powers necessary and proper as set forth in this chapter.

(b) The Suquamish Tribal Council may appoint any or all of its Council members to serve as interim tribal housing board members until they establish the Suquamish Housing Board as set forth in this chapter. The interim tribal housing board is authorized to administer this chapter and to exercise all powers necessary and proper as this chapter sets forth until the Suquamish Housing Board is fully organized and the Council finds it advisable to appoint other housing board members. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.11. Terms of Board Members. Each board member will be appointed for a term of three (3) years, except that of the initial permanent board members, one (1) board member will be appointed for one (1) year, two (2) for two (2) years, and two (2) for three (3) years in order to achieve a staggered appointment schedule and to provide continuity within the board. Board members may be reappointed for one or more successive terms. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.12. Minimum Qualifications for Board Members. Tribal housing board members must possess and demonstrate, or express a willingness to acquire, the minimum qualifications listed below.

(a) Knowledge of, experience in, or familiarity with business management.

(b) Knowledge of and experience in administration and administrative procedure.

(c) Knowledge of and experience in the area of public housing, including but not limited to NAHASDA and its regulations, 24 CFR Part 1000.

(d) Familiarity with federal laws related to public housing and public funding for affordable housing.

(e) Familiarity with the Suquamish Housing Program's policies and the terms and conditions of the Tribe's lease-to-purchase contracts and other housing-related contracts.

(f) Familiarity with an individual tribal member's procedural and substantive due process rights under the Constitution and Bylaws of the Suquamish Tribe and the United States Constitution. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance

adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.13. Appointment of Board Members. (a) The Tribal Council will appoint housing board members from among the Tribe's General Council membership, except the Tribal Council may appoint at least one Suquamish Tribal Council member as a board member and may appoint one nonmember Indian or non-Indian as a board member where such person has demonstrated expertise in the critical areas of public housing regulation or administration or other relevant experience. The Tribal Council will ensure that board members who are tribal members understand the Suquamish Tribal Housing Program's administrative requirements and management procedures as soon as is practical.

(b) No person may be appointed to the tribal housing board unless the Tribal Council is satisfied that the nominee:

(1) Is a person of good character, honesty, and integrity; and

(2) Has no interest in any private commercial housing development activity that may have interests that conflict with the tribal housing program.

(c) A Tribal Council member who also serves as an interim or regular tribal housing board member must promptly vacate his or her position with the housing board if he or she no longer serves on the Tribal Council for any reason, including voluntary resignation, recall, non-reelection, serious illness, or death. Upon the vacation of an interim housing board member position, the Tribal Council may appoint another Tribal Council member to fulfill the remaining term of the vacated position. Upon the vacation of a regular housing board member position, the Tribal Council may appoint another Tribal Council member or a person from among the Tribe's General Council membership to fulfill the remaining term of the vacated position.

(d) No person may be barred from serving on the housing board because he or she is a tenant residing in a tribal housing development or in a house owned or leased by the Suquamish Tribe or its agents. Such board members are entitled to participate in all board meetings concerning matters that affect all tenants, even though those matters affect him or her as well. However, no board member may participate in or be present at any meeting, except in his or her capacity as a tribal housing tenant, or be counted or treated as a member of the board when the matter involves his or her individual rights, obligations, or status as a tribal housing tenant. No board member is entitled to participate in or be present at any meeting as a board member when the matter involves his or her immediate family members' rights and obligations as tribal housing tenants. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.14. Board Members — No Financial Interest in Private Housing Development.

During his or her tenure as a board member and for one (1) year after his or her tenure ends, no board member, officer, or employee of the Suquamish Housing Program, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to any development project may voluntarily acquire any interest, direct or indirect, in any housing project or in any contract or proposed contract relating to any housing development project, unless before such acquisition he or she discloses his or her interest in writing to the housing board and that disclosure is entered into the housing board's minutes. A board member, officer, employee, or public official may not participate in any action by the housing board relating to the property or the contract in which he or she has any such interest.

