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**RESOLUTION OF THE GOVERNING BODY OF THE  
THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled, ***“Four Bears Segment Office ~ Mortgage Loan Program Policy; Formal Approval of the Updated Policy by the Tribal Business Council”***

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

**WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

**WHEREAS,** The Tribal Business Council having determined it to be one of the highest priorities to provide adequate and affordable Residential Housing services for the Tribal Membership throughout the Fort Berthold Indian Reservation; and

**WHEREAS,** The Four Bears Segment Representative Council V. Judy Brugh, has determined that in the Best Interest of the Four Bears Segment of the Three Affiliated Tribes to formally update the “Four Bears Segment Office Mortgage Loan Program Policy”; and

**NOW THEREFORE BE IT RESOLVED,** that the Tribal Business Council hereby supports the Construction and Development of Adequate and Affordable Residential Housing under the Administration of Council Representative V. Judy Brugh, Four Bears Segment Representative of the Fort Berthold Reservation; and

**BE IT FURTHER RESOLVED,** That the Tribal Business Council hereby approves The Formal Adoption of the *Four Bears Segment Office Mortgage Loan Program Policy* attached hereto to respectively provide an equal opportunity for housing services for the benefit of the Membership of Four Bears Segment of the Fort Berthold Indian Reservation.

**BE IT FINALLY RESOLVED,** That the Four Bears Housing Development per such Respective Policy within the Four Bears Segment shall be constructed and built in full compliance with all applicable Policies, Codes and Regulations of the Three Affiliated Tribes of the Fort Berthold Indian Reservation.



**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, \_\_\_ were present at a Regular Meeting thereof duly called, noticed, convened, and held on the \_\_\_ day of \_\_\_\_\_ 2019; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of \_\_\_ members, \_\_\_ members opposed, \_\_\_ members abstained, \_\_\_ members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ ] voting. [ ] not voting.

Dated this \_\_\_ day of \_\_\_\_\_ 2019.

**ATTEST:**

\_\_\_\_\_  
Tribal Secretary, Fred W. Fox  
Tribal Business Council  
Three Affiliated Tribes

\_\_\_\_\_  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes

## Four Bears Segment Office ~ Mortgage Loan Program Policy

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### MANDAN HIDATSA & ARIKARA NATION

#### Mortgage Loan Program

Date Updated 7-22-2019

Three Affiliated Tribes (Tribe) is subject to the Indian Civil Rights Act (Title II of the Civil Rights Act of 1968, 25 USC 1301-03) which provides among other things, that no Indian Tribe in exercising powers of self-government shall deny due process or the equal protection of its laws to any person within its jurisdiction. This policy sets forth the procedures to be used by the Three Affiliated Tribes in the administration of the Home Acquisition Program (HAP) to ensure full compliance and equitable management of the Three Affiliated Tribes Housing Services Program.

**PURPOSE:** The HAP allows the Tribal member to pre-qualify for the purchase of a home with the Tribe. This program allows the low-income qualified Tribal member family to select an existing home that meets the criteria of the Tribal member family of the HAP, and to request the Tribe to purchase that home and re-sell that home to the qualifying Tribal member family. Under the Terms of the HAP, the Tribe is charged with the responsibility of establishing minimum requirements for the Home Acquisition Program. The Tribe is also authorized to establish the interest structure and the rate of interest to be charged and collected from the Tribal member family for this grant.

The Tribe is the responsibility party for purchasing the home, including paying all loan closing expenses, appraisals, inspections, realtor fees, etc., as well as any and all future payments necessary to secure the home including but not limited to mortgage payments, taxes, loan fees, processing fees and other costs or expenses associated with the purchase of a home.

The Tribe agrees to resell the home to the Tribal member for the purchase price of the home including all closing costs, insurance fees and taxes associated with the purchase and resale of the home. The Tribal member family will be the responsible party to pay the monthly mortgage payments, insurance, maintenance reserve and taxes to the Tribe. The annual expenses for the homes will be consolidated by the Tribe into one simple monthly payment, which the qualifying Tribal member will pay to the Tribe. The Tribe will in turn, insure the insurance, reserves and tax accounts are credited with the proper amounts and that they are paid in a timely manner. Each family will qualify on the tribally adopted qualifying criteria.

