



TONKAWA TRIBE OF OKLAHOMA

TONKAWA TRIBAL COMMITTEE

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TONKAWA, OKLAHOMA 74653

HOUSING PURCHASE ASSISTANCE POLICY

Purchase assistance shall be for Tonkawa Tribal Members only and will be provided as funds are available.

Tribal members must qualify for the balance of the purchase price from: private lending institution, Mortgage Company, and/or other Public Assistance Program.

There shall be no income requirements and the assistance from the Tribe is not taxable for federal or state income tax purpose.

Grant amounts shall be in the amount of \$5,000 and is limited to one time only.

Grant disbursements for the purchase of a home will be made to the lending institution, Mortgage Company or Title/Abstracting Company.

Requests for participation shall be made by submitting a completed application.

Selection will be made by the Tribal Committee from a waiting list maintained by the Tribal Committee and/or the waiting list maintained by the Housing Program.

TONKAWA TRIBAL HOUSING ASSISTANCE PROGRAM

Pursuant to the authority vested in the Tonkawa Tribe by its Constitution, and its authority to provide for health, safety, education and welfare of the Tribe, the Tribal Committee of the Tonkawa Tribe hereby establishes a Housing Purchase Program. A copy of the Program duly certified by the Secretary of the Tribal Committee shall be admissible in evidence in any suit, action or proceeding.

I. Declaration of Need

It is hereby declared:

- a. That there exists on the Tonkawa Indian Reservation a shortage of safe or sanitary dwelling accommodations available at prices which Tribal members can afford; and that such shortage forces such persons to occupy unsanitary, unsafe and overcrowded dwelling accommodations;
- b. That these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, education and welfare of the residents of the Reservation; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;
- c. That these unacceptable living areas cannot be cleared, nor can the shortage of safe and sanitary dwellings be relieved through the operation of private enterprise;
- d. That the providing of safe and sanitary dwelling accommodations for Tribal members are public uses and purposes for which public and/or Tribal money may be spent and private property acquired and are governmental functions of Tribal concern;
- e. That decent, safe and sanitary housing is an important factor to general economic activity and that the undertakings authorized by this program to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume or residential construction activity which will assist materially in maintaining full employment;
- f. A function of the Tribe is to obtain and spend money to provide decent, safe and sanitary housing and model activities and to acquire land in behalf of Tribal members.
- g. The Tribe will address the shortage of decent, safe and sanitary housing for tribal members.
- h. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

II. Purposes

The Tonkawa Housing Assistance Program shall be necessary for the purposes of:

- a. Remedying unsafe and unsanitary housing conditions, that is injurious to the public health, safety and morals;
- b. Alleviating the acute shortage of decent, safe and sanitary dwellings for applicable Tribal families

III. Definitions

The following terms, wherever used or referred to in this Program shall have the following respective meanings, unless a different meaning clearly appears from the context:

- a. "Committee" means the Tonkawa Tribal Committee.
- b. "Federal government" includes the United States of America, the U.S. Department of Housing and Urban Development (HUD); or any other agency or instrumentality, corporate or

otherwise of the United States of America.

- c. "Unacceptable Living" means any area where dwellings predominate which by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and welfare.
- d. "Housing project" or "project" means any work or undertaking for assistance in purchasing decent, safe and sanitary housing for members of the Tonkawa Tribe.

IV. Sovereign Immunity of the Tribe.

The Tribe expressly reserves all its inherent sovereign rights, privileges and immunities as a federally recognized Indian tribe with respect to the creation, including the Tribe's sovereign immunity from suit in any court. Nothing in this Ordinance nor any action of the Tonkawa Tribe shall be deemed or construed to be a waiver of sovereign immunity from suit.

