



Approval of the Lower Elwha Klallam Tribe Homeowner Assistance Fund Program Plan

WHEREAS, the Lower Elwha Tribal Community, also known as the Lower Elwha Klallam Tribe (“the Tribe”), is a federally recognized, self-governing Indian tribe in accordance with the Treaty of Point-No-Point of January 26, 1855, its Constitution and By-laws, approved by the Secretary of the Interior on April 29, 1968, and the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the Lower Elwha Klallam Tribal Business Committee of the Lower Elwha Community Council is the constitutionally and duly elected representative body of the Tribe, and is responsible for ensuring the health, safety, education, welfare, social and economic development, law and order, judicial services, and housing of its tribal citizens; and to preserve and protect the culture, treaty rights, natural resources, and otherwise promoting the welfare and interests of its tribal citizens; and

WHEREAS, under Article IV, Section 1 (a) of the Tribe’s Constitution, the Tribe has the authority to consult, negotiate, contract or conclude agreements with Federal, State and local governments, and others, on behalf of the community and to advise and consult with their representatives on all activities that may affect the community; and

WHEREAS, on March 13, 2020, Chairwoman Frances Charles declared a Public Health Emergency Declaration due to Coronavirus COVID-19 and directed the implementation of the Tribe's Comprehensive Emergency Management Plan (March 2013) and the Business Committee ratified the emergency declaration by Resolution No. 39-20 on March 19, 2020; and

WHEREAS, on March 11, 2021, President Biden signed the historic American Rescue Plan Act (ARPA) that included the Homeowner Assistance Fund (HAF); and

WHEREAS, the Tribe entered into an agreement with the U.S. Department of Treasury to provide financial assistance to eligible homeowners for qualified expenses in accordance with the HAF guidelines and committed to being responsive to community needs by providing clear pathways for eligible Tribal members to access HAF program funding; and

WHEREAS, the Tribe was awarded \$451,258.00 in ARPA HAF funds to prevent mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacement of Lower Elwha Tribal homeowners experiencing financial hardships after January 21, 2020.

THEREFORE BE IT NOW RESOLVED THAT, that the Lower Elwha Klallam Tribe recognizes the importance of meeting the needs of tribal homeowners to maintain safe, financially secured, and habitable housing.

BE IT FURTHER RESOLVED THAT, the Business Committee hereby approves and adopts the Lower Elwha Klallam Tribe’s Homeowner Assistance Fund Program in the form attached to this resolution with an effective date of August 9, 2022.

BE IT FURTHER RESOLVED THAT, in adopting the Homeowner Assistance Fund Program, the Business Committee finds that the following general criteria of the General Welfare Code are met:

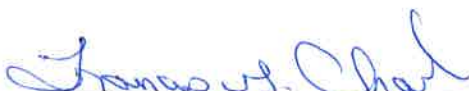
- (a) The benefit is provided under a specific approved program of the Tribe;
- (b) The program has written guidelines specifying how individuals may qualify for the benefit;
- (c) The benefit is available to any Tribal member, qualified nonmember, or identified group of Tribal members or qualified nonmembers who satisfy the program guidelines, subject to budgetary restraints;
- (d) The distribution of benefits from the program does not discriminate in favor of the governing body of the Tribe;
- (e) The benefit is not compensation for services; and
- (f) The benefit is not lavish or extravagant under the facts and circumstances.

BE IT FURTHER RESOLVED THAT, the Business Committee hereby expressly approves the Due Process requirements of the Homeowner Assistance Fund including the limited waiver of the Tribe’s sovereign immunity from unconsented suits in the Lower Elwha Tribal Court for the limited purpose of resolving beneficiary forfeiture and recovery disputes under the program.

BE IT FINALLY RESOLVED THAT, the Business Committee hereby establishes the Homeowner Assistance Fund Program under the administration of the Tribe’s Executive Director (ED) and Tribal Operations Officer (TOO) and authorizes and directs the ED and TOO to execute any further actions necessary to accomplish the purpose and intent of this resolution

CERTIFICATION

The foregoing resolution was presented at a duly called meeting of the Lower Elwha Klallam Business Committee held on the 9th day of August 2022, at which 4 members were present, constituting a quorum, and the Business Committee voted to adopt by a vote of 3 FOR, 0 AGAINST, and 0 ABSTENTIONS.



Frances G. Charles, Tribal Chairwoman



Council Member