The repayment structure for each and every qualifying Tribal member family is based on the following criteria:

◇ The first \$10,000 of the HAP is granted to the qualifying Tribal member family from the Tribe. There is no repayment or interest due on the first \$10,000.00 dollars granted under the HAP policy.

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- The Tribal member family will pay not more than 15% of their adjusted household income towards the mortgage payment, and repayment of the HAP grant amount exceeding \$10,000.00.
- Annual Property Taxes, insurance, and maintenance reserves are calculated annually and then charged monthly *in addition to the* calculated monthly loan payment.
- The loan payment will be amortized over a loan schedule, (10 yrs., 15 yrs., 20 yrs., 30 yrs., <40 yrs., >) in order to insure the payment does not exceed 15% of the adjusted household income.
- The loan amount will be amortized with a three percent (3%) interest rate.

The amortization schedule including tax and insurance fees, interest and a set time and place of payment will be established prior to the purchase and reselling of the subject property. If applicant qualifies as low-income in accordance Low Income Family guidelines, the family mortgage payment may not exceed 15% of the adjusted gross family income. The following are the qualifying criteria established by the Three Affiliated Tribes:

1. The Tribe and Tribal member family will enter into a memorandum of understanding (Agreement) with an established amortization schedule, interest rate and maintenance reserve amount, with respect to such grant with the Tribal member.
2. The Tribal member family seeking HAP assistance for the purchase of a home either located within the Three Affiliated Tribes homelands or not located on Three Affiliated Tribes Trust lands, will agree to reside within the dwelling for a minimum of ten (10) years, prior to disposing of the property in any manner (repossession, sale, lease, etc.)
3. If the Tribal member family fails to reside in the dwelling for ten (10) years and the Tribe is forced to resell the property, the Tribe will recoup all costs, expenses, and fees, etc., that were necessary in order to repair the home for sale, selling and marketing the home, and interest lost to the Tribe, prior to the Tribal member family realizing any of the sales receipt from the home.
4. Upon completion of the payment of the entire loan amount according to the established amortization schedule memorandum of understanding, the Tribe will quit claim deed the home to the Tribal member family. Those homes that are within the homelands boundaries will be quit claimed for the improvements to the real property only (buildings) the land will not be transferred to any party other than the Three Affiliated Tribes.

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5. The Tribal member family that has entered into the agreement will purchase meaningful interest in an existing single family home that is described in the agreement. This housing program is not intended to be utilized for the acquisition of undeveloped land, unless the undeveloped home site is part of a construction package for new construction of a home or a manufactured home package.
6. Qualifying tribal member family criteria for this policy specifies:
  - A. Member must be 18 years or older.
  - B. Member must be in good standing with the Three Affiliated Tribes.
  - C. Member household must have received pre-qualifying budget counseling either by the Tribe or an accredited agency.
  - D. Member household must display adequate income and stable employment record to support the annual budget, monthly payments, and anticipated maintenance of the dwelling.
  - E. The selected dwelling must be insurable, and be in a decent, safe and sanitary condition, and must be inspected by a Tribal Representative prior to final approval for this assistance.
  - F. the Tribal member family will not pay more than 15% of their adjusted monthly income for the mortgage payment. Insurance, tax payments and a maintenance reserve impound account will be established, and are not factored into the 15% threshold. The insurance and tax payments are the actual estimated amount plus 15% divided by 12 months, equals the monthly tax and insurance amount to be added to the monthly mortgage payment.
  - G. The Tribal member household agrees to contribute a portion of the monthly mortgage payment to the Maintenance Reserve account. These maintenance funds will be managed by the Tribe, the maintenance contribution will be set at \$45.00 per month, these funds will be held on behalf of the purchasing tribal member household for improvements and/or needed repairs to the specified property. These funds will be utilized for major repair, improvements or appliance replacement. This Maintenance Reserve account will be funded on a monthly basis, not to exceed \$2,475.00.
  - H. The Tribal member family will not resell, release, rent or vacate the home at any time. Any income derived from the rental portions of the aforementioned property (rooms, or other structures

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or areas of the property) will be forwarded to the Tribe as principle payments to the loan. Any such payments will allow the loan to be repaid in an accelerated manner.

