

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

DATE: APR 04 2019

ORDINANCE NO.: 553 (2019)

WHEREAS, Cherokee Code (C.C.) § 47D-9 governs the Home Improvement Program (HIP) and authorizes the HIP Committee to write policies and procedures for the program and to carry out the intent of the ordinance; and

WHEREAS, C.C. § 47D-9 and the HIP policies impose a 12-year term for HIP agreements, whereby the assigned land and the HIP home built on the land become the property of the Tribe for the 12-year term; and

WHEREAS, on March 13, 2019, the HIP Committee voted to change the term for future HIP agreements from 12 years to 15 years, due the rising cost of building new HIP homes; and

WHEREAS, C.C. § 47D-9 needs to be amended to reflect this change.

NOW, THEREFORE, BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that C.C. § 47D-9 shall be amended to read as follows:

Sec. 47D-9. - Home Improvement Program.

- (a) Tribal members selected to participate in the Program shall assign a house site of approximately one-half acre if serviced by Tribal sewer, or one acre if not serviced by Tribal sewer, to the Tribe. Participants shall thereafter be tenants of the Tribe.
- (b) All participants in the Home Improvement Program must sign an agreement setting forth the consideration received by them in exchange for their assigning their possessory rights to said house site together with any rights to transfer or convey the house site except with the approval of the Tribe.
- (c) Participants must continuously occupy and live in the improved house. Participants may not sell, rent, lease, transfer or convey the house or any part thereof. If participants vacate the improved house, or purport to sell, rent, lease, transfer or convey the property, the Tribe shall have the right to reassign the home and house site.
- (d) If a participant is residing in the improved house at the time of his death, the house site and all improvements thereon shall remain the property of the Tribe for the remaining time of the initial ~~12~~ 15-year period under the Home Improvement Program agreement.
- (e) The above restrictions shall be binding upon the participants for ~~12~~ 15 years following execution of their agreement with the Tribe. If the participants continue to occupy the home at the end of the ~~12~~ 15-year period, such participants may then transfer or convey the house site and improvements to another Tribal member.

- 1 (f) The participant shall convey a right-of-way to the house site to the Tribe which shall be valid
2 for the duration of the restriction period.
- 3 (g) All restrictions shall be binding for the ~~12~~ 15 years immediately succeeding construction of
4 the home and shall run with the property.
- 5 (h) It is prohibited to deliver housing benefits under this section to any person who has been
6 convicted of or plead guilty to a controlled substance violation, in any jurisdiction, within the
7 ten years preceding possession of a Home Improvement Program home.
- 8 (i) The Home Improvement Program Committee shall have the power to enact Policies and
9 Procedures to carry out the intent of this section.

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12 BE IT FINALLY ORDAINED that all ordinances and resolutions which are inconsistent with this
13 ordinance are rescinded, and that this ordinance shall become effective when
14 ratified by the Principal Chief.
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17 *Submitted by the Office of the Attorney General and HIP Committee*