



Apsaalooke Nation Housing  
Authority

Housing Ordinance

# CROW LAW AND ORDER CODE



## TITLE 19 HOUSING ORDINANCE

## CHAPTER 1: GENERAL PROVISIONS

19-1-101. *Declaration of Need.* The Crow Tribe finds and declares there are major and longstanding issues associated with Crow Reservation housing, including but not limited to unsanitary, unsafe, and overcrowded housing conditions. In addition, there is a major shortage of homeowners on the Crow Reservation, along with a shortage of quality rental units available to Crow tribal members. These unmet needs present an issue of the highest importance and priority to the Crow tribal membership.

19-1-102. *Policy and Intent.* It shall be the policy of the Crow Tribe to take all necessary and proper measures as a sovereign Indian nation to remedy the outstanding issues associated with housing shortage and lack of quality housing on the Crow Reservation. Pursuant to the 2001 Constitution and Bylaws of the Crow Tribe of Indians ("the 2001 Constitution"), the intent of the Crow Tribe in adopting this Ordinance is to enact tribal law and policy which guarantees to all Crow tribal members and Crow Reservation residents that the sovereign authority of the Crow Tribe shall be utilized to the absolute betterment of tribal economic security and health and welfare, especially housing, while ensuring lawfulness, fairness, transparency, and accountability in Crow Tribal Government. Further, it is the intent of the Crow Tribe to encourage private homeownership and to make tribal lands available to tribal members for residential purposes.

19-1-103. *Definitions.*

"Board of Commissioners" means the Crow Tribal Housing Board of Commissioners, consisting of the six District Housing Commissioners as established in this Housing Ordinance.

"Crow Tribe" means the Crow Tribe of Indians, also known as the Apsaalooke Nation, a sovereign Indian tribe pursuant to the 2001 Constitution.

"District Housing Commissioner" means the tribal officer with such authorities and duties as provided in this Housing Ordinance.

"Executive Branch" means the Crow Tribal Executive Branch of Government of the 2001 Constitution, consisting of the Tribal Chairman, Vice-Chairman, Secretary, and Vice-Secretary.

"Fee Status Properties" means the taxable properties that may be used for development by the Housing Authority.

"General Council" means the Crow Tribal General Council, the governing body of the Crow Tribe of Indians under the 2001 Constitution.

"Housing Authority" means the Crow Tribal Housing Authority, as established by this Ordinance and governed by the Board of Commissioners.

"Housing Ordinance" means the Crow Tribal Housing Ordinance which shall govern all housing activities on the Crow Indian Reservation and, as contained in Title 19 of the Crow Law and Order Code, *as amended*.

“Insurance” means the exclusive use of Amerind Risk to cover all properties governed by this Ordinance.

“Law and Order Code” means the Crow Tribal Law and Order Code of 2005, *as amended*.

“Legislature” means the Crow Tribal Legislative Branch of Government under the 2001 Constitution.

“NAHASDA” means the 1996 Native American Housing Assistance and Self-Determination Act, as amended, and any administrative regulations promulgated pursuant thereto.

“Notice” means that a person has actual knowledge of a fact or condition or, in the case of a landlord, that knowledge of a fact or condition is delivered at the place of business of the landlord or, in the case of a landlord or tenant, it is delivered in hand to the landlord or tenant or by certified mail to the person at the place held out by the person as the place for receipt of the communication or, in the absence of a designation, to the person's last-known address. If notice is made with a certificate of mailing or by certified mail, service of the notice is considered to have been made upon the date three (3) days after the date of mailing.

“Tribal housing unit” means all property including real property owned by the Crow Tribe, wherever located, which has been partitioned or subdivided into an individual housing lot or lots and upon which a residence has been placed and which is available for lease as a residence.

“Tribal lands” means all lands held in trust by the United States for the benefit of the Crow Tribe and all lands owned in fee simple by the Crow Tribe, and which are not otherwise considered a tribal housing unit. Such term shall not include any individually-owned lands unless the Crow Tribe has a majority of the undivided, fractionated interest as a tenant in common.

