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TRIBAL RESOLUTION
CP-95-0
AMENDED RESOLUTION ESTABLISHING HUD AND BIA HOUSING
PROGRAM PARTICIPANT CRITERIA FOR THE
PUEBLO DE COCHITI

At a duly called meeting of the Tribal Council of the Pueblo de Cochiti, held on the 10th day of March, 1995, the following resolution was adopted:

WHEREAS, the Pueblo de Cochiti Tribal Council has the authority under Tribal and Federal law to set Tribal eligibility and preference criteria for selection of HUD and BIA Housing Program participants on the Pueblo de Cochiti; and

WHEREAS, the Pueblo de Cochiti has a traditional culture and traditional form of government, and has the inherent right and sovereign authority to adopt laws and policies which will preserve and protect the Pueblo's unique customs and social order and to control its own internal and social relations; and

WHEREAS, it is in the best long term interest of the Pueblo to adopt standard Tribal participant eligibility preference criteria to be uniformly applied to all HUD and BIA Housing Programs implemented on the Pueblo de Cochiti, as an overlay to any and all federal participant eligibility and preference criteria, now therefore be it,

RESOLVED, that the Tribal Council of the Pueblo de Cochiti does hereby adopt and establish the following criteria for selection of HUD and BIA Housing Program participants on the Pueblo de Cochiti, to be applied in the order set out below:

1. The applicant must qualify under the Federally established eligibility requirements for the particular HUD and BIA Housing Program for which the applicant applied.

2.
 - (a) No person shall be eligible to participate in any HUD or BIA Housing Program on the Pueblo de Cochiti unless (1) that person is a member of the Pueblo de Cochiti or a spouse or minor child of a member, and (2) is a lawful resident or eligible to be lawful resident on the Pueblo. For purposes of this criteria, females married to or cohabiting with non-Cochiti males are not permitted to live on the Pueblo.
 - (b) Eligibility under these criteria shall be established pursuant to the traditional laws and customs of the Pueblo de Cochiti.
 - (c) The Tribal Council shall have the authority and the responsibility for certifying individual applicant eligibility under these criteria. The Tribal Council's determination on these tribal eligibility criteria shall not be subject to challenge or review in any Court or HUD and Housing Authority or BIA Administrative Proceeding.
 - (d) These are counting requirements. Any person who is later found not to have met or no longer meet these pueblo requirements for participation, shall be required to cease participation in said programs, whether or not they met those requirements when their original participation began. In such circumstances, they will forfeit all right, title, and interest in the housing and shall be required to vacate said housing unit within 30 days after delivery of written notice from the Governor to vacate the unit.
3. Applicants who are otherwise eligible to participate in any particular HUD or BIA Housing Program on the Pueblo de Cochiti under the foregoing criteria shall also be required to meet any other eligibility criteria established by the All Indian Pueblo Housing Authority, not inconsistent with Federal Law or this tribal resolution.
4. If the available participant slots or housing units for the particular HUD or BIA Housing Program are not sufficient to accommodate all eligible applicants, preference in selection of Program participants shall be given to applicants who meet all required Federally established preference criteria (if any) for that particular HUD or BIA Housing Program involved.
5. If the available participant slots or housing units for the Program in question are still not sufficient to accommodate all eligible applicants who meet the federal preference criteria, preference in selection of Program participants shall be given to applicants who meet the following tribally established preference criteria, applicable to all HUD or BIA Housing Programs on the Pueblo de Cochiti.
 - (a) First priority to eligible tribal members who are economically disadvantaged on account of their commitment to the Pueblo's traditional way of life, which includes participation in what are often time-consuming traditional ceremonial obligations. The Tribal Council shall have the authority and responsibility for certifying individual Tribal member eligibility for this preference. Since the Pueblo operates pursuant to a traditional form of government and since the Pueblo's traditional laws and customs prohibit disclosure of information regarding

these traditional ceremonial practices and obligations, the Tribal Council's certification of a Tribal member's eligibility for this preference shall not be subject to challenge or review in any Court or HUD or Housing Authority or BIA Administrative proceeding, but shall be final.

(b) Married eligible applicants with one or more dependents in the household who qualify under the First Priority Tribal Preference shall have preference over married applicants without one or more dependents in the household, and over the below-listed categories of applicants who qualify for the First Priority Tribal Preference.

(c) Married eligible applicants without one or more dependents in the household who qualify under the First Priority Tribal Preference shall have preference over the below-listed categories of applicants who qualify for the First Priority Tribal Preference.

(d) Unmarried eligible applicants with one or more dependents in the household who qualify under the First Priority Tribal Preference shall have preference over any other applicants who qualify for that preference except those who are eligible for the category b and c preferences set out above; provided, however, that in order to support and preserve the traditional customs and social order of the Pueblo de Cochiti, unmarried female applicants, whether or not they have one or more dependents in the household, shall be required to forfeit all right, title, and interest in the housing unit and shall be required to vacate said housing unit if they marry a non-Cochiti male or if they cohabitate with a male on the Pueblo.

Unmarried male applicants, whether or not they have one or more dependents in the household, shall be required to forfeit all right, title, and interest in the housing unit and shall be required to vacate said housing unit if they cohabitate with a female on the Pueblo. Any such person shall be required to vacate the premises within 30 days after delivery of written notice from the Governor to vacate the unit.

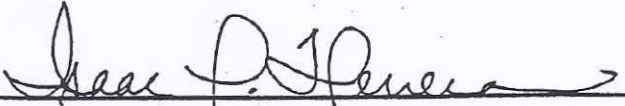
6. The Tribal Council's determinations as to whether a particular applicant meets the tribal eligibility and preference criteria established by this resolution shall be set out in Tribal Council Resolution and in such other documentation as the Council may authorize the Governor of the Pueblo to execute on behalf of the Pueblo.
7. This Resolution supersedes the "Resolution Establishing HUD and BIA Housing Program Participant Criteria for the Pueblo de Cochiti" executed effective September 23, 1994.

1) De Affirmation w/ TC.

2)

CERTIFICATION

I, the undersigned, as Governor of the Pueblo de Cochiti, hereby certify that the Pueblo de Cochiti Tribal Council, at a duly convened meeting held on the 10th day of March, 1995 approved the foregoing resolution.



GOVERNOR

ATTEST:



COUNCILMAN



COUNCILMAN