

Native American Program Identifies Possible Claims

The Siletz Tribal Council is engaged in a project with the Native American Program of Oregon Legal Services to identify any possible claims related to Indian lands which might be brought on behalf of tribal members. To prevent claims from being barred, members should contact the Siletz area office before August 1, 1983. Louise Klaila, a law student from the University of Oregon law school is researching claims during a clerkship this summer. She may be reached at the following address and telephone number:

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NATIVE AMERICAN PROGRAM
Oregon Legal Services Corporation
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Types of claims which might be identified include the following:

I. TRESPASS

1. Agricultural Trespass
2. Building or other structure in trespass
3. Placement of dredge spoil, fill, garbage, etc. in trespass - dumping wrongfully
4. Fence or other boundary encroachment
5. Grazing trespass
6. Inundation, flooding, seepage, etc. in trespass
7. Road or highway that benefits the tract in trespass
8. Road or highway which causes damage to the tract in trespass
9. Ditch or canal that benefits the tract in trespass
10. Ditch or canal that causes damage to the tract in trespass
11. Utility line or pipeline which benefits the tract in trespass
12. Utility line or pipeline which causes damage to the tract in trespass
13. Railroad in trespass

II. CONTRACT

1. Contract Breach
2. Claim for unpaid lease rentals, permit fees or easement consideration
3. Claim for old age assistance or other welfare payments made from trust estates

III. TITLE

1. Claim to tidelands, accreted or relicited lands
2. Claim for recovery of land in trust or restricted status where prior fee patent cancelled under questionable circumstances
3. Claim for recovery of title where a fee patent or certificate of competency issued without application or consent (forced fee patents)
4. Claim to trust or restricted lands condemned in state court or lost through improper mortgage foreclosure
5. Claim for recovery of trust or restricted lands improperly designated school lands or patented as swamp lands
6. Claim for recovery of lands not relinquished on abandonment or reverter
7. Claim for recovery of trust or restricted lands sold without approval
8. Claim for recovery of IRS allotments sold by BIA without consent of all heirs (Secretarial transfers)
9. Claim for recovery of lands tax forfeited while in trust or restricted status
10. Claim for recovery of trust or restricted lands sold or distributed to the wrong heirs by a local court without jurisdiction

IV. NATURAL RESOURCES

1. Wrongful water appropriation
2. Destruction of fishing sites
3. Damage to fishery resources
4. Wrongful diminution of available game supplies
5. Damage to available wild rice or other harvestable natural growth
6. Damage to water quality
7. Gravel, fill, minerals or oil and gas removed
8. Other harvestable natural growth, including fish, removed wrongfully
9. Timber removed wrongfully
10. Wrongful taxation of land in trust or restricted status

Confederated Tribes Home Improvement Program

1. INTRODUCTION

The Siletz Tribe has contracted with the federal government to administer the Housing Improvement Program for Siletz Indians. The program shall be administered pursuant to federal regulations and the procedures established hereby. The federal regulations governing this program are set forth in 25 CFR et seq and incorporated herein by reference. Future changes in the federal regulations also are adopted here by reference.

2. PURPOSE

The purpose of the Housing Improvement Program is to provide grant assistance to tribal members to improve their housing situations and to give them the opportunity for a decent home and a suitable living environment.

3. ELIGIBILITY

Only those tribal members who live in the tribe's eight (8)-county service area will be considered for assistance under this program. Priority will be given to families with the greatest need as determined under federal regulations and paragraph 10 herein; with the exception of category "D" as specified in paragraph 8. Applicants must reside in the dwelling for which assistance is being sought. The applicant must have inadequate income and inadequate resources to finance the repair, or in the case of down payments, to meet the full cost of the loan.

4. CATEGORIES

Grants will be made, subject to availability of funds, in the following categories:

- Category A: for repairs to housing that will remain substandard;
- Category B: for repairs to housing that will become standard;
- Category C: for down payments;
- Category D: for new housing.

No applicant may receive more than one grant in categories B, C and D, and up to a maximum of \$2,500 in category A. The specific rules for grants under each category are set forth fully in 25 CFR 256.4. Key federal rules and procedures and additional tribal requirements are set forth below.

5. CATEGORY "A"

The purpose of Category "A" assistance is to finance repairs and additions to substandard housing to make it safer, more sanitary, and more liveable until such time as standard housing is available.

Grants shall not exceed \$2,500 for any one dwelling. If the dwelling is leased, the applicant must provide assurances from the landlord that no rent increase will result from the repair and that the applicant will be able to continue to lease the dwelling for at least two additional years following completion of the repairs.

6. The purpose of Category "B" assistance is to finance repairs and/or additions that will improve housing to "standard" condition as defined in 25 CFR 256.2(1).