In the event that any board member, officer, employee, or public official involuntarily acquires any such interest or voluntarily or involuntarily acquired any such property or contract interest before appointment or election as a board member, officer, employee, or public official, then that person must immediately disclose his or her interests in writing to the housing board. Such disclosure must be entered into the housing board's minutes, and that person may not participate in any action by the housing board or the housing program relating to the property or contract in which he or she has any such interest.

Any violation of the provisions of this section constitutes misconduct in office. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.15. Board Chairperson. The housing board will elect a chairperson from among its members. In the chairperson's absence, a board member will preside. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.16. Board Members — Stipend or Compensation. Tribal housing board members may receive a stipend or be reasonably compensated, as the Tribal Council determines in its annual tribal budgeting process. Stipends or compensation may be paid from any appropriate funding source. The board members may also be reimbursed for expenses, including travel expenses incurred in the performance of their duties. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.17. Removal of Board Members. A majority of all Tribal Council members may remove a board member for good cause. Good cause includes but is not limited to repeated failure to attend board meetings, including the absence of any board member from three (3) regularly scheduled consecutive meetings; neglect of duty; abusing the powers or privileges of the office; conflict of interest; or engaging in criminal acts. Before voting to remove a board member, the Tribal Council must give that member

reasonable written notice of the reasons for the proposed removal and an opportunity to respond to that notice at a regular Tribal Council meeting. The Tribal Council's decision on the board member's removal is final and not subject to any appeal. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.18. Housing Board Powers. The housing board has the following powers and responsibilities.

(a) To recommend to the Tribal Council an annual plan of operation for the housing program after consultation with the Suquamish Housing Program director and as provided in §2.3.29.

(b) To advise the Tribal Council on issues concerning affordable housing development after consultation with the housing program director, including recommendations to revise or expand the Tribe's affordable housing program, and to present information for new affordable housing projects that may benefit the Tribe.

(c) To recommend that the Tribal Council purchase or lease land or interest in land or take land by gift for and on behalf of the Tribe.

(d) To facilitate the execution of housing plans, including providing for the construction, reconstruction, improvement, extension, alteration, or repair of all or part of any tribal housing project.

(e) To recommend to the Tribal Council, consistent with the annual plan of operation and housing policies, changes in the nature, volume, and scope of affordable housing activities the program conducts, as necessary to maximize use of its grants, loans, or other revenues; to minimize losses; to expand employment opportunities for members of the tribal community; to provide housing services to the tribal membership and other persons within the Tribe's service area; and to achieve this chapter's purposes.

(f) To file suit in any court of competent jurisdiction and to consent to suit in the Suquamish Tribal Court, except that neither the housing program nor the housing board may consent to any court's jurisdiction over property of the Suquamish Tribe without the Tribal Council's prior approval.

(g) To uphold the requirements set forth in the Suquamish Housing Program policies and the terms and conditions of any lease or rental agreement or lease-purchase agreement for any dwellings, accommodations, lands, buildings, or facilities, including individual cooperative or condominium units, identified by the Tribal Council for use as tribal housing.

(h) To directly or indirectly assist eligible tribal members or other persons in the Tribe's service area who seek to finance the purchase of a home within Suquamish Indian lands, provided such assistance is in accordance with any applicable federal or tribal laws, regulations, or requirements.

(i) To assist housing program staff in making initial decisions on the eligibility of applicants for tribal housing.

(j) To assist housing program staff as a decision-making body during administrative hearings:

(1) On change-in-circumstances requests, as defined by housing program policies, and to decide whether applicants are eligible for tribal housing;

(2) On requests to operate in-home businesses;

(3) On requests to sublease housing for one (1) year or less; and

(4) For any tribal housing tenant who has received a notice of termination letter from the Suquamish Housing Program that the tenant has breached a provision of his or her lease.

(k) To recommend termination of any lease or rental agreement or lease-purchase agreement when the tribal housing tenant has violated the terms of that agreement or failed to meet any of his or her obligations under that agreement, or when termination is otherwise authorized under the provisions of that agreement; and to bring action for eviction against the tribal housing tenant. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008; amended by Res. 2008-146, passed Sep. 15, 2008)

2.3.19. Powers Reserved to Tribal Council. The following powers relating to the management and operation of the Suquamish Housing Program are reserved to the Tribal Council.

