

# TABLED

Cherokee Council House  
Cherokee, North Carolina

OCT 02 2017

Date

ORDINANCE NO. 1 (2017)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations for the general government of the Tribe. Charter and Governing Document, § 23 (Sept. 5, 1995) *see also* C.C. §117-10.

WHEREAS, the EBCI Tribal Council constitutes the Eastern Band of Cherokee Indian's Legislative Branch of government. C.C. §117-10.

WHEREAS, the Tribe currently has two primary housing programs: the oldest program is Qualla Housing Authority (QHA), which is established in Tribal ordinance in Chapter 44 of the Cherokee Code. (See Ord. No. 573 (1993).) Qualla Housing Authority was created in 1962 to receive and administer federal funds for low income housing and it is the tribally designated housing entity (TDHE) that used to be required by the U.S. Department of Housing and Urban Development (HUD) to administer federal housing funds. *Id.*

WHEREAS, in or about 2005, the Tribe created within the executive branch the Division of Housing and Community Development (HCD) to serve the housing needs not being met by Qualla Housing Authority.

WHEREAS, in 2007, the Office of Internal Audit conducted an operational review of QHA and HCD and concluded that unifying QHA and HCD into one housing entity would provide substantial benefits for Tribal members. Operational Review of the Eastern Band of the Cherokee Indians Qualla Housing Authority and the Division of Housing and Community Development (Nov. 6, 2007).

WHEREAS, the operational review stated that QHA and HCD are twice as strong together then they are apart. *Id.* at 10

WHEREAS, the operational review went on to state that "[t]ogether...these two main housing programs can bring to bear a great deal of experience, insight and know-how that can be used for the benefit of all enrolled members in need of housing." *Id.*

WHEREAS, in 2008, Tribal Council passed Resolution No. 563 (2008) for the purpose of moving toward a unification of QHA and HCD, which the Tribe is now ready to do.

NOW, THEREFORE, BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present that the Tribal Council of the Eastern Band of Cherokee Indians amends the Cherokee Code as follows:

- (a) by repealing existing Chapter 44 of the Cherokee Code;
- (b) by inserting a new Chapter 44, creating a unified housing authority, as described in the attached and incorporated EXHIBIT A.

BE IT FURTHER ORDAINED that the unified housing entity shall be authorized, among other things, to serve as the Tribally Designated Housing Entity for the purposes of receiving and administering federal housing funds, including but not limited to funds provided by the federal government through NAHASDA.

BE IT FURTHER ORDAINED the provisions of this Ordinance shall become effective on January 1, 2018.

BE IT FURTHER ORDAINED the provisions of the Ordinance which amend or adopt new sections of the Cherokee Code shall be codified by the Department of Justice. The Department of Justice shall incorporate such amended provisions in the next codification of the Cherokee Code.

BE IT STILL FURTHER ORDAINED should any provisions of this Ordinance be determined invalid by the Cherokee Supreme Court, or the Cherokee Court without appeal to the Cherokee Supreme Court, or any other court of competent jurisdiction, those portions of this Ordinance which are not determined invalid shall remain the law of the Eastern Band of Cherokee Indians.

BE IT FINALLY ORDAINED that all ordinances inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief.

*Submitted by: EBCI Executive Committee*