“Tribal Leasing Ordinance” means the 2009 Crow Tribal Leasing Ordinance, as enacted by CLB No. 09-04 and as may be amended.

19-1-104. *Amendments*. This Ordinance may be amended by tribal legislation duly adopted by the Legislature or General Council, in accordance with the 2001 Constitution.

## **CHAPTER 2: CROW TRIBAL HOUSING AUTHORITY**

19-2-101. *Establishment, Authority*. There is hereby established a Crow Tribal Housing Authority, which shall replace the housing authority established under the former tribal housing ordinance. The Housing Authority shall be an independent regulatory agency of the Executive Branch, with all the privileges and immunities of the Crow Tribe including sovereign immunity from suit and shall have such authorities and duties as provided in this Housing Ordinance and other applicable tribal and federal law and shall be the official Crow Tribal Designated Housing Entity pursuant to NAHASDA or other federal laws as may be implemented from time to time. In addition, the Housing Authority shall be the Crow Tribal Organization authorized to enter into self-determination contracts related to housing services, including but not limited to the housing improvement program, with the Secretary of the Interior. Unless otherwise provided in this

Housing Ordinance, no Executive Branch official or officer, or any persons purporting to act under color of tribal authority, shall exercise any power or duty on behalf of or in lieu of the Housing Authority except for a duly-authorized legal representative in the conduct of litigation. The Housing Authority may also be referred to as the "Apsaalooke Nation Housing Authority." All officers, employees, agents, attorneys, or contractors of the Housing Authority shall be as determined by the Board of Commissioners, provided that no delegations of authority shall be made to any officer except as expressly provided in this Housing Ordinance.

19-2-102. Board of Commissioners. The Housing Authority shall be governed by a Board of Commissioners, which shall be comprised of six (6) members of the General Council, one representing each Crow Reservation District, and who shall serve, four (4) year terms without limitation as to the number of terms. These terms shall be staggered. The initial appointment shall run on the following terms: 2 districts for 2 years; 2 districts for 3 years; and, 2 districts for 4 years. Such staggered terms shall be selected upon lot as the first order of business of the first board meeting. Each member of the Board of Commissioners shall be a District Housing Commissioner with such power and duty as provided in Chapter 3 of this Housing Ordinance. The Board of Commissioners shall appoint from their membership a presiding officer to conduct meetings and review hearings.

19-2-103. Qualifications. Each District Housing Commissioner must have the following qualifications at all times:

- (1) No felony convictions in any American jurisdiction;
- (2) No civil or criminal misdemeanor convictions in any American jurisdiction which involve dishonesty or fraudulent representation to any persons;
- (3) Must physically reside and be a registered voter in the represented District;
- (4) Cannot be an employee with the Crow Tribe;
- (5) Cannot be delinquent on any required payments owed to the Crow Tribe; and
- (6) Must have knowledge and familiarity with applicable federal laws, Crow tribal laws, including but not limited to this Housing Ordinance, principles of administrative law, and Crow Reservation housing issues.

19-2-104. Board Compensation. The Crow Tribe shall pay each board member \$100.00 per meeting.

19-2-105. Appointment, Removal. Housing Commissioners shall be appointed by the District Senators of the Legislature, through majority decision as expressed in writing to the Speaker of the House. All appointments shall be subject to confirmation by the Legislature. No District Housing Commissioner shall exercise power prior to legislative confirmation. Removal of a Housing Commissioner shall be exclusively by two-thirds vote of the Legislature by a duly noticed hearing to the subject commissioner, upon a demonstrated showing of neglect of duty, abuse of authority, or failure to adhere to any required qualification in Section 103 above. Provided that, if for any reason the Legislature fails to make such confirmations as necessary to maintain at least four (4) Board of Commissions for a period exceeding thirty (30) days, the Executive Branch shall have authority to take all actions necessary and proper to implement and

enforce this Housing Ordinance in accordance with Article IV, Section 4 of the Crow Tribal Constitution.