(a) To set general affordable housing generation, management, and operation policies and strategies for the Suquamish Tribe.

(b) To request that the United States take land intended for use by the housing program into trust for the Suquamish Tribe.

(c) To consent to the lease, pledge, encumbrance, or disposition of any property owned by or held in trust for the Suquamish Tribe.

(d) To appropriate property or funds of the Suquamish Tribe for use by or in the housing program.

(e) To purchase or lease real property and to hold and manage or sublease property on the Tribe's behalf for the housing program.

(f) To appoint and remove members of the housing board.

(g) To approve an annual plan of operation for the housing program that the housing board has prepared and recommended.

(h) To establish and maintain such bank accounts as may be necessary or convenient to obtain this chapter's goals and objectives.

(i) To purchase insurance from any stock or mutual company for any property or against any risk or hazards.

(j) To grant requests to sublease housing for more than one (1) year.

(k) To waive the sovereign immunity of the Suquamish Housing Program and the Suquamish Housing Board to suit in courts of other jurisdictions and to consent to any court's jurisdiction over property or assets held by or for the Suquamish Tribe. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008; amended by Res. 2008-146, passed Sep. 15, 2008)

2.3.20. Tribal Council Cooperation with Tribal Housing Projects. (a) For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of developments and projects, the Tribe:

(1) May not levy or impose any real or personal property taxes or special assessments upon the housing program or any project of the housing program;

(2) Will furnish or cause to be furnished to the housing program and the occupants of developments all services and facilities of the same kind and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants;

(3) Will grant such deviations from any present or future tribal building or housing ordinances as are reasonable and necessary to promote economy and efficiency in the development and operation of any tribal housing project and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project or the surrounding territory; and

(4) Will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction, or operation of tribal housing developments and projects.

(b) The tribal government will vigorously use its powers, including action through the appropriate courts, to enforce eviction of a tribal housing tenant for nonpayment or other contract violations. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.21. Housing Program Cooperation with Federal Agencies. (a) This chapter's provisions will remain in effect with respect to any existing tribal housing project and such provisions may not be abrogated, changed, or modified without the consent of the applicable federal agency, so long as:

(1) The project is owned by a public body or governmental agency and is used for affordable housing purposes;

(2) Any contract between the Tribe and any applicable federal agency for loans or annual contributions or both, in connection with such project, remains in force and effect; or

(3) Any obligations issued in connection with such project or any monies due to the federal government in connection with such project remain unpaid, whichever period ends the latest.

(b) If at any time title to or possession of any project is held by any public body or governmental agency authorized by law to engage in the development or operation of affordable housing, including the federal government, this section's provisions will take effect for the benefit of and be enforced by that public body or government agency. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.22. Board Administration — Purpose and Responsibility. (a) The board will be guided by this chapter, NAHASDA, HUD rules and regulations, and other applicable tribal and federal laws and will review the implementation of policies for the construction, management, and administration of existing and new Suquamish tribal housing development projects.

(b) Individual board members of the Suquamish Housing Board may not interfere with or become involved in the day-to-day operations of any housing program activities. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.23. Promulgation of Regulations. It is the Tribal Council's responsibility to promulgate regulations necessary to administer this chapter and to perform its functions. To accomplish the responsibilities set forth in this chapter, the Tribal Council may engage in appropriate activities, including the following examples.

(a) Promulgate, adopt, amend, enforce, and repeal appropriate rules and regulations as may be necessary and desirable to properly implement this chapter.

(b) Execute contracts and interlocal agreements, papers, and documents in the Suquamish Tribe's name.

(c) Approve all contracts.

(d) Pay all customs, duties, excises, charges, and obligations whatsoever related to the board's business.

(e) Establish systems:

(1) To adequately check the background of any individual or entity seeking to enter into a contract with the board or the Tribe related in any manner to Suquamish tribal housing projects;

(2) To ensure that any tribal housing development project is constructed in compliance with this chapter and any other applicable tribal and federal laws, rules, and regulations;

(3) To ensure that any tribal housing development project is managed and administered in compliance with this chapter and any other applicable tribal and federal laws, rules, and regulations; and

(4) To promulgate rules of conduct for tribal housing projects which ensure tribal housing development residents' physical safety, including rules that provide for the eviction of any resident who fails to conform to the rules of conduct.

