

Cherokee Nation Code Annotated

Title 33: Housing

Chapter 3: Housing, Jobs, and Sustainable Communities

§ 33. Administration of Programs

Cite as: 33 CNCA § 33

A. Housing Programs: The Principal Chief may designate the Housing Authority of the Cherokee Nation and/or any department within the executive branch to administer the Housing Programs authorized under Section 5 § 2 (A) of this Act, provided:

a. Administrator or Administrators Reflected in Three-Year Plan: Such designation is reflected in the Three-Year Housing Plan described in Section 5 § 4 of this Act.

b. Mandatory and Discretionary Programs: The administration by the Principal Chief of Housing Programs authorized under Section 5 § 2 A (a)-(b) of this Act are mandatory and the administration of Housing Programs under Section 5 § 2 A (c)-(k) are discretionary, as determined by the Principal Chief.

c. Permissible Priority Categories: In administering any of the Housing Programs authorized under this Act, the Principal Chief, by written policy, rule or regulation adopted under the procedures described in this Act and detailed in the HJSCA Three-Year Housing Plan, may prioritize programs to meet the purposes and policies of the Act by application of any, or any combination, of the following considerations as to whether the applicant household includes individuals who are:

i. Low income (as measured by household income and as determined by rules, policies or regulations as authorized by this Act)

ii. Honorably discharged veterans or active military duty military members.

iii. First language fluent Cherokee speaker as determined by the Cherokee Nation Language Department.

iv. Elders are defined as those over 62 years of age

v. Disabled as determined by receipt of federal disability benefits.

vi. Temporarily unhoused as referred by the Department of Human Services.

vii. Suffering from a documented health condition impacting major life activities that may be substantially improved under a Housing Program, as referred by the Cherokee Nation Health Care Provider.

viii. Victims of domestic violence by referral from the Department of Human Services.

d. Cherokee Nation Citizenship Required: Applicants for Housing Programs authorized by this Act must be citizens of the Cherokee Nation, provided:

i. The Principal Chief may adopt policies, rules or regulations under the Authority of this Act to serve minor Cherokee children whose parents or guardians of the household are not citizens of the Cherokee Nation.

ii. The Principal Chief may adopt policies, rules or regulations under the Authority of this Act to continue the provision of any Housing Program authorized by this Act for surviving spouses or minor children of a deceased Cherokee Nation citizen of the household.

iii. The Principal Chief shall adopt policies, rules or regulations under the authority of this Act to prevent the provision of Housing Programs under this Act to households receiving comparable services from another Indian tribal nation.

e. At-large Citizens:

i. No citizen residing beyond the exterior boundaries of the Cherokee Nation Reservation may be denied the opportunity to apply for any Housing Program authorized herein nor be denied approval for Housing Programs within the Cherokee Nation Reservation solely on the basis of their non-resident status.

ii. The provision of any Housing Program to citizens residing beyond the exterior boundaries of the Cherokee Nation Reservation is permitted under this Act, provided said provision is reflected in the HJSCA Three-Year Housing Plan and any rules, policies or regulations adopted under the authority of this Act, provided further that the provision of such Housing Program has, a substantial impact on improving housing conditions in areas reasonably geographically proximate to the Cherokee Nation Reservation.

B. Community and Cultural Outreach Programs: Programs described in Section 5 § 1 (B) of this Act shall be administered by the Community and Cultural Outreach department, or any successor department authorized by law, including administrative reorganization by the Principal Chief.

C. Administrative Expenses: The Principal Chief is authorized, by the departments or entities he or she designates to administer programs authorized under this Act, to expend up to ten percent of the funds authorized by this Act for administrative expenses associated with programs authorized by this Act.

Historical Data

LA 35-24, eff. September 26, 2024. Amended LA 04-25, eff. February 10, 2025.