

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

**WHEREAS,** This Nation, having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes generally 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; and

**WHEREAS,** The Three Affiliated Tribes Tribal Business Council is aware of the dire housing shortage suffered by members of the Three Affiliated Tribes and other Native Americans residing or wishing to reside on Fort Berthold, and

**WHEREAS,** The Tribal Business Council agrees that members of the Three Affiliated Tribes and other Native Americans suffer this shortage more acutely than the general population, and

**WHEREAS,** The Fort Berthold Housing Authority is a duly recognized Indian Housing Authority created under Tribal Ordinance, and, as such, is eligible under the *U.S. Department of Housing and Urban Development Notice PIH 94-25 (IHA)* issued May 24, 1994, to utilize a "tribal member" preference and "other Indian" preference in admissions to assisted housing programs, and

**WHEREAS,** This preference will enable the Fort Berthold Housing Authority to insure that we, as a Tribe, better assist our tribal membership and our fellow Native Americans with badly needed housing,

**NOW THEREFORE BE IT RESOLVED,** That the Three Affiliated Tribes Tribal Business Council hereby authorizes and directs the Fort Berthold Housing Authority to immediately implement within its Admissions and Occupancy Policies an admissions preference which prioritizes applicants for housing as follows: 1) Three Affiliated Tribes Tribal Members, then, 2) Non-Member Native Americans, and then, 3) all other applicants.

**BE IT FURTHER RESOLVED,** That the Executive Director of the Fort Berthold Housing Authority shall be directly responsible to accomplish the procedures necessary for implementation, with the aid and approval of the Fort Berthold Housing Authority Board of Commissioners.



## PUBLIC AND INDIAN HOUSING

Special Attention of: Administrators, Field Offices  
of Native American Programs, Native American  
Programs Housing Management Division Directors,  
Indian Housing Authorities

**Notice** PIH 94-25 (IHA)

Issued: May 24, 1994  
Expires: May 31, 1995

Cross References:

Subject: Native American Preference in Admissions to Assisted  
Housing Programs

**PURPOSE:** This Notice provides guidance on implementation of the Departmental policy allowing a preference in admissions for Indian tribal members and other Indians to assisted housing programs operated by certain eligible Indian Housing Authorities (IHA).

**APPLICABILITY:** This Notice applies to all eligible IHAs operating housing programs assisted under the United States Housing Act of 1937 (as amended), including but not limited to, Rental, Mutual Help Homeownership Opportunity, Turnkey III Homeownership Opportunities and Section 8.

**BACKGROUND:** Indian tribes with the governmental police power to promote the general welfare may establish an IHA pursuant to a tribal ordinance enacted by the governing body of the tribe (Tribal Ordinance IHAs). See 24 CFR 905.126. An IHA may also be established pursuant to a State law that provides for such establishment (State Law IHAs). See 24 CFR 905.125.

**ELIGIBLE IHAS:** All Tribal Ordinance IHAs are subject to the Indian Civil Rights Act (Title II of the Civil Rights Act of 1968, 25 U.S.C. §§1301-1303). As such, they are not subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§2000d-2000d-4) and the Fair Housing Act (42 U.S.C. §§3601-3620). All such IHAs are eligible IHAs under the terms of this Notice. The Department will determine, on a case-by-case basis, whether the tribes of State Law IHAs exercise the requisite powers of self-government necessary to be classified as eligible IHAs under the terms of this Notice. Requests for such determinations should be made to the Director, Office of Native American Programs in Headquarters. The Department has concluded that IHAs created under Oklahoma State law are subject to the Indian Civil Rights Act and are therefore eligible IHAs under the terms of this Notice.

: Distribution: W-3-1, W-3-1, W-2(H), R-3-1(PIH), R-9, R-9-1, 138-7

**IMPLEMENTATION:** An eligible IHA may, subject to tribal law, ordinance, resolution, or constitutional amendment, implement a system of preferences in admission which prefers tribal member Indians or other Indians over non-Indians in its Indian Housing programs.

  
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Assistant Secretary  
for Public and Indian Housing



U.S. Department of Housing and Urban Development

PUBLIC AND INDIAN HOUSING

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Special Attention of:

Administrators, Offices of Native  
American Programs;  
Indian Housing Authorities

## Notice

PIH 96-1 (IHA)

Issued: January 22, 1996

Expires: December 31, 1996

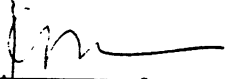
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Cross References:

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Subject: Reissuance of Notice PIH 94-25 (IHA), Native American  
Preference in Admissions to Assisted Housing Programs

This Notice reissues Notice PIH 94-25 (IHA), same subject, which expired  
May 31, 1995, until December 31, 1996.

  
Kevin Emanuel Marchman, Deputy  
Assistant Secretary for Distressed  
and Troubled Housing Recovery

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PI : Distribution : W-3-1, W-2(H), R-3-1(PIH), R-9, 138-7


**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 seven (7) members of whom five (5) constitutes a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 8<sup>th</sup> day of February 1996; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 0 members opposed, 2 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 8<sup>th</sup> day of February 1996.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Three Affiliated Tribes