19-2-106. Meetings. The Board of Commissioners shall meet at such times and locations on the Crow Reservation as agreed upon by at least four (4) of the Commissioners, provided that there shall not be less than two (2) meetings per month, but not more than five (5) per month; provided that more than 2 meetings shall be on the basis of emergency only. A quorum shall consist of at least four (4) Commissioners and all meetings shall be conducted under rules of procedure adopted by the Board of Commissioners, except as otherwise provided in this Housing Ordinance. No action shall be taken or authorized by the Board of Commissioners without at least four (4) members in support.

19-2-107. Rule-Making Authority. The Board of Commissioners shall have administrative rule-making authority, subject to the legislative review provisions in Section 108 below. Such administrative rules shall be limited to the following areas:

- (1) Rules of procedure and practice governing meetings and review hearings of the Board of Commissioners;
- (2) Rules and regulations governing activities on all tribal lands utilized or designated for residential purposes, including tribal housing units;
- (3) Standards and qualifications for certification of inspectors authorized to inspect residences in accordance with the Tribal Building Code;
- (4) Rules and regulations governing issuance of construction and improvement permits to homeowners and tenants located on tribal lands and tribal housing units;
- (5) Rules and regulations governing enforcement actions by the District Housing Commissioners;
- (6) Such rules and regulations as may be required to maintain compliance with NAHASDA or other federal law, if applicable;
- (7) Regulations enforcing zero-tolerance laws of the Crow Tribe with regards to substance abuse;
- (8) Regulations enforcing residential-tenant eviction laws of the Crow Tribe; and,
- (9) Establish rules for assisting private homeowners in attaining home owner's insurance.

19-2-108. Legislative Review of Administrative Rules. All administrative rules shall be published with adequate public notice under written Executive Branch policy as a proposed rule at least thirty (30) days prior to taking effect. The Secretary of the Legislature shall be served with a certified copy simultaneous to public notice. The Legislature shall have the authority to approve or disapprove, without amendment, by legislative resolution. Upon approval by the Legislature, or in the event no action is taken by the Legislature within thirty (30) days, the proposed rule shall become a final, enforceable rule.

19-2-109. Delegation of Administrative Duties. Except as provided in Chapter 3, the Board of Commissioners may delegate in writing to officers of the Housing Authority all such power and duties deemed necessary and proper for the just and effective implementation of this Housing Ordinance and the administrative rules promulgated in furtherance thereof.

19-2-110. *Review Hearings*. All persons shall have a right to a review hearing on any notice of violation made by a District Housing Commissioner. The following shall be required for any lawful review hearing under this Chapter:

- (1) All review hearings shall be conducted on the record by a quorum of the Board of Commissioners;
- (2) All review hearings shall be conducted on the Crow Reservation and open to the public;
- (3) The person subject to a review hearing shall have the right to submit a written explanation or argument on their behalf, shall have a right to counsel, which must be admitted to the Crow Tribal Bar, shall have a right to introduce all relevant evidence, and shall have a reasonable amount of time to present their case during their review hearing before the Board of Commissioners;
- (4) Public notice shall be given to the General Council, Executive Branch, and Legislature at least fourteen (14) days before any review hearing is conducted. Such notice shall contain the cases or subjects to be discussed, the location and time scheduled, and any other information relevant to ensuring public knowledge of the proceedings; and
- (5) All review hearing decisions by the Board of Commissioners must have at least four (4) members in agreement.

Upon conclusion of a review hearing, the Board of Commissioners shall issue a written opinion based on findings of fact and conclusions of law within three (3) business days. Such decision shall be considered a final agency action by the Housing Authority and shall be immediately delivered to all parties and shall be considered a public document and shall be permanently maintained as a public record by the Board of Commissioners and the Tribal Secretary, along with any subsequent court documents.

