



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### (Approving 15 Residential Leases Formerly Held Under the McNary Low Income Housing Tax Credit Project)

**WHEREAS,** the Tribal Council, by separate resolution, approved the terms to successfully complete the compliance period under the McNary Low Income Housing Tax Credit project; and

**WHEREAS,** the project specifications call for the residential units to be transferred to ownership by qualified tenants after conclusion of the compliance period, subject to specified terms between the tenants and project partnership; and

**WHEREAS,** the partnership general manager, the Community Development Corporation, reports that 15 of the 20 units are ready for transfer to tenant ownership, thereby requiring approval from the Tribal Council for a residential lease; and

**WHEREAS,** three of the units require approval of a mortgage to collateralize the remaining purchase amount owed by the tenant to the general partner; and

**WHEREAS,** four of the units are occupied by nonmember tenants, each of whom has invested equity into the purchase of the home, and for that reason, and in conformity with Tribal restrictions on direct residential leases to nonmembers, each nonmember residence will be leased to a related tribal member lessee with stipulations to allow the related nonmember to hold a lifetime estate in the residence, provided that the nonmember may not sell, assign or encumber the residence; and

**WHEREAS,** the 15 residential lots, located in McNary, and the lessees/tenants are as follows:

- |        |   |
|--------|---|
| Lot 1  | Victor and Lisa (Gloshay) Hinton, lessees                 |
| Lot 3  | Navecia Hill, lessee, with nonmember Maye Hill as tenant  |
| Lot 4  | Ronald and Melody (Burnette) Lupe, lessees                |
| Lot 5  | Preston Thompson, Sr., lessee, with Reannon Lee as tenant |
| Lot 6  | Kathleen Whitehair, lessee                                |
| Lot 8  | Leo Thompson, Jr., lessee                                 |
| Lot 9  | Dortha Antonio, lessee                                    |
| Lot 10 | Norma Gregg, lessee                                       |
| Lot 11 | Shawna (Chino) Shorty, lessee                             |
| Lot 12 | Bernard Tortice, lessee, with Fredna Comaduran as tenant  |
| Lot 15 | Mary Jane (Carter) Dewey, lessee                          |
| Lot 16 | Leon Bonito, lessee, with Esperanza Johnson as tenant     |
| Lot 17 | Robert and Tara (Valdez) Vataha, lessees                  |
| Lot 19 | Brenda Roberts, lessee                                    |
| Lot 20 | Kenneth and June (Crocker) Patton, lessees                |

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**WHEREAS**, the residential leases will have an initial term of 25 years and then will automatically renew for an additional 25 year term at a rental rate of One Dollar per 25 year term; and

**WHEREAS**, the Tribal Council has reviewed the lease documents and concurs with the terms, including the special provisions to permit the occupancy by the nonmembers designated above.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a residential lease for a period of 25 years, with an automatic renewal of 25 years, at the nominal lease fee of \$1.00 per 25-year period, to the following tribal members for the specified McNary lots:

Lot 1	Victor and Lisa (Gloshay) Hinton, lessees
Lot 3	Navecia Hill, lessee, with nonmember Maye Hill as tenant
Lot 4	Ronald and Melody (Burnette) Lupe, lessees
Lot 5	Preston Thompson, Sr., lessee, with Reannon Lee as tenant
Lot 6	Kathleen Whitehair, lessee
Lot 8	Leo Thompson, Jr., lessee
Lot 9	Dortha Antonio, lessee
Lot 10	Norma Gregg, lessee
Lot 11	Shawna (Chino) Shorty, lessee
Lot 12	Bernard Tortice, lessee, with FrednaComaduran as tenant
Lot 15	Mary Jane (Carter)Dewey, lessee
Lot 16	Leon Bonito, lessee, with Esperanza Johnson as tenant
Lot 17	Robert and Tara (Valdez) Vataha, lessees
Lot 19	Brenda Roberts, lessee
Lot 20	Kenneth and June (Crocker) Patton, lessees.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that authorizes the lessees to encumber the leasehold premises for the purpose of securing financing to acquire or repair/renovate the home and to record a leasehold mortgage for the benefit of the Community Development Corporation, Inc., for those units subject to a remaining balance due.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the special conditions for the tenancy of the nonmembers listed above to provide a life estate for the tenant, provided that the nonmember tenant may not sell, encumber or assign any rights to the residential unit, and that all leasehold rights to the premises will revert to the tribal member lessee or the lessee's heirs or assigns, following the term of use by the tenant.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby makes the following declarations for purposes of 25 C.F.R., Part 162:

1. The Tribe has determined that the lease will be for public housing purposes and has negotiated satisfactory compensation and will not require valuation pursuant to 25 CFR §162.320 and 25 CFR §162.326, if applicable, and the Tribe further states that accepting the negotiated compensation and waiving the valuation is in the Tribe's best interest;

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2. The Tribe has determined that it is in its best interest to not have compensation reviews and/or adjustments as would otherwise be required under 25 CFR §162.328 as the lease is for public housing purposes.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on SEPTEMBER 27, 2017 duly adopted by a vote of EIGHT for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	<u>10/5/17</u>		<u>10/5/17</u>
Ronnie Luye, Tribal Chairman	Date	Doreen T. Numkena, Tribal Secretary	Date