

**ONEIDA INDIAN NATION
DISSOLUTION OF
ONEIDA HOUSING CORPORATION &
ESTABLISHMENT OF NATION HOUSING DEPARTMENT**

**Ordinance No.: O-15-06
(Repeals Ordinance No. O-91-02)**

The Oneida Indian Nation (the "Nation") adopts and enacts this Ordinance pursuant to its powers of self-government to dissolve the Oneida Housing Corporation and the Oneida Housing Corporation Board, establish a Nation Department of Housing. Nation Ordinance O-97-03 is repealed in its entirety.

Article I –Purpose

The purpose of this Ordinance is to dissolve the Oneida Housing Corporation and the Oneida Housing Corporation Board (together "OHC") and to establish, in OHC's place, a Nation Department of Housing.

Article II – Dissolution of OHC and Repeal of Ordinance No. O-97-03

Nation Ordinance No. O-97-03 is repealed in its entirety and the Oneida Indian Nation Housing Corporation and the Oneida Housing Corporation Board established under such ordinance are dissolved.

Article III- Establishment of Nation Department of Housing

1. The Nation Department of Housing (the "Department of Housing"), is hereby established as a governmental department of the Nation to engage in any lawful activities necessary to fulfill the purpose of development and managing housing accommodations on behalf of the Nation, including, but not limited to, developing or operating low income housing for Indians and administering grants and contracts which fund the types of activities for which the Department of Housing is authorized. The Department of Housing shall be the successor to OHC and, as of the date of this Ordinance, shall assume all of OHC's assets, rights, liabilities and obligations.

2. The Department of Housing shall have the duty to implement this Ordinance and to promulgate and/or amend rules, policies and such other pronouncements and to issue decisions as the Department of Housing deems appropriate in order to fulfill the purposes of this Ordinance ("Department of Housing Rules"). All Department of Housing Rules shall be submitted to the Nation Representative(s) for review and approval.

Article IV – Appeal of Department of Housing Decisions

1. Within thirty (30) days of receipt of a decision from the Department of Housing issued pursuant to this Ordinance or any Department of Housing Rules (a "Department of Housing Decision"), any party who is aggrieved by such Department of Housing Decision may appeal to the Oneida Indian Nation Appellate Court, in the manner prescribed by Rule 48 of the Oneida Indian Nation Rules of Civil Procedure, and in accordance with that Court's procedures. Solely for purposes of application of Rule 48 to appeals under this Section, a Department of Housing Decision shall be treated as a decision or order from the Oneida Nation Trial Court; provided, however, that a party filing an appeal under this Section shall not be required to pay the filing fee provided for in Rule 48(c). All decisions of the Appellate Court shall be final and binding, and shall not be subject to review or appeal in any other court or tribunal. On appeal, the Oneida Indian Nation Appellate Court shall not substitute its judgment for that of the

Department of Housing as to findings of fact, unless the Appellate Court finds that the Department of Housing's findings of fact were clearly in error. The Appellate Court shall review any questions of law *de novo*, provided, however, that the Appellate Court shall give due consideration and deference to the Department of Housing's expertise in the application and interpretation of this Ordinance.

2. If no appeal is taken within thirty (30) days of receipt of a Department of Housing Decision, such Department of Housing Decision shall be final and binding, and may be enforced in the same manner as a judgment of the Oneida Indian Nation Courts.

Article V – Interpretation

1. By adoption of this Ordinance, the Nation hereby consents to a limited waiver of sovereign immunity for the sole and limited purpose of allowing appeals of Department of Housing Decisions as specified in Article IV, Section 1 of this Ordinance and only in the forum specified in such section. This limited waiver of sovereign immunity is strictly limited to appeals of Department of Housing Decisions as specified in Article IV, Section 1 of this Ordinance. No other private right of action by any person, partnership, association, corporation, trust, legal representative or any other entity is created, nor is the Nation's sovereign immunity waived for any other right of action.

2. Except as set forth in Section 1 of this Article V, the Nation does not, by enacting this Ordinance, waive in any respect its sovereign immunity, or that of its agents or officers, in any manner, under any law, for any purpose, or in any place.

2. This Ordinance is not subject to review or modification in any state or federal court or by an authority outside the Nation and is not subject to review or modification in any Nation court.

3. This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agents, its officers or employees, or any other person.

Article VI – Effective Date

This Ordinance is effective upon its enactment.

Enacted this 4th day of March, 2015.


Ray Halbritter
Nation Representative(s)