V. The Tonkawa Tribe will assist tribal members in the purchase of safe and sanitary housing.

- a. Tribal members must qualify for a loan or mortgage from a private lending institution, mortgage company or other means of obtaining financing for the purchase of housing
 - 1. Must be gainfully employed and capable of keeping current on financing.
 - 2. No income qualifications are a prerequisite for obtaining assistance
- b. No limitations on the location of the houses to be purchased.
- c. Must continually live in the housing for a period of two years.
 - 1. Housing purchaser may make improvements and additions.
 - 2. If the house is vacated the Tribal member will be required to repay the full amount of the assistance provided with this Program.
- d. Tribal members that receive purchasing assistance with resources provided by this Program will be responsible for all maintenance and repair of the purchased property except as provided below:
 - 1. Homebuyers may be eligible for Public Assistance provided by the Tonkawa Housing Authority and/or any other Federal, state, or local public assistance program and subject to any Public Assistance requirements.
 - 2. Homebuyers may qualify for additional maintenance, repair or development services provided other Tonkawa members and subject to equal selection criteria.

VI. Participation in obtaining resources provided by this Ordinance will be according to the following:

- a. Be an enrolled member of Tonkawa Tribe.
- b. Complete and submit an application for participation
- c. Selection and qualifications will be determined by Policy approved by the Committee
- d. Subject to the jurisdiction of the Tonkawa Tribal Courts

VII. Credit of the Tribe: Nothing in this Ordinance shall implicate or in any way involve the credit of the Tribe.

To insure that housing programs shall be made available to eligible families for home purchase and occupancy. The Committee may take into consideration family size, composition, age, physical handicaps or other factors which might affect the determination of need.

All houses to be purchased shall be subject to the planning, zoning, sanitary and building regulations applicable to the locality in which the house is situated.

The Tribe shall not participate with a Tribal member in the construction or operation of any purchase of housing for profit. However, the Tribe may establish other economic development programs designed for for-profit purposes.

VIII. The Tribe declares its intentions to use its lawful powers, to the extent feasible, to eliminate unsafe or unsanitary dwellings units for Tribal members.

IX. Severability.

If any part of provision of this Program is held invalid, the remainder of the Program shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Program are severable.

*****CERTIFICATION*****

I, the undersigned, as President of the Tonkawa Tribal Committee, do hereby certify that this is the complete text of the Tribal Housing Assistance Program of the Tonkawa Tribe, as adopted by the Tribal Committee.

Russell L. Martin, President

Patrick E. Waldroup, Vice-president

Racheal N. Starr, Secretary/Treasurer



Tonkawa Tribe of Oklahoma Home Buyers Program Application

Name: _____

Roll #: _____ Phone #: _____

Current Address: _____

Address of Home Purchasing: _____

Name, Address and Phone # of Lending Institution/Mortgage Company or Seller (If Contract for Deed).

_____ Phone #: _____

List problems with current Home, (e.g. Renting, Roof Leaks, plumbing unsanitary, not enough bedrooms, electrical unsafe): _____

Number in Family: _____

Names and ages of Family members:

Employer: _____

By my signature on this application, I understand that if I vacate the home, I must repay the full amount of the assistance to the Tribe. I understand that I am responsible for all **maintenance and repairs** of the home.

It is recommended that an inspection be conducted to determine suitability for occupation. The Tribe will not be responsible for assuring the home meets requirements for habitation.

I understand that the amount given to me is the total amount that the Tribe will assist with the closing costs and any down payment required for the home.

Signature

Date

Applicant **must attach** a copy of either the "Schedule of Closing Costs" or a signed

“Contract for Sale of Real Estate” (Contract for Deed) specifying the payment terms.



Tonkawa Tribe of Oklahoma Home Buyers Program Application

Selection Checklist:

- | | | |
|---|------------------------------|-------------------|
| Tonkawa Tribal Member? | <input type="checkbox"/> Yes | No |
| Applicant has secured funding for mortgage? | <input type="checkbox"/> Yes | Contract for Deed |
| Copy of Deed Attached? | <input type="checkbox"/> Yes | No |
| Application Signed? | <input type="checkbox"/> Yes | No |
| Applicant has the means to maintain payments? | <input type="checkbox"/> Yes | No |

Approved by Tonkawa Tribal Committee and Date:

Tonkawa Tribal Committee

Date