



NCA 14-069

CLASSIFICATION: #24. HOUSING

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 24, CHAPTER 8, SUBCHAPTER 1. "Mortgage Down Payment and Closing Cost Program" AND REPEALING CHAPTER 8, SUBCHAPTER 2. "Foreclosure Prevention Assistance"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. AMENDMENT. The amendments shall be codified in Title 24 Chapter 8, Subchapter 1 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendments and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment without further National Council Approval:

TITLE 24. Housing
CHAPTER 8. Mortgage Assistance Program Policy
SUBCHAPTER 1. Mortgage Down Payment and Closing Cost Program

§8-101. Introduction.

The Housing ~~Division~~ Department of the Muscogee (Creek) Nation sets forth the following policy to be used in the administration of the Mortgage Down Payment and Closing Cost Program which shall be in compliance with the federal requirements as described in the Native American Housing and Self Determination Act (NAHASDA); and throughout 24 CFR, Part 1000.

§8-102. Objectives.

It is the policy of the Housing ~~Division~~ Department:

- A. To provide eligible Native American Families with affordable housing and the opportunity to become homeowners.
- B. To give preference to applicants in accordance with the requirements of the Native American Housing Assistance and Self Determination Act (NAHASDA) and preferences established by the Muscogee (Creek) Nation.
- C. To establish objectives and reasonable policies for the participant criteria for the Mortgage Down Payment and Closing Cost Program.

§8-103. Conditions Governing Eligibility.

To be eligible for admission to the Mortgage Down Payment and Closing Cost Program, applicants must:

- A. Be a first time **home** buyer. First time home buyers shall be defined as not having ownership in their principal residence, or any other residence, either with a deed in their name and/or a contract for a deed/mortgage or title for the property in the last 5 (five) years.
- B. Not be an existing or former Mutual Help or NAHASDA Homebuyer/Lease with the Option to Purchase participant regardless of the housing service area. Exception; In the event of a divorce, the spouse not awarded the home, by Muscogee (Creek) Nation Housing Division may receive assistance dependent upon meeting all eligibility criteria.
- C. Be willing to reside within the State of Oklahoma.
- D. Qualify as a family as defined in the Admissions Policy
- E. Have a minimum annual family income of at least fifty (50%) percent. Of the national median income but does not exceed eighty (80%) percent of the national median income published by HUD. The definition of income will be the IRS definition of income. The definition of income shall be the Census definition, the Section 8 definition, or the IRS definition. The definition, which is the most advantageous to the applicant, homebuyer or tenant.
- F. Be 18 (eighteen) years of age or older.
- G. Provide all requested information according to application checklist.
- H. Sign all required forms including the consent for disclosure of information.

i. Meet all credit check and financial obligations for loan assistance from an approved and certified financial leader lender.

j. Co-applicants must provide a copy of a valid marriage license.

§8-104. Participant Criteria.

In determining program eligibility, it shall be the policy of the Housing Division Department to select participants as outlined below:

A. Ranking Preference. Applicants will be ranked in priority by approved date.

1. 4/4 Muscogee (Creek) large families (2 or more in household), or the elderly disabled or handicapped.
2. 1/2 or more Muscogee (Creek) large families (2 or more in household), or the elderly, disabled, or handicapped.
3. Less than 1/2 Muscogee (Creek) large families (2 or more in household), or the elderly, disabled, or handicapped.
4. Single 4/4 Muscogee (Creek) Citizen.
5. Single less than 4/4 Muscogee (Creek) Citizen.
6. Other Indian Tribes

B. Program Eligibility. Participation will be income and credit based.

C. Grant Assistance. \$25,000.00 maximum.

D. The maximum cost for the home may not exceed the published Total Development Cost (TDC) provided by HUD.

E. Recipients that have received or are receiving grant assistance through the former MAP, now Mortgage Down Payment and Closing Cost Program **shall not be eligible for future assistance through the Housing Department Mortgage Down Payment and Closing Cost Program.**

F. Participant Selection Criteria. The Housing Division Department shall not select any applicant who:

1. Does not have the ability to meet mortgage obligation, as determined by a loan committee; or
2. Owes debts incurred from prior occupancy of a HUD-assisted home at this or any other housing entity; or
3. Has not been previously evicted for noncompliance from the Housing Division ~~Department~~; or
4. Does not intend to use the home as the principal residence; or
5. Intentionally and falsely submitted applicant information; or
6. Does not complete an eight (8) hour homebuyer education course and obtain certificate; or
7. Is a non U.S. Citizen or has a spouse that is a non U.S. Citizen.