Provided that, in the event the Board of Commissioners do not adhere to any of the procedural requirements contained in this Chapter, the person subject to the review hearing may file for immediate injunctive relief in Crow Tribal Court and may seek a dismissal of the action, with prejudice.

Provided, further, that in the event no decision can be reached by four (4) members of the Board of Commissioners within three (3) days of the conclusion of a review hearing, the notice of violation shall be considered a final agency action of the Housing Authority.

### **CHAPTER 3: DISTRICT HOUSING COMMISSIONERS**

19-3-101. *Exclusive Enforcement Authority*. Each District Housing Commissioner shall have exclusive civil enforcement authority for any issue or matter causing a violation of this Housing Ordinance which may arise within their respective Districts. All such enforcement actions shall be presented to the alleged violator in the form of a certified complaint which states with specific factual basis the date(s) and type(s) of acts or omissions leading to the alleged violation(s). This enforcement authority shall be non-delegable, provided that in the event there is a vacancy in a District Housing Commissioner position, the Board of Commissioners shall appoint a temporary enforcement officer from the available Commissioners.

19-3-102. Enforcement Actions. Upon the issuance of a written notice of violation, which shall contain a brief explanation of the type of activity giving rise to the violation and the alleged date(s) of such activities, the provision(s) of this Housing Ordinance or administrative rule violated, the civil penalty sought by the District Housing Commissioner, required actions which may bring the person to compliance, and notice that the suspected violator has a right to contest the violation in a review hearing before the Board of Commissioners within fifteen (15) days of the delivery of the notice of violation. Provided that, nothing herein shall be construed as a limitation on the ability of a District Housing Commissioner to seek informal resolution to any alleged violation prior to formal enforcement action.

19-3-103. Reports to Board of Commissioners. Each District Housing Commissioner shall report to the Board of Commissioners at each regularly scheduled meeting on the state of affairs pertaining to enforcement of this Housing Ordinance, including any other matters of importance relevant to housing conditions in their respective Districts.

#### **CHAPTER 4: TRIBAL HOUSING SUBDIVISIONS**

19-4-101. Subdivisions. The following tribal land is reserved and withdrawn from being subject to the Tribal Leasing Ordinance, and is hereby dedicated and zoned as a matter of tribal law for the purpose of a tribal housing subdivision, under the administrative management of the Housing Authority in accordance with this Housing Ordinance:

- (1) Crow Agency North
- (2) Lodge Grass West
- (3) Binneette ("No Water")
- (4) Owl Creek
- (5) Wyola
- (6) Pryor
- (7) Black Lodge
- (8) Fort Smith
- (9) St. Xavier
- (10) Reno Creek
- (11) Blue Creek

The Board of Commissioners shall establish the legal descriptions of each subdivision. Such establishment shall be completed with the input of each District and shall be passed and updated by Joint Action Resolution of the Executive and Legislative Branches.

#### **CHAPTER 5: TRIBAL LANDS RESIDENTIAL LEASING**



19-5-101. Residential Leasing of Tribal Land and Tribal Housing Units. Tribal lands and tribal housing units may be leased for residential purposes to Crow tribal members as provided in this Chapter. Market value size of a lot and less than 2.5 acres shall be made available for tribal leasehold mortgages and allottee leasehold mortgages. Those lands more than two and a half (2.5) acres or for a term exceeding forty (40) years with automatic renewal, shall also be made available. The Housing Authority shall be authorized to enter into leases of tribal housing units for periods up to ten (10) years. Federal approval of residential leases of tribal lands and tribal housing units, if required, shall be in accordance with federal law. Provided that, nothing in this Title shall prevent the Executive Branch from negotiating prospective residential leases of tribal lands or tribal housing units, subject to final approval by the Legislature.

