

Ordinance 41-06

An ordinance amending Title 12 (Housing Department) of the Mille Lacs Band Statutes Annotated (MLBSA) to add sections dealing with Housing Renovation/Remodeling Work.

The District II Representative introduced the following Bill on the 8th day of August 2006. This bill was tabled until October 11, 2006, when it was approved by the Band Assembly. The Chief Executive vetoed on October 19, 2006 and an agreement was made via telephone conference on October 26, 2006, to hold the compromise hearing on October 31, 2006 when all parties could be present. On October 31, 2006, a compromise was reached after discussion. The District I Representative reintroduced the following Bill with changes on November 2, 2006.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for an amendment to 12 MLBSA, Chapter 1 (Housing) to include Housing Renovation/Remodeling Work.

Chapter 1

Section 1. **Findings** section is amended as follows:

(f) The Band Assembly recognizes that there is a need to provide a housing program that offers Band Members the opportunity to repair, renovate or remodel their primary residence to enhance the health and welfare of Band Member families. The Band Assembly also recognizes that a need exists to define the terms of the renovation/remodeling program for the Housing Department.

Section 2. **Definitions** section is amended as follows:

- (a) **Band** means the Mille Lacs Band of Ojibwe Indians.
- (b) **Band Assembly** means the Legislative Branch of the Mille Lacs Band of Ojibwe Indians.
- (c) **Band Member** means an enrolled person of the Mille Lacs Band of Ojibwe Indians.
- (d) **Executive Director** means the person responsible for the daily administration of the Housing Department who shall report directly to the Commissioner of Community Development.
- (e) **Commissioner of Community Development** means an appointed official of the Executive Branch who is responsible for the administration, management, supervision and coordination activities for Community Development, Public Works, Facilities Management, Transportation and the Housing Department.
- (f) **Geographical Service Area** means the State of Minnesota and any other lands owned by a Band Member that are located within fifty (50) miles of Mille Lacs Band trust or allotted lands.

- (g) **Housing Board** means the advisory board that works in partnership with the Commissioner of Community Development and the Executive Director of the Housing Department.
- (h) **Housing Department** means the department created by Band statute that is responsible for new construction, renovations, residential land acquisition, residential services, maintenance, the Home Loan program, Elder Housing programs, transitional housing and other Band housing programs.
- (i) **Housing Renovation/Remodel** means improvement or repair to a house that is (1) used as the primary residence; and (2) is located within the designated Geographical Service Area, as defined herein.
- (j) **Misconduct** means a dereliction of duty, unlawful behavior, misdeed, impropriety, mismanagement, unfair treatment, or conduct that shows willful or wanton disregard of any Band Member's right to housing.
- (k) **Strategic Housing Plan** means the housing plan developed by the Commissioner of Community Development including, but not limited to goals and objectives, and an overview of the planned activities for the period.

Section 3. Section 14 is new and entitled as follows:

§ 14. Housing Renovations/Remodel to Band-Member Owned Homes.

- (a) Under the terms of this program, Housing Renovations or Remodels may be performed on a structure that is: (1) used as the primary residence; and (2) owned by the individual Band Member(s). The Band Member must provide proof of ownership such as a Deed, MLBO Land Lease, or Mortgage Lien.
- (b) The house must be located within the Geographical Service Area, as defined herein.
- (c) The maximum loan for each Housing Renovation/Remodel shall not exceed Thirty-Five Thousand Dollars (\$35,000.00) and the interest rate shall be 2%.
- (d) This program is dependent on available funding and may be discontinued at any time.
- (e) In circumstances where liability insurance or homeowner's insurance is available to cover the costs of repairs, the Housing Department shall take actions adequate to ensure that Band assets are not used for Housing Renovation or Remodel if assets from another source are available, including, but not limited to, federal or state emergency funds, or other federal, state, or city renovation assets.
- (f) Band members who would like to apply for a Housing Renovation/Remodel shall fill out an application available from the Housing Department and be approved by the Housing Board. Any subsequent change in the criteria by the

Housing Department shall not take effect until approved by the Band Assembly.