- I. In the event the family vacates the home, and/or vital utilities (power, water/sewer) are disconnected at the residence for longer than 14 days, the Tribe will take possession of the home and commence with foreclosure proceedings.
7. The Tribal member will insure the property, listing the purchasing Tribe as an Additional Insured. Current insurance policies and all insurance notices will be provided to the Tribe directly from the insurance carrier, and will be paid from the insurance impound account established and maintained with the monthly mortgage payment. Mandatory insurance covering the replacement costs of the home is a minimum requirement for this program. Any additional insurance coverage is an option for the Tribal member family (i.e., personal contents, liability, earthquake, flood, etc.)
8. The Tribal member family monthly mortgage payment will include the annual insurance, tax premium, and maintenance reserve calculated on a monthly rate.
9. Throughout the pre-qualification process and the actual acquisition of the property, the Tribal member will provide the Tribe with all preliminary documentation and contact people responsible for marketing the home (i.e., legal description, photograph of the home, description, lot size, address, listing agent, etc.) and will assist the Tribe with information throughout the pre-qualification process regarding the various incomes, assets, and composition of the qualifying Tribal Member family.
10. In the event a Tribal Household were to separate, the individual Tribal members that are income and tribal member qualified will be eligible parties to continue residence in the home. The exiting party will quit claim all rights and interest in the home to the remaining qualified party, the Tribe will “buy-out” the exiting party’s equity in the home, and that amount will be added onto the existing mortgage of the home. The remaining qualified tribal member will continue with the established mortgage payments, based on the new mortgage amount while not paying more than 15% of the Tribal household income until the loan is paid in full.
11. In the event that it is not financially feasible for either party to maintain the payments and the home, then the purchasing Tribal member family will provide the Tribe with *Notice of Intent to Terminate the Mortgage*. The Tribal member family will be responsible for all payments until the

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Tribe has either resold the property to another qualified Tribal member family, or the home is sold on the private market. All proceeds of sale will be utilized to reimburse the Tribe *First*, for the original purchase of the home, all costs incurred for the initial sale, and the final marketing, repairs and sale of the home. *Second*, the Tribal member family will be reimbursed for their equity in the home. All remaining proceeds of the sale of the home will be divided equally between the Tribe and the Tribal member family (purchasers of the home.)

12. Tribal members household income may be recertified every three years, based upon a request by the Tribal member household, to insure the household mortgage payment does not exceed 15% of the household income plus insurance, taxes, and maintenance reserve. Upon payment adjustment a new amortization schedule will be configured and provided to the Tribe and to the qualified tribal member family.
13. In the event the Tribal member household income falls below an acceptable standard, or there is no verifiable income the following will occur:
  - a. The Tribal member household will make written request to Temporarily Suspend the monthly Mortgage by the Tribe.
  - b. The Tribal member household will provide the Tribe with verified and documented reason for the loss of income (injury, health, laid-off from work, seasonal work, etc.)
  - c. The Tribe will then recalculate the reduced household income, and establish a new amortization schedule based upon the lowered household income, and/or extending the original mortgage time period (15 yrs., 30 yrs., etc.)
  - d. In the event the household income can only support a negative mortgage payment, the Tribe will temporarily suspend the mortgage payment for not more than six (6) months, to allow the Tribal member household to regain employment and financially sustain the families financial obligations once again (i.e., utilities, living expenses, food, car payments, et.)
  - e. The Tribe may only offer this Mortgage suspension for a six (6) month time period, if the household is not financially capable of continuing with the amortized mortgage payments following the six (6) month lapse, the Tribe will then take corrective action to assist the Tribal member household in relocating to a more affordable residence, and the Tribe will market and resell the

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home, per the memorandum of understanding between the Tribe and the Tribal member household.