19-5-102. Residential Leases Entered into Without Legislative Final Approval. All tribal lands and tribal housing units under a residential lease specifically approved or otherwise enacted by the General Council and approved by the Secretary of the Interior, if applicable, shall not be effected by this Housing Ordinance and shall continue in full force and effect. Furthermore, all tribal lands and tribal housing units which have a residential lease agreement signed by the Tribal Chairman between July 14, 2001 and the date this Ordinance is adopted shall be deemed approved by the Legislature by and through this Housing Ordinance and shall continue in full force and effect, subject to any further approval as may be required under federal law.

19-5-103. Leasing Policy and Procedure by Housing Authority. The Housing Authority shall establish policy and procedure for the awarding of residential leases of tribal lands and tribal housing units. Such policy and procedure shall follow the same rule making process as outlined in 19-2-108 of this Ordinance

19-5-104. Leasehold Mortgage of Tribal Land. Tribal lands and tribal housing units leased for residential purposes may be subject to a leasehold mortgage in accordance with the provisions of Title 15 of the Law and Order Code and except as otherwise modified by this Housing Ordinance all such residential leases must be in substantial and material conformity with the Memorandum of Understanding with the U.S. Department of Housing and Urban Development and the Federal National Mortgage Association, as approved by CLB No. 04-09 or other tribal laws that may become applicable. Provided that, all residential leases of tribal land and tribal housing units shall be authorized pursuant to Section 702 of NAHASDA, as codified at 25 U.S.C. Section 4211, and the Indian Long-Term Leasing Act of 1955, as amended and codified at 25 U.S.C. Section 415.

19-5-105. Landlord Defined. The Housing Authority shall be considered the landlord in all residential leases of tribal lands and tribal housing units, and shall be subject to all provisions of Chapter 6 of this Title.

19-5-106. Trespass Actions. The Housing Authority, acting through the District Housing Commissioners, shall have the exclusive authority to pursue civil trespass actions on behalf of the Crow Tribe for any tribal lands zoned as residential under Chapter 4 of this Housing Ordinance and any tribal housing units, provided that lawful tenants shall have standing to pursue any available judicial remedies under other tribal law and, provided further, that the Crow

Tribal Prosecutor shall retain full enforcement authority for criminal trespass actions arising on any tribal lands.

19-5-107. Prohibition of Sublease and Assignment. Except as specifically provided in this Section, there shall be an absolute prohibition against sublease and assignment of any residential leasehold interest held by any person of tribal land or tribal housing units.

19-5-108. Divorce Involving Residential Leasehold Interest. In the event a lessee of tribal land or a tribal housing unit is involved in a dissolution of marriage proceeding, the Crow Tribal Court shall have exclusive jurisdiction to determine to which party the leasehold interest shall be decreed upon consideration of all relevant factors and evidence. Under such circumstances, the Housing Authority shall be entitled to advise the Crow Tribal Court on the question of who should rightfully take possession of the leasehold estate.

## **CHAPTER 6: LANDLORD-TENANT REGULATIONS**

19-6-101. The Board of Commissioners shall promulgate Landlord-Tenant Regulations pursuant to 19-2-108 of this Ordinance and the Crow Law and Order Code of 2005, as amended. Such regulations shall be completed within sixty-days (60) days of adoption of this Ordinance.

19-6-102. Crow Tribal Law Applies. All residential leases entered into within the Crow Reservation shall be fully subject to all applicable Crow tribal laws, including but not limited to this Housing Ordinance. No suspension or limitation of tribal law is authorized to be contained in a residential lease agreement by agreement or otherwise.

19-6-103. Exclusive Crow Tribal Court Jurisdiction. A lease agreement shall not eliminate or otherwise limit the exclusive jurisdiction of the Crow Tribal Court to hear any cause of action which may arise from a residential lease agreement governing real property on the Crow Reservation.

19-6-104. Landlords and Tenants -- No Firearm Prohibitions. Unless otherwise required by law, a landlord may not, by contract or otherwise, prevent a tenant or a guest of a tenant from possessing on the premises a firearm that it is legal for the tenant or guest to possess. A landlord may prohibit the discharge of a firearm on the premises except in self-defense.

