



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Text

File #: 10-035, Version: 2

### AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification

This act shall be known as the "Cherokee Home Access Act of 2010" and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

#### Section 2. Purpose

The purpose of this Act is to allow funds to be utilized from existing self-help housing rehab funds and bridge/access funds of the Cherokee Nation to construct or repair driveways, sidewalks or other means of access from public right-of-ways to private homes owned by Cherokee citizens that qualify for such assistance on the basis of financial need and residency.

#### Section 3. Legislative History

Article X, Section 7 of the Cherokee Nation Constitution states: "The credit of the Cherokee Nation shall not be given, pledged, or loaned to any individual, firm, company, corporation, or association without the approval of the Council. The Cherokee Nation shall not make any donations by gift, bonus, or otherwise, to any individual, firm, company, corporation, or association without the approval of the Council.

#### Section 4. Definitions

None.

#### Section 5. Substantive Provisions of Law

A. Funds appropriated by the Cherokee Nation in its annual budgetary Act, for self-help housing rehabilitation program may be utilized by qualified Cherokee applicants, to construct, improve and/or maintain access to their homes on private property from public roads or rights-of-way.

1. Self-help housing rehabilitation funds used for this purpose shall not exceed ~~25%~~ 20% of appropriated self-help housing rehabilitation funds during a single fiscal year, except where such additional funds are specifically appropriated for this purpose.

B. ~~In addition, or in the alternative to, the funds described in Section 5(A), funds appropriated by the Cherokee Nation, in its annual budgetary Act, for bridge and access construction or maintenance, may be utilized by county or municipal governments to connect private driveways of qualified Cherokee applicants, to public roads.~~

1. Citizens awarded funds under Section 5(B) shall be limited to one (1) award every four (4) years.
  2. ~~Grants under section 5(B) shall not exceed one thousand dollars (\$1,000.00).~~
- ~~C. B.~~ To be eligible for grants under this Act the property must be within the fourteen (14) county jurisdiction of the Cherokee Nation and the applicants must meet the income guidelines established by the Cherokee Nation administration, **consistent with the income guidelines applicable to the self-help housing rehabilitation program in effect as of the date of this act, as revised from time-to-time.**
- ~~D. C.~~ Nothing in this Act shall diminish the equal distribution of bridge/access funds by Council districts provided under existing laws. **preclude Cherokee Nation from utilizing other funding sources to achieve the purposes of this Act.**

**Section 6. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**Section 7. Severability**

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

**Section 8. Effective Date: Emergency Declared**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect immediately upon its approval and signatures.