(f) Consider recommendations from the housing board and the housing program director to study and investigate the tribal housing program for the following purposes:

(1) Analyzing tribal housing needs and preparing housing plans;

(2) Determining any defects in or abuses of this chapter's standards and regulations and any and all applicable rules and regulations;

(3) Recommending changes in this chapter's standards and regulations and any and all applicable rules and regulations;

(4) Preventing abuses and evasions of this chapter's standards and regulations and any and all applicable rules and regulations; and

(5) Analyzing issues that the tribal housing board determines are emergencies requiring immediate action.

(g) Take any action it considers necessary and appropriate for violation(s) of this chapter, applicable rules, or regulations, including but not limited to referral for prosecution or civil suit, including but not limited to eviction.

(h) Join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a state or another tribe for the purposes of financing, including but not limited to issuing notes or other obligations and giving security for those notes or other obligations, planning, undertaking, owning, constructing, operating, or contracting with respect to a housing development or development of the housing program or such other public housing agency or agencies. For such purpose, the Tribal Council may, by resolution, require and authorize any other housing agency or agencies, so joining or cooperating with the Suquamish Housing Program, to act on the program's behalf with respect to any or all powers as the program's agent or otherwise in the housing program's name or in the name of that agency or agencies.

(i) Accept the transfer and absorption of any existing housing project covered by an annual contributions contract and accept assignment of all rights and obligations under that contract. Any such transfer, absorption, or merger may require an applicable federal agency's prior approval. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.24. Board Meetings. (a) The housing board will meet regularly but no less frequently than once per quarter. The housing board will also meet at the request of three (3) members of the board or the chairperson of the Tribal Council. A quorum is three (3) members. Voting is by majority. Each member has one (1) vote in any matter submitted to the board for a general vote. Proxy voting is not permitted. Board members and the Tribal Council will receive notice of meetings at least five (5) days before the meeting except in the case of an emergency or special meeting. An agenda will be established. Minutes will be recorded, filed, and maintained for a minimum of three (3) years.

(b) Emergency meetings may be held upon twenty-four (24) hours actual notice and business transacted, provided that not less than a majority of a quorum concurs in the proposed action.

(c) Special meetings are not regular meetings and may be called by the chairperson or by majority of the board. (Res. 99-003, passed Jan. 4, 1999, certifying

ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.25. Director. The Tribe will employ a Suquamish Housing Program director. The Tribal Council may delegate to the director such powers or duties as the Tribal Council considers proper, including the following responsibilities:

(a) To conduct and oversee the daily operations of the housing program's activities;

(b) To determine what affordable housing units will be constructed in any annual period, how to manage the Tribe's existing affordable housing stock, and the charges to be assessed to tribal housing tenants for services the housing program provides consistent with the annual plan recommended by the housing board and adopted by the Tribal Council;

(c) To maintain a complete and accurate accounting of all funds and property the housing program acquires, holds, uses, and disposes of;

(d) To formulate for the housing board's consideration plans for the housing program's annual operations, for changes in the nature and scope of those operations, and for reinvestment of revenues generated by the housing program's activities;

(e) To decide issues that are not the housing board's responsibility through administrative hearings, and to hear appeals of certain housing board administrative decisions as provided for in the housing policies;

(f) To terminate any lease, rental agreement, or lease-purchase agreement when the tribal housing tenant has violated the terms of, or failed to meet any of his or her obligations under, that agreement, or when such termination is otherwise authorized under that agreement's provisions and to bring action for eviction against that tenant; and

(g) To carry out the plans, policies, and regulations the Tribal Council adopts and to perform all responsibilities the Tribal Council delegates to the director. The director may not serve as a voting member of the housing board. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008; amended by Res. 2008-146, passed Sep. 15, 2008)

2.3.26. Other Personnel. The Tribe may employ technical and maintenance personnel and any other employees, permanent or temporary, as the housing program may require. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.27. Bonding. The Tribal Council will obtain or provide for obtaining adequate fidelity bond coverage of the housing board members, director, and any other tribal government personnel who handle money or are authorized to sign checks or certify vouchers for and on behalf of the housing program. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.28. Record Maintenance. (a) The housing program director will maintain or cause to be maintained accurate and up-to-date records for each housing unit the Tribe constructs, manages, and operates. Records for tribal housing projects containing multiple housing units may be kept in a consolidated form.