G. The applicant's criminal record (including all household members), particularly drug related activities, physical violent crimes, or other criminal acts which may endanger other residents. This information is necessary in order to determine the detrimental effect an applicant's conduct would likely have on the program or its residents.

§8-105. Public Disclosure.

A. Conflicts Prohibited. No person who participates in the decision-making process or who gains inside information with regard to NAHASDA assisted activities may obtain personal or financial interest or benefit from such activities, except for the use of NAHASDA funds to pay salaries or other related administrative costs. Such persons include anyone with an interest in any contract, subcontract or agreement or proceeds there under, either for themselves or others with whom they have a business or immediate family ties. Immediately family ties are determined by the Muscogee (Creek) Nation or Housing Division policy.

B. The conflict of interest provision does not apply in instances when a person who might otherwise be included under the conflict provision is low-income and is selected for assistance in accordance with the Housing Division's **Department's** written policies for eligibility, admission and occupancy of families for housing assistance with Indian Housing Block Grant funds, provided there is no conflict of interest under applicable tribal or state law. The Housing Division **Department** must make a public disclosure of the nature of assistance to be provided and the specific basis for the selection of the person. The Housing Division **Department** shall provide the appropriate Area Office of Native American Programs with a copy of the disclosure before the assistance is provided to the person.

§8-106. Verification and Documentation of Application Data.

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- A. Information submitted by each applicant shall be verified.
- B. Complete and accurate verified records consisting of, but not limited to the following, are to be maintained:
 - 1. Proof of Citizenship Status of applicant(s).
 - 2. Copies of Social Security Cards on all household members.
 - 3. Verification of all income from all sources.
 - 4. Income Tax return for most current filing.
 - 5. Verification of data submitted.

§8-107. Types of Housing.

- A. Types of Housing which do not qualify for the Mortgage Down Payment and Closing Cost Program are as follows:
 - 1. Homes shall be residential in nature and not be a commercial type (i.e. storefronts, mixed used buildings).
 - 2. Real estate with more than one pg. 5(1) residence.
 - 3. Mobile Homes. A mobile home is defined as one that has or had any axles.

§8-108. Homebuyer HOME Requirements.

- A. Home and termite inspection shall be required on all home purchases before closing.
- B. Homes built before 1978 must have ~~Development Department~~ prior approval.
- C. All closings will be coordinated through the ~~Development Department~~ Mortgage Down Payment and Closing Cost Program.
- D. Must be able to qualify for an approximate loan amount of \$80,000.00.

§8-109. Grant Repayment.

The applicant shall sign a mortgage indicating that in the event the home ceases to be the primary residence or is sold within ten years from the date of the grant assistance, (refer to HUD's program Guidance 2005-10) the applicant shall be responsible for a partial repayment. The loan shall be reduced by 1/120th of the original principal balance of the loan for each month the loan is outstanding. Such monthly reductions shall take effect on the same day of the month the loan was originally made. In the event of foreclosure, the full amount of the principal remaining shall be due and payable.

§8-110. Grievances.

All grievances will be reviewed by the loan committee.

~~SUBCHAPTER 2. Foreclosure Prevention Assistance~~

~~§8-201 Foreclosure prevention Assistance~~

~~A. To prevent foreclosure, the Housing Department will directly pay the lender up to six (6) monthly mortgage payments on a one time basis. This assistance will be provided in situations created by financial loss beyond the control of the applicant.~~


- ~~1. Must be Muscogee (Creek) Citizen~~
- ~~2. Must live in Muscogee (Creek) Nation jurisdictional boundaries~~
- ~~3. Up to \$5,000.00 on a one time basis~~
- ~~4. In the form of a grant.~~

SECTION TWO. REPEALER. MCNCA Title 24, Chapter 8, Subchapter 2. "Foreclosure Prevention Assistance" is hereby repealed. All prior laws which are inconsistent with this Act are hereby repealed and shall have no force and effect from this date forward.

SECTION THREE. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this 17th day of May, 2014.


IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Thomas Yahola, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

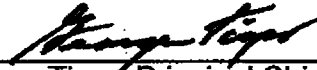
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fifteen** members attending this meeting on the **17th** day of **May, 2014** and that the above is in conformity with the provisions therein adopted by a vote of **14** in favor, **0** against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Sewell, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 22nd day of May, 2014 to the above Law, **NCA 14-069** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal Chief
Muscogee (Creek) Nation