14. All mortgage payments are due on the first day of the month following sixty (60) days from close of escrow. One house payment will be deposited at the time of escrow. All others will be paid in a timely manner prior to the 10<sup>th</sup> of each month directly to the Three Affiliated Tribes, at the place indicated in the Agreement. After the 10<sup>th</sup> of the month, a \$25.00 late fee will be assessed.
15. The Tribal member household must be aware that Tribal distribution of funds, non-gaming Indian money, land monies, Tribal settlements, etc., are considered household income and will be calculated into the household income amount for all eligible tribal members.
16. In the future, any Tribal monies that may be owed to the Tribal members, such as non-gaming revenue, land monies, or any other tribal distribution of funds to individual Tribal members or households, will first be credited to outstanding mortgage, insurance/tax and maintenance reserve balances, etc. Any remaining funds will then be distributed to the Tribal member household or family accordingly.
17. The Tribal Business Council having also recently enacted Tribal Resolution No. 19-055-FWF Entitled, "Approval of the Four Bears Home Mortgage Program Payroll Deduction for Tribal Employees, Entities, and Affiliates." Which states in part the following:  
"NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby requires all Four Bears Home Mortgage Program tenants who are Tribal Employees of the Three Affiliated Tribes, Fort Berthold Housing Authority, Four Bears Casino, Elbowoods Memorial Health Center, Nueta Hidatsa Sahnish College, and any additional tribal entities/affiliates not listed to set up automatic payroll deductions for their monthly mortgage payments, and to also include additional deductions to bring their delinquent amounts current.  
**THEREFORE, BE IT FINALLY RESOLVED**, that the Four Bears Home Mortgage Program Tribal Employees are required to set up these automatic payroll deductions with their employer within 60 days of enactment of this resolution." ~ **Tribal Business Council Meeting Held On March 7, 2019** ~

### ELIGIBILITY FOR ADMISSION

To be considered for admission as a participant, an applicant must complete and sign Three Affiliated Tribes Home Acquisition Program application.



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## **SELECTION OF PARTICIPANTS**

The Three Affiliated Tribes has established a policy of Tribal preference for all units built and/or managed and for any assistance programs administered by the Tribe. The preference criteria for admission to these programs are as follows:

### **Point System**

◇ Credit report with a positive credit rating	30 points
◇ Tribal household with down payment funds of \$1,000.00 - \$2,500.00	5 points
◇ Tribal household with down payment funds of \$2,501.00 - \$5,000.00	10 points
◇ Tribal household with down payment funds of \$5,001.00 - \$7,500.00	20 points
◇ Tribal household with down payment funds over \$7,501.00	25 points
◇ Married Couple	10 points
◇ 5 points for each child under age of 18 (must have legal custody)	
◇ Veteran's Preference	5 points
◇ Elderly/Disabled Preference	30 points
◇ Near Elderly Preference	15 points
◇ New home is located within the Three Affiliated Tribes boundary	25 points

Selections will be made dependent upon the availability of funds

In the case of two or more families with the same amount of points, the Tribe will look into the following criteria as tiebreakers:

### **Tie Breaker #1**

- ◇ The date of the submitted completed application.

### **Tie Breaker #2**

- ◇ The household with the highest Tribal member down payment contribution.

## **OCCUPANCY STANDARDS**

The number of household members, age and sex of persons permitted to occupy a bedroom unit should meet reasonable standards of health and privacy.

The Three Affiliated Tribes has made a determination that this reasonable standard shall not exceed two (2) persons per bedroom.

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## **RULES FOR OCCUPANCY**

1. **ZERO TOLERANCE FOR DRUGS**
  - a. There shall be no controlled substances or drugs in, or around the premises.
  - b. In the event of a conviction of any household member for the sale of controlled substance, the family may be evicted and removed from the unit.
2. **PETS**

Pets shall be maintained on a lease or fenced in area.
3. **ABANDONED VEHICLES**

No abandoned vehicles shall be kept at the house or in the yard of residents. Abandoned vehicles are those in an inoperable condition or without current license tags.
4. **CLEAN AND SANITARY**

Mortgagees shall keep the interior and exterior of the house in a clean and sanitary condition.
5. **TRASH**

Mortgagees shall deposit all garbage, trash, and rubbish in a suitable receptacle and keep the receptacle in the area provided. Garbage and rubbish must not be burned.
6. **RESPONSIBILITY OF OCCUPANTS**

Mortgages are responsible for their children or the children of any guests or other adults within the home.