(b) Records for each tribal housing project activity will include records of:

(1) All financial transactions, including but not limited to gross receipts and any and all operating expenses;

(2) All equipment, materials, and supply inventory, including maintenance and repairs;

(3) Personnel;

(4) In-house investigations of incidents or accidents of any kind;

(5) Actions by the tribal housing program or board against individual tribal housing tenants, including fines and evictions; and

(6) Information provided to the tribal, state, or federal government as required by tribal or federal law. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.29. Annual Report and Plan. The housing program director, in consultation with the housing board, will prepare an annual plan of operation for the Suquamish Housing Program for the Tribal Council's review and approval. The plan must include at least the following information:

(a) A summary of the year's activities;

(b) The condition of the properties, including the number of units and vacancies;

(c) An unaudited report of the year's operation, including income, expenditures, and performance relative to the goals and objectives set in the annual plan;

(d) Any significant accomplishments and problems;

(e) Any planned changes in the nature of activities the housing program will conduct;

(f) Any planned expansion or reduction in the housing program's inventory, assets, facilities, or personnel;

(g) Any capital expenditures planned, including construction, major repairs, and major equipment purchases or leases;

(h) Plans or proposals for any joint ventures or partnerships which will be employed to carry out the program's goals or functions;

(i) Any new grants or loans which the program proposes that the tribal government apply for or receive on the program's behalf;

(j) A projected balance sheet and cash flow analysis for the coming year; and

(k) Such other information as the housing board, or the Tribal Council by written request, considers important. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.30. Annual Audit. (a) The Tribal Council will implement an annual independent audit of the tribal housing program's operations. The audit reports will be made available to any federal agencies authorized by federal law to obtain them. All audits are confidential and proprietary information and not subject to disclosure without the Tribal Council's express written approval.

(b) The Tribal Council will select an independent auditing firm to conduct the audit(s). The annual tribal housing audit may be encompassed within the Tribe's existing audit system.

(c) All contracts which result in the purchase of supplies or services in excess of ten thousand dollars (\$10,000) annually, except for professional, legal, or accounting contracts, will be specifically included within the scope of the annual independent audits. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.31. Public Disclosure. The following records of the Suquamish Housing Program are public information available for any interested member of the General Council to inspect during regular business hours at the housing program's offices:

(a) A summary of the annual plan of operation; and

(b) A summary of the annual report. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.32. Financial Obligations. (a) The Tribal Council may issue obligations from time to time at its discretion for any of its purposes under this chapter and may also issue refunding obligations for the purpose of paying or retiring obligations it has previously issued. The Tribal Council may issue such types of obligations as it may determine, including obligations on which the principal and interest are payable as follows:

(1) Exclusively from the income and revenues of the tribal housing development project being financed with those obligations' proceeds or from such income and revenues together with a federal government grant in aid of that project;

(2) Exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with those obligations' proceeds; or

(3) From its revenues generally.

(b) Any such obligations may be additionally secured by a pledge of any revenues of any project or other property for the housing program.

(c) Neither the Council members nor any person executing the obligations may be held personally liable on the obligations by reason of those obligations' issuance.

(d) Obligations under this chapter are issued for an essential public and governmental purpose and are public instrumentalities. Together with interest on and income from these obligations, they are exempt from taxes imposed by the Tribe. This chapter's tax exemption provisions are considered part of the security for the repayment of obligations and constitute, by virtue of this chapter and without needing to be restated in the obligations, a contract between the Tribe and the holders of obligations, including anyone to whom the obligations may be transferred.

(e) Obligations will be issued and sold as follows.