- (g) Any Band Member applying for a Housing Renovation/Remodel loan must first pay in full any prior renovation/remodel loan.

Section 4. Section 15 is new and is entitled as follows:

§ 15. Lien on Residences for Renovation/Remodel Costs.

- (a) A lien in an amount equal to the cost of the renovation shall be placed against the home by the Mille Lacs Band of Ojibwe, through its Housing Department, and shall remain in place until paid in full. A Promissory Note shall be signed by the Band Member(s) as evidence of the loan for remodeling.
- (b) If the residence is located on trust land or on Band-owned fee land, the Note shall be recorded within the Band's mortgage office or Band Recording Office, if such option is available. If the residence is located on Band-Member owned fee land off the reservation, such Note shall be recorded in the County Recording Office.
- (c) If, during the lien period, a Band Member chooses to sell their residence, an amount equal to the balance of the Note, shall be paid to the Mille Lacs Band of Ojibwe Housing Department from the proceeds of sale of the property. Upon receipt of payment or, at the end of the lien period, the Mille Lacs Band of Ojibwe shall issue a Release of Lien to the Owner. If a Note is filed with a County Recording Office, such Release of Lien shall be recorded with that office. If the lien is not paid in full upon sale of the residence, the MLBO Housing Department shall seek a judgment in the Court of Central Jurisdiction against the Band Member.

Section 5. Section 16 is new and is entitled as follows:

§ 16. Renovations/Remodeling Performed on Residences Owned by the Band.

- (a) Housing renovations or remodeling may be performed on Band-owned residences, located within the Geographical Service Area as defined herein, as funding is available. This section does not include the loan program referenced in Section 14.
- (b) The maximum costs allowed for each Housing Renovation/Remodeling project shall not exceed Thirty-Five Thousand and no/100 Dollars (\$35,000.00). Any project costs exceeding this amount must be approved by the Band Assembly.
- (c) In circumstances where liability insurance is available to cover the costs of repairs, the Housing Department shall take actions adequate to ensure that Band assets are not used for Housing Renovation/Remodeling if assets from another source are available, including, but not limited to, federal or state emergency funds, or other federal, state, or city renovation assets.

- (d) Any Band Member(s) responsible for damaging a Band-Owned house through neglect, abandonment or other destructive methods, shall be ineligible for housing benefits for a period not to exceed three (3) years.
- (e) If an investigation of the damage concludes that individual Band Member(s) is/are responsible and, the damage costs exceed \$35,000.00, the Housing Board may elect to discontinue housing benefits for a longer period of time. The Housing Department shall conduct the investigation on behalf of the Housing Board. At the conclusion of the investigation, the Housing Board may elect to hold a special meeting for the purposes of discussion of its investigation. If a Band Member is found to be responsible for such damage, a written notice shall be mailed or hand-delivered to him/her at least ten (10) business days prior to the next meeting of the Housing Board. At that meeting, the Housing Department will present its investigation, and the Band Member(s) will be given an opportunity to speak on their behalf or to present evidence on their behalf. The Federal Rules of Evidence will not apply to this hearing. The Board shall have five (5) days from the date of its hearing to present a written decision to the Band Member(s) with a copy to the Housing Department.
- (f) Any Band Member(s) found responsible for damaging a Band-owned residence may enter into an agreement with the Housing Department to pay the costs of repair. The terms of such agreement are to be determined by the Housing Department and must be approved by the Housing Board.
- (g) If any Band Member(s) found responsible for such damage refuses to reimburse the Band for the costs of repair, the Housing Department may elect to bring such matter to the Court of Central Jurisdiction to collect through garnishment proceedings. In such proceeding, the Housing Department will use as evidence any meeting minutes available on the matter as well as the final written decision of the Housing Board.

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Re-Introduced to the Band Assembly on this
Second day of November in the year
Two-Thousand Six.

Passed by the Band Assembly on this
Second day of November in the year
Two-Thousand Six.

Herb Weyaus
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: November 2, 2006

Melanie Benjamin
Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND