

TRIBAL CODE

CHAPTER 92

HOME OWNERSHIP FOR INDIANS

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HISTORY NOTE:

Adopted July 3, 1989, Resolution No. 224(89).  
Secretarial approval July 11, 1989.  
Effective July 11, 1989.

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CHAPTER 92

HOME OWNERSHIP FOR INDIANS

92.101 Purpose.

The purpose of this ordinance is to assist in making available to tribal members the benefits of the FHA Section 248 Program, under which an Indian family may purchase a home located on leased trust land on the reservation under an FHA - insured loan.

92.102 Authority.

This ordinance is adopted pursuant to Article VI, Section 1 (a), (d), (j), (l), and (n) of the Tribal Constitution.

92.103 Effective Date.

This ordinance shall take effect upon its approval by the Secretary of the Interior pursuant to Article VI, Section 2 of the Tribal Constitution.

92.104 Abrogation and Greater Restrictions.

Where this ordinance imposes greater restrictions than those contained in other ordinances, the provisions of this ordinance shall govern.

92.105 Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Tribe and shall not be deemed a limitation or repeal of any other Tribal power or authority. The Tribe's sovereign immunity is not waived or affected hereby.

92.106 Definitions.

As used in this ordinance:

(1) "FHA Section 248 Program" means the Federal Housing Administration (FHA) Section 248 Mortgage Insurance Program on Indian Reservations, 12 U.S.C. sec. 1715z-13.

(2) "Reservation" means the land and waters within the exterior boundaries of the Lac du

Flambeau Indian Reservation.

- (3) "Tribal Court" means the Lac du Flambeau Tribal Court.
- (4) "Tribe" means the Lac du Flambeau Band of Lake Superior Chippewa Indians.
- (5) "Trust land" means land held in trust for the Tribe by the United States of America.

92.107 Evictions.

The eviction procedures set forth in Chapter III, part 3 of the Tribal Court Code, Tribal Code Sections 80.315 through 80.325, shall apply to evictions from homes and leased land under the FHA Section 248 Program. The Tribal Court shall have jurisdiction under the jurisdictional provisions of Section 80.315(1)(c).

92.108 Access to Property.

The Tribe hereby grants its permission to agents or employees of the U.S. Department of Housing and Urban Development to enter trust land on the reservation for the purpose of carrying out their responsibilities under the FHA Section 248 Program including the serving of process or posting of property in case of eviction.

92.109 Lease Form.

Tribal trust land shall be leased for purposes of the FHA Section 248 Program using the lease form prescribed by the Secretary of Housing and Urban Development pursuant to 24 C.F.R. 203.43h(c), for use in connection with the FHA Section 248 Program.

92.110 Foreclosures.

The Tribal Court at present does not exercise jurisdiction over foreclosures. At such time as jurisdiction over mortgage foreclosures shall be conferred upon the Tribal Court, a mortgage insured under the FHA Section 248 Program shall be and constitute the first lien in priority on the home.