(1) Obligations for the housing program will be authorized by Tribal Council resolution adopted by the majority vote of a quorum and may be issued in one or more series.

(2) The obligations will bear such dates; mature at such times; bear interest at such rates; be in such denominations; be in such form, either coupon

or registered; carry such conversion or registration privileges; have such rank or priority; be executed in such manner; be payable in such medium of payment and at such places; and be subject to such terms of redemption, with or without premium, as the authorizing resolution may provide.

(3) The obligations may be sold at public or private sale for not less than par.

(4) If any Tribal Council members whose signatures appear on any obligations cease to be members before such obligations are delivered, the signatures will remain valid and sufficient for all purposes, as if the Tribal Council members had remained in office until delivery.

(5) Obligations of the Tribal Council under this chapter are fully negotiable. In any suit, action, or proceeding involving the validity or enforceability of any obligation for the housing program or the security for that obligation, any such obligation that in itself states that it has been issued to aid in financing a project according to this chapter will be conclusively considered to have been issued for that purpose, and the project for which the obligation was issued will be conclusively considered to have been planned, located, and carried out in accordance with this chapter's purposes.

(6) When issuing obligations or incurring obligations under leases and to secure the payment of those obligations, the Tribal Council, subject to this chapter's limitations, may:

(A) Pledge all or any part of the housing program's gross or net rents, fees, or revenues to which its rights then exists or may later come into existence;

(B) Provide for obligees' powers and duties and limit their liabilities and provide the terms and conditions on which that obligee may enforce any covenant or rights securing or relating to the obligations;

(C) Covenant against pledging all or any part of the housing program's gross or net rent, fees, and revenues or against mortgaging any or all of its real or personal property to which tribal title or right then exists or may later come into existence or against permitting or suffering any lien on such revenues or property;

(D) Covenant with respect to limitations of its right to sell, lease, or otherwise dispose of any project or any part of a project;

(E) Covenant as to what other or additional debts or obligations may be incurred;

(F) Covenant as to the obligations to be issued and as to the issuance of those obligations in escrow or otherwise and as to the use and disposition of the proceeds of those obligations;

(G) Provide for the replacement of lost, destroyed, or mutilated obligations;

(H) Covenant against extending the time for the payment of its obligations or interest on them;

(I) Redeem the obligations, and covenant for their redemption and provide the terms and conditions of redemption;

(J) Covenant concerning the rents and fees to be charged in the operation of a tribal housing development project or projects; the amount to be raised each year or other period of time by rents, fees, and other revenues; and as to the use and disposition to be made of those rents, fees, and other revenues;

(K) Create or authorize the creation of special funds for monies held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the monies held in such funds;

(L) Set forth the procedure, if any, by which the terms of any contract with a holder of obligations may be amended or abrogated, the proportion of outstanding obligations the holder of which must consent to that amendment or abrogation, and the manner in which such consent may be given;

(M) Covenant as to the use, maintenance, and replacement of its real or personal property, the insurance to be carried on that property, and the use and disposition of insurance monies;

(N) Covenant as to the rights, liabilities, powers, and duties arising upon the breach of any covenant, condition, or obligation;

(O) Covenant and set forth as to events of default and terms and conditions upon which any or all of its obligations become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived;

(P) Vest in any obligees or any proportion of them the right to enforce the payment of the obligations or any covenants securing or relating to the obligations;

(Q) Exercise all or any part or combination of the powers granted in this section;

(R) Make covenants other than and in addition to the covenants expressly authorized in this section, of the same or different character, in order to accomplish this chapter's goals, purposes, and objectives; and

(S) Make any covenants and do any acts necessary, convenient, or desirable to secure its obligations or to make the obligations more marketable although the covenants or acts are not set forth in this section. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.33. Compliance with Federal Law. (a) Each tribal housing development constructed or operated under contract providing for federal financial assistance will be developed and operated in compliance with all requirements of that contract and applicable federal legislation and with all regulations and requirements required from time to time by the federal government in connection with that assistance.

