



# THE MILLE LACS BAND OF OJIBWE INDIANS

*Legislative Branch of Tribal Government*

## **JOINT RESOLUTION 11-03-60-05**

### **A JOINT RESOLUTION DESIGNATING THE STATE OF MINNESOTA AS THE SECTION 184 LOAN PROGRAM AREA**

- WHEREAS, the Mille Lacs Band Assembly is a duly elected governing body of the Mille Lacs Band of Ojibwe, a Federally-recognized Indian Tribe; and,
- WHEREAS, the Mille Lacs Band Assembly, as the Legislative Branch, is empowered by 3 Mille Lacs Band Statutes Annotated (MLBSA) Section 2(a) to enact laws and by Section (d) to adopt resolutions which promote the general welfare of the people; and
- WHEREAS, the Mille Lacs Band of Ojibwe has adopted a statute (21 MLBSA, Chapter 5) which governs Real Estate Mortgages, Foreclosures and Eviction Procedures, for the purpose of making financing available to Band Members through its Housing Department Home Loan Program for the construction of residential units or the purchase of existing family residences on trust or fee simple land; and
- WHEREAS, the Mille Lacs Band of Ojibwe is a participant in the Department of Housing and Urban Development (HUD), Indian Housing Loan Guarantee Program authorized under Section 184 of the Housing and Community Development Act of 1992 as amended by the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), Pub. L. 104-330 (hereinafter referred to as "Section 184"); and
- WHEREAS, the Section 184 program now extends guaranteed loans to fee-simple land located within an Indian service area, which is defined as the area within which a Tribally Designated Housing Entity or an Indian tribe has authority to provide housing; and
- WHEREAS, the Section 184 program provides such loans to TDHEs, Indian tribes, and Indian families, with Band Members being eligible borrowers, if otherwise qualified; and
- WHEREAS, the Mille Lacs Band of Ojibwe promotes the Section 184 program to Band Members and other Native Americans in our area of operations, as a product that, in comparison with other loan products, offers potentially lower down payments and mortgage insurance costs and higher loan limits, and in comparison with the Band's Housing Department Home Loan Program which has an extensive waiting list; an option to secure financing in an expedited fashion; and

WHEREAS, the Mille Lacs Band of Ojibwe have determined that the Band has the option but not the obligation to pay off a delinquent Section 184 loan on Band owned fee-simple land; and

WHEREAS, the Mille Lacs Band of Ojibwe have determined that delinquent Section 184 loans on fee-simple land are subject to foreclosure by lenders under state law, and may be foreclosed without an expense or financial risk to the Band; and

WHEREAS, the Mille Lacs Band of Ojibwe communities have historically been scattered over a wide area of mid-central Minnesota, including the counties of Aitkin, Crow Wing, Mille Lacs, Pine and Morrison, and into Wisconsin to include Burnett County; the urban areas of Brainerd/Baxter, Duluth, St. Cloud and Minneapolis/St. Paul, MN; and

WHEREAS, the Mille Lacs Band of Ojibwe provides housing services to its Band Members throughout the State of Minnesota as it recognizes that its tribal members reside throughout the entire state; and

WHEREAS, the Mille Lacs Band of Ojibwe Housing Department provides homeownership counseling and home buyer technical assistance, including assistance on Section 184, to Band Members and other Native Americans throughout its Service Area, through its NAHASDA-financed Homeownership Development program; and

WHEREAS, the Mille Lacs Band of Ojibwe regularly receives requests for affordable housing assistance from members of other federally funded tribes and supports the use of Section 184 for members of other tribes; and

WHEREAS, the Mille Lacs Band of Ojibwe Indian Housing Plan, submitted to HUD, addresses Section 184 and the provision of Section 184 assistance to Band Members in the NAHASDA formula area and *proposes Section 184 assistance throughout the State of Minnesota coordinating with the Band's urban office*, with the Office of Native American Programs, and with financial institutions.

NOW THEREFORE BE IT RESOLVED, that the Band Assembly declares that the Indian Area for affordable housing services, including Section 184 services, provided by the Band and its Housing Department to include the entire State of Minnesota, and

BE IT FURTHER RESOLVED, that when Indian Housing Block Grant funds are to be used for affordable housing services in the Indian Area, all requirements of the Native American Housing Assistance and Self-Determination Act (NAHASDA) shall apply, including but not limited to, any required cooperative agreements or other agreements required to be executed between the Band and any government of jurisdiction, and

BE IT FURTHER RESOLVED, that the Band Assembly hereby approves implementation of the Section 184 program in said Indian Area, provided that Section 184 fee simple loans shall be for the use of enrolled Native American members without any obligation imposed upon the Mille Lacs Band of Ojibwe.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 5<sup>th</sup> day of April, 2005 at East Lake, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly to be affixed to this resolution and forwarded to the Chief Executive for Concurrence.

  
Herb Weyaus, Speaker of the Assembly

IN CONCURRENCE, with the action of the Speaker of the Assembly, I, set my hand to this resolution.

  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**