

TABLED

AMENDED

Cherokee Council House
Cherokee, North Carolina

OCT 15 2018

Date

RESOLUTION NO. 380 (2018)

WHEREAS, the Eastern Band of Cherokee Indians (EBCI or Tribe) Charter and Governing Document authorizes and empowers the Tribal Council to adopt laws and regulations for the general government of the Tribe; and

WHEREAS, for improving housing services, the Tribe continues the ongoing process of unifying Housing and Community Development (HCD) and Qualla Housing Authority (QHA); and

WHEREAS, Ordinance No. 1 (2017) authorized the Secretary of Housing to oversee the Tribe's housing programs, effective January 1, 2018, with updated organizational chart approved in Resolution No. 659 (2017), effective October 1, 2017; and

WHEREAS, for purposes of internal efficiency and federal funding, certain operational changes shall go into effect.

NOW, THEREFORE, BE IT RESOLVED 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 does hereby implement the following operational changes for housing:

The Eastern Band of Cherokee Indians, New Tribal Housing Authority previously named Housing and Community Development (HCD) division is designated to serve as the Tribally Designated Housing Entity (TDHE) for the purposes of receiving and administering federal housing funds, including but not limited to funds provided by the federal government through the Native American Housing Assistance and Self Determination Act (NAHASDA) of 1996.

The Tribe is committed to maintain any housing stock developed under the 1937 Housing Act.

The Tribe is adopting the previously submitted and approved Indian Housing Plan (IHP).

1 For purposes of this resolution, the Qualla Housing Authority shall now be dissolved as
2 the (TDHE) and cease to exist as a body politic and corporate and as a public body.

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4 All property, real and personal and mixed, belonging to the QHA shall vest in, belong to,
5 and be the property of the Eastern Band of Cherokee Indians.

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7 All judgments, liens, rights of liens, and causes of action of any nature in favor of the
8 QHA shall remain, vest in, and inure to the benefit of the EBCI.

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10 All rentals, taxes, assessments, and any other funds, charges or fees, owing to the QHA
11 shall be owed to and collected by the EBCI.

12
13 Any actions, suits, and proceedings, pending against, or having been instituted by the
14 QHA shall not be abated by such abolition, but all such actions, suits, and proceedings
15 shall be continued and completed in the same manner as if abolition had not occurred,
16 and the EBCI shall be a party to all such actions, suits, and proceedings in the place and
17 stead if the QHA and shall pay or cause to be paid any judgments rendered against the
18 QHA in any such actions, suits, or proceedings, and no new process need be served in
19 any such action, suit, or proceeding.

20
21 All obligations of the QHA, including outstanding indebtedness, shall be assumed by the
22 EBCI, and all such obligations and outstanding indebtedness shall be constituted
23 obligations and indebtedness of the EBCI.

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25 All ordinances, rules, regulations and policies of the QHA shall continue in full force and
26 effect until repealed or amended by the Tribal Council of the EBCI.

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28 Nothing contained within this resolution shall be deemed a waiver of sovereign immunity
29 by the EBCI.

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32 BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are
33 rescinded, and that this resolution shall become effective when ratified by
34 the Principal Chief.

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37 *Submitted by: EBCI Executive Committee*
38

Amendment to Res. No. 380 (2018):

On line 34, change, "Tribal Housing Authority" to "Division of Housing"