(b) With respect to any financial assistance contract between the Suquamish Tribe and the federal government, the housing program will obtain the approval of the appropriate federal official or his or her designee. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.34. Observation of Ordinances and Regulations. All development projects of the housing program located on the Port Madison Indian Reservation are subject to the Suquamish Tribe's planning, zoning, sanitary, and building ordinances and regulations. All other projects and developments will observe the ordinances and regulations of the locality in which they are situated. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.35. Property for Housing Program. (a) The property for the housing program is public property used for essential public and governmental purposes, and such property and the housing program are exempt from all the Tribe's taxes and special assessments.

(b) All property, including funds acquired or held for the housing program according to this chapter, is exempt from levy and sale by virtue of an execution; no

execution or other judicial process may issue against that property; and no judgment against the housing program may be a charge or lien upon such property. However, the provisions of this section do not apply to or limit the right of obligees to pursue any remedies for enforcement of any pledge or lien given for the housing program on its rents, fees, or revenues; the federal government's right to pursue any remedies conferred upon it according to this chapter's provisions; or the housing program's right to bring eviction actions in accordance with this chapter. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.36. Denial of Participation in Tribal Housing Program. (a) The tribal housing program may reject any applicant who:

(1) Fails to provide all the information requested in the application;

(2) Violates, fails, or refuses to comply with any provision, requirement, condition, limitation, or duty imposed by this chapter, NAHASDA, or any other applicable federal law; or

(3) Fails to provide information reasonably required to investigate the tribal housing application or to reveal any fact which the applicant knows or should reasonably know is material to the application, or has provided any information which is untrue or misleading in connection with the application.

(b) The tribal housing program will deny participation in any tribal housing project to an otherwise eligible applicant who does not disclose, misstates, or falsifies any material fact to the tribal housing program or its authorized agents during a background investigation or in-residence investigation. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.37. Contracts with Contractors and Managers. The Tribe will contract in writing with any contractor or supplier of goods and services related to any tribal housing project before any performance of that contract begins. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.38. Profits Prohibited. The housing program may not construct or operate any development project for profit. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.39. Enforcement. (a) After a person or entity fails or refuses to pay a fine or assessment imposed according to this chapter, the tribal housing program may proceed

to collect the fine or assessment by beginning a civil action against the person or entity in the Tribal Court or in any other court of competent jurisdiction.

(b) Fines may be established as liens upon specifically described property involved in a violation of this chapter, by order of the Suquamish Tribal Court. In the case of real property, the order will be recorded with the auditor in the county where the real property is located. Liens on personal property will be filed with the Secretary of State for the State of Washington. Upon twenty (20) days' written notice served by U.S. registered or certified mail or fifty (50) days' notice by publication, with opportunity to request a hearing on the matter no later than ten (10) days after the notice period expires, the Tribal Court may order the property sold at public auction or forfeited to the Suquamish Tribe. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.40. Removal of Persons from a Housing Project. Upon probable cause, Suquamish police officers have the power and authority to remove or exclude or cause the removal or exclusion of any person from any tribal housing development. Such removal or exclusion will expire after seventy-two (72) hours. If the person violates the exclusion or removal notice during the seventy-two-hour period, he or she may be charged with criminal trespass. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.41. Tribal Sovereignty and Jurisdiction. The Suquamish Tribe, by enacting this chapter, intends to exert tribal sovereignty and jurisdiction on the Port Madison Indian Reservation and over all lands subject to its jurisdiction and to preempt any civil regulatory power or law, if any, of the State of Washington, subject to Public Law 280 as it may be applicable on Suquamish Indian lands. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.42. No Waiver of Sovereign Immunity. (a) Nothing in this chapter constitutes a waiver of sovereign immunity on the part of the Suquamish tribal government, its agencies, or any entity created by either as to any assets or property of any nature whatsoever, or the adjudication of any federal rights or immunities.