## **CHAPTER 7: TRIBAL RESIDENTIAL BUILDING CODE**

19-7-101. Incorporation of CLB No. 10-08. As provided in Section 1 and Section 4 of CLB No. 10-08, the applicable tribal building code for new construction shall be the most recent edition of the International Building Code, International Plumbing Code, International Electrical Code, International Mechanical Code, and International Residential Code. Provided that, the Housing Authority shall be deemed the tribal agency with inspection and enforcement authority as it pertains to buildings intended for use as a private residence.

## **CHAPTER 8: PUBLIC SANITATION**

19-8-101. The Housing Authority shall follow all current laws, policies and rules of the Crow Tribe, Federal Government, Memorandums of Understanding with the State of Montana and all other applicable laws with regards to public sanitation.

## **CHAPTER 9: RELATIONSHIP WITH OTHER TRIBAL AGENCIES, INSTRUMENTALITIES**

19-9-101. Apsaalooke Water and Wastewater Authority. The Housing Authority and all persons or entities engaged in any business or association with the Authority shall be fully subject to all applicable provisions of the 2004 Apsaalooke Water and Wastewater Ordinance, as amended. The working relationship between the Housing Authority and the Apsaalooke Water and Wastewater Authority shall be in accordance with all applicable tribal laws and subject to the constitutional supervision and oversight of the Executive Branch.

19-9-102. Tribal Water Resources Department. The Housing Authority and all persons or entities engaged in any business or association with the Authority shall be fully subject to all applicable provisions of the Crow Tribal Water Code, upon its adoption and approval under federal and tribal law. The working relationship between the Housing Authority and Tribal Water Resources Department shall be in accordance with all applicable tribal laws and subject to the constitutional supervision and oversight of the Executive Branch.

19-9-103. Tribal Employment Rights Office. The Housing Authority and all persons or entities engaged in any business or association with the Authority shall be fully subject to all applicable provisions of the 2009 Crow Nation Workforce Protection Act, as amended, and the administrative regulations promulgated in furtherance thereof. The working relationship between the Housing Authority and Tribal Employment Right Office shall be in accordance with all applicable tribal laws and subject to the constitutional supervision and oversight of the Executive Branch.

19-9-104. Tribal Historic Preservation Office. The Housing Authority and all persons or entities engaged in any business or association with the Authority shall be fully subject to all provisions of the 2005 Crow Cultural Resource Protection Act, as amended. The working relationship between the Housing Authority and Tribal Historic Preservation Office shall be in accordance with all applicable tribal laws and subject to the constitutional supervision and oversight of the Executive Branch.

19-9-105. Apsaalooke Nation Health Board. The working relationship between the Housing Authority and Apsaalooke National Health Board shall be in accordance with all applicable tribal laws and subject to the constitutional supervision and oversight of the Executive Branch.

19-9-106. Department of Public Safety. The Housing Authority and all persons or entities engaged in any business or association with the Authority shall be fully subject to all provisions of the Crow Criminal Code, including mandatory registration of violent and sexual offender registration. The working relationship between the Housing Authority and Department of Public

Safety shall be in accordance with all applicable tribal laws and subject to the constitutional supervision and oversight of the Executive Branch.

19-9-107. Tribal Land Resources Department. The Housing Authority and all persons or entities engaged in any business or association with the Authority shall not be subject to any provisions of the Tribal Leasing Ordinance. The working relationship between the Housing Authority and Tribal Land Resources Department, Land Management Department, and Land Management Office shall be in accordance with all applicable tribal laws and subject to the constitutional supervision and oversight of the Executive Branch.

19-9-108. Department of Homeland Security. The Housing Authority and all persons or entities engaged in any business or association with the Authority shall be fully subject to all provisions of the Crow Dog Control Ordinance. The working relationship between the Housing Authority and Department of Homeland Security shall be in accordance with all applicable tribal laws and subject to the constitutional supervision and oversight of the Executive Branch.