## **DEFINITIONS**

For the purpose of this policy, the following definitions shall apply:

**Affordable Housing:** The term “affordable housing” means housing that complies with the requirements for affordable housing under Title II. The tem includes permanent housing for homeless people who are persons with disabilities, transitional housing and single room occupancy housing.

**Annual Income:** As reported under the Census long-form for the most recent available decennial Census. This definition includes:

1. Wages, salaries, tips, commissions, etc.;
2. Self-employment income;
3. Farm self-employment income;
4. Interest, dividends, net rental income, or income from estates or trusts;
5. Social Security, railroad retirement, and all other retirements;
6. Supplemental Security Income, aid to families with dependent children, or other public assistance or public or Tribal welfare programs;
7. Retirement, survivor or disability pensions;
8. Child support;
9. Any other sources of income received regularly, including Veterans payments, unemployment compensation, and alimony; or adjusted gross income as defined for purposes of reporting under Internal Revenue

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Service (IRS Form 1040 series for individual Federal Annual Income Tax purposes.)

Drug Related Criminal Activity: The term “drug related criminal activity” means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as such term is defined in Section 102 of the Controlled Substances Act.)

Elderly Families: The term “elderly family” means a family whose head of household (or his or her spouse), or whose sole member is an elderly person or a near elderly person, a near-elderly family, a disabled family and/or a single person. An elderly person is a person who is at least 62 years of age.

Family: The term “family” includes, but is not limited to a family with or without children, an elderly family, a near-elderly family, a disabled family and a single person determined by the Tribe.

Married Couple: The legal status, condition, or relationship that results from a contract by which one man and one woman, who have the capacity to enter into such an agreement, mutually promise to live together in the relationship of Husband and Wife in law for life, or until the legal termination of the relationship.

Homeless Family: Means a family who is without safe, sanitary and affordable housing even though it may have temporary shelter provided by the community, or a family who is homeless as determined by the Tribe.

Income: The term “income” means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary, except that the following amounts may not be considered as income under this paragraph.

- A. Any amounts not actually received by the family;
- B. Any amounts that would be eligible for exclusion under Section 1613(a)(7) of the Social Security Act;

Excluded Income: Income that is regular verifiable income that is not considered as part of the annual income of a Tribal member family for this policy includes:

- A. Earned income of minors. The amount of any earned income of any member of the family who is less than 18 years of age.
- B. Earned income of full-time students 18 years of age or older.

Low-Income Family: The term “low-income family” means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this definition, establish income ceilings higher or lower than 80 percent of the median for the area

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on the basis of the findings of the Secretary or the agency that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes.

Median Income: The term “median income” means, with respect to an area that is an Indian area, the greater of:

- A. The median income for the United States;
- B. The median income for the counties, previous counties, or their equivalent in which the Indian area is located.

Near Elderly Family: The term “Near Elderly Family” is defined as a household whose head of household or spouse, whichever is older, is at least 55 years of age and less than 62 years of age.

Near Elderly Person: The term “Near Elderly Person” means a person who is at least 55 years of age and less than 62 years of age.

Person with disabilities or handicapped: The term “disabled or handicapped” means a person who:

- A. Has a disability as defined in Section 223 of the Social Security Act;
- B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which:
  - a. is expected to be of long-continued and indefinite duration;
  - b. substantially impedes his or her ability to live independently; and
  - c. is of such a nature that such ability could be improved by more suitable housing conditions; or
- C. Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.
- D. The term “person with disabilities” includes persons who have the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agent for acquired immunodeficiency syndrome.
- E. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under this part, solely on the basis of any drug or alcohol dependence.
- F. For purposes of this definition, the term “physical, mental or emotional impairment” includes but is not limited to:



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- a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or
- b. Any mental or psychological condition, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- c. The term “physical, mental, or not limited to” refers to such diseases and conditions: orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, and emotional illness.

Tribal Member: The term “tribal member” is any person recognized by the Three Affiliated Tribes as an enrolled member of their Tribe.

Housing Emergency: A housing emergency is defined as a Tribal member household living without the comforts of housing or shelter.

**Approved:**

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**V. Judy Brugh, Four Bears Segment Representative**

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**Dated**