(b) The Suquamish Housing Program and the Suquamish Housing Board are entitled to all the protections and immunities afforded by the laws of the United States to Indian tribal governments, and nothing in this chapter may be construed as a general waiver of the sovereign immunity of the Suquamish Tribe, the Suquamish Housing Program, or the Suquamish Housing Board. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.43. Contractual Obligations. Nothing in this chapter impairs or affects the authority of the Suquamish Tribal Council or the tribal housing program in any manner

whatsoever to fulfill its complete contractual obligations related to any subject matter in this chapter. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.44. Exclusive Jurisdiction. The Suquamish Tribal Court will exercise jurisdiction over all matters arising within the Tribe's jurisdiction with respect to the subject of this chapter and jurisdiction with respect to any person or entity acting or causing actions which arise under this chapter. The Suquamish Tribal Court has exclusive jurisdiction over the enforcement of this chapter, except to the extent federal law provides otherwise. The Suquamish Tribal Court has jurisdiction to hear and determine an action for eviction of a tribal housing tenant. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.45. Limited Liability. (a) No lawful act of the Tribal Council, the housing board, or any individual members of the Council or board may result in personal liability on the part of any such Council member or board member for the Suquamish Housing Program's debts, acts, or omissions.

(b) No lawful act of the housing program director or any other program employee may result in personal liability on the part of any such employee for the housing program's debts, acts, or omissions.

(c) The personal liability of a Tribal Council member or a housing board member for acts taken as a Council member or board member may not exceed the amount of any applicable insurance the Suquamish Tribe maintains for the protection of its Council members or board members from such liability, provided that the Council member's or board member's liability does not arise from that person:

(1) Knowingly permitting the Suquamish Tribe or the housing program to enter into a business transaction with him- or herself, or with a member of his or her immediate family, or with any organization in which the Council member or board member or his or her family member has substantial interest or holds a management position without having previously disclosed that interest to the persons approving the transaction;

(2) Taking actions as a Council member or board member for the purpose of conferring personal benefit upon him- or herself or his or her immediate family;

(3) Taking actions as a Council member or board member that are criminal; or

(4) Taking actions in any capacity that are in willful disregard of his or her obligations as a Council member or board member.

(d) This subsection may not be construed to expand or limit the liability of any Council member or board member for acts as described above.

(e) The Suquamish Tribe will indemnify and hold each Council member and board member harmless against the actual reasonable expenses incurred by that Council or board member in connection with any claim or proceeding against him or her arising from his or her actions as Council member or board member, provided that member has been successful on the merits or otherwise in defense of such claim.

(f) Any indemnification under this section, unless ordered by a court, may be made only upon a majority vote of a quorum consisting of Tribal Council members who are not parties to the claim or proceeding. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.46. Insurance. The Tribe will maintain a policy of liability insurance covering all housing program and housing board operations with limits specified by the Tribal Council. This policy must require that the insurer waive any right it may otherwise have to raise the sovereign immunity of the program or the board as a defense to claims against the policy. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.47. Amendments. (a) The Suquamish Tribal Council may amend any or all provisions of this chapter. The Tribal Council has sole discretion to change or amend the powers and structure of the Suquamish Housing Program and the Suquamish Housing Board and to dissolve the program or board and distribute the program's assets to other tribal departments or agencies.

(b) The Tribal Council may revise, repeal, or amend all regulations it promulgates. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; amended and renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.48. Severability; Construction. If any phrase, clause, part, sentence, provision, or section of this chapter is found to be invalid by a court of competent jurisdiction, the remainder of this chapter is not affected and remains in full force and effect and continues in effect as if the invalid provision(s) were not a part of this chapter. If the operation of any clause, part, or section of this chapter is found to impair a contract obligation or to deny any person any right secured to him or her by the Constitutions of the Suquamish Tribe or of the United States, it is hereby declared that the remainder of this chapter would have nevertheless been enacted without such invalid clause, part, or section. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

2.3.49. Effective Date. This chapter is effective upon adoption by the Suquamish Tribal Council in accordance with the Suquamish Tribe's Constitution and Bylaws of the

Suquamish Tribe. (Res. 99-003, passed Jan. 4, 1999, certifying ordinance adopted Nov. 30, 1998; renumbered by Res. 2008-024, passed Mar. 24, 2008)

Note: Resolution 2017-082, passed May 1, 2017, made changes to the language, but not the content, throughout this chapter, to increase clarity and ease of reading.