Grants may not exceed \$20,000 for any one dwelling. No applicant may receive more than one grant in this category.

In general, these grants are for tribal members who own or are buying homes. Tribal members who rent from Indian owners may apply if they can provide assurances that they can remain in the dwelling for five additional years. The applicant must be able to show that no rent increase will result from the repair. The landlord must also agree in writing that, if the original applicant moves out, he will give preference in renting to another tribal member eligible under this program and will notify the Housing Coordinator of any vacancy and give the Housing Authority six months to locate another eligible tribal member to occupy the building.

7. CATEGORY "C"

The purpose of Category "C" is to provide down payment assistance to tribal members to help make them eligible for tribal, federal or other housing loan programs (including bank loans or mortgages). Grants under this category will not be made unless the financing for the mortgage is provided by federal, state or tribal government or a reputable lending institution insured under federal law.

The applicant must show that he has adequate income and other resources to meet the full cost of the mortgage loan, that he is purchasing a standard dwelling as defined in 25 CFR 256.2(1) and does not presently own or is not presently buying any other dwelling.

No other grant may be made for more than the amount necessary to secure the loan plus closing costs or \$5,000 whichever is LESS. No applicant may receive more than one grant under this category.

The applicant must provide evidence from the lending institution that the loan will be granted and give assurances that the funds will be used for the purposes intended. The lending institution must also agree in writing to notify the Housing Coordinator of any anticipated default of a tribal member and to allow the Housing Authority a reasonable time to locate a qualified tribal member to assume the loan prior to any foreclosure.

8. CATEGORY "D"

The purpose of Category "D" assistance will provide the financing of the construction of new standard housing when it is established there is no reasonable prospect that standard housing can be financed from sources other than the Housing Improvement Program.

Grants may not exceed \$45,000 for a dwelling and

equipment. No applicant may receive more than one grant under this category.

Considerations for assistance under this category is hereby limited to elderly and handicapped members of the Siletz Tribe.

All contractor built-homes must contain a one-year warranty against defects, materials and workmanship.

The applicant must have ownership of the land on which the house is being built.

Within sixty (60) days of such notice, the tribe shall have the right to either assume his/her interest in the house or designate someone to assume his/her interest. If the tribe takes no action, he/she may dispose of the house without regard to any restriction in this part.

9. APPLICATION

An applicant must be a tribal member living in the tribe's eight (8) county service area and shall submit a Home Improvement Program Grant Application and provide any other information determined necessary by the Housing Coordinator or Housing Authority.

10. APPLICATION REVIEW

Applications will be reviewed and ranked by the Housing Coordinator within each category under a system developed by the Housing Authority. Factors which shall be considered in ranking applications shall include, but are not limited to, the following:

1. Income
2. Assets
3. Family size
4. Age
5. Employment
6. Urgency of need
7. Funds available

The Housing Coordinator shall be responsible for gathering information necessary for completion of the ranking process. Upon completion of the ranking process, the Housing Coordinator shall present the list of ranked applications to the Housing Authority which shall make the final decision.

11. ONE-TIME ONLY

Applicants may receive assistance only one time in

categories B, C and D, and up to a maximum of \$2,500 in category A.

12. FUNDING

Assistance is limited by funds available. The Housing Authority makes no guarantee that funds will be granted or that successful applicants will receive the maximum amount under a category.

13. HOUSING AUTHORITY

The Housing Authority shall consist of three persons to be appointed by the Tribal Council. The Housing Authority shall meet as necessary to review ranked applications submitted by the Housing Coordinator and

make decisions thereon. The Housing Authority shall ensure compliance with requirements of these rules and procedures and the applicable federal regulations.

14. APPEALS

Appeals from decisions of the Housing Authority may be made to the Tribal Council under the rules and procedures established thereby. When the Tribal Court is established, appeals shall be made to that Court. The appeals procedure established under 25 CFR 256.7 may be followed only after tribal remedies have been exhausted.

15. IMPLEMENTATION

Successful applicants must present for review by the Housing Authority at least two bids from contractors prior to awarding a contract for work under "A", "B" and "D". Tribal members may not be paid to work on their own dwellings from grants hereunder.

CERTIFICATION

The foregoing ordinance was adopted by the Siletz Tribal Council on April 24, 1983 and ordinance No. 82-1 was repealed at a special meeting in Siletz, Oregon by a vote of 6 FOR, 1 AGAINST and 0 ABSTAINING.

SILETZ TRIBAL COUNCIL
By /s/ Mary Fisher
Tribal Chairperson

Attest:

/s/ JoAnn Miller
Tribal Council Secretary

/s/ A. Calvin Hewith
BIA Superintendent



VAL RILATOS, Tribal member, graduated from Siletz High School. She is planning to attend L.B.C.C. in Albany.

Photo by Kelley Ellis