19-9-109. Tribal Entities Created by Law. The working relationship between the Housing Authority and Crow Tribal Entities shall be in accordance with all applicable tribal laws.

## CHAPTER 10: INDIAN HOUSING PLANS AND OTHER OUTSIDE FUNDING

19-10-101. Joint Action Resolution Required. The Housing Authority shall prepare and submit the Indian Housing Plan, as required by NAHASDA, for Indian housing grant funding from the United States Department of Housing and Urban Development. All Indian Housing Plans must be authorized for submission by Tribal Joint Action Resolution and shall be fully subject to all applicable Crow tribal law. The Indian Housing Plan must also include a public comment period. The Board of Commissioners shall be responsible for providing public notice of the annual Indian Housing Plan and receipt of comments to be forwarded to the Housing Authority. Upon approval, the Indian Housing Plan and associated grant funding shall be fully administered by the Housing Authority as the Crow Tribal Designated Housing Entity. All such funding shall require authorization for expenditure under the Crow Tribal Budget according to the current fiscal management laws of the Crow Tribe

19-10-102. Other Outside Source Funding Authorized. The Housing Authority, under the supervision and direction of the Executive Branch, shall be eligible to apply for and receive any outside source funding in the form of grants or contract awards. All such funding shall require authorization for expenditure under the Crow Tribal Budget.

## CHAPTER 11: OVERSIGHT AND REPORTING

19-11-101. Reporting. The Housing Authority shall report to the Executive Branch, Legislative Branch and the General Council including but not limited to the following:

- (1) Describe the use of grant amounts provided to the Housing Authority for the fiscal year;
- (2) Assess the relationship of such use to the goals identified in the Indian Housing Plan;

- (3) Indicate the programmatic accomplishments, challenges and failures; and
- (4) Describe the manner in which the Housing Authority plans to address the outcomes in (3).

The Housing Authority shall make this report available by notice to the public for purposes of the comment period as indicated under 19-10-101 of this Ordinance.

19-11-104. Reporting to Grantors. Reporting to all grantors to housing shall be made to the Executive Branch according to Executive Branch Policy; and to the Legislature quarterly as required by the Constitution.

## CHAPTER 12: JUDICIAL REVIEW

19-12-101. Jurisdiction. The Crow Tribal Court shall have exclusive jurisdiction to hear appeals from final agency actions of the Housing Authority.

19-12-102. Appeal Procedures. A person subject to a notice of violation may appeal a final agency action of the Housing Authority by filing a civil cause of action in the Crow Tribal Court within thirty (30) days of such action and naming the Housing Authority as the defendant. The appellant shall also immediately serve a notice of appeal with the Board of Commissioners. The appeal shall thereafter proceed before the Crow Tribal Court under the Tribal Rules of Civil Procedure. In all appeals, the Crow Tribal Court shall give proper deference to the administrative expertise of the Board of Commissioners and shall not reverse, set aside, modify or remand any administrative decision unless deemed arbitrary and capricious, unsupported by substantial evidence, or otherwise contrary to law.

19-12-103. Enforcement Petition. All final agency actions of the Housing Authority which involve property interests protected by the Due Process Clause of the Crow Tribal Constitution shall require an enforcement order of the Crow Tribal Court. In order to receive an enforcement order, the Housing Authority shall file an enforcement petition, accompanied by the full administrative record, which shall proceed before the Crow Tribal Court under the Tribal Rules of Civil Procedure. In reviewing an enforcement petition, the Crow Tribal Court shall give proper deference to the administrative expertise of the Board of Commissioners and shall not reverse, set aside, modify or remand any administrative decision unless deemed arbitrary and capricious, unsupported by substantial evidence, or otherwise contrary to law. In the event the Crow Tribal Court determines the enforcement petition to be legally deficient for any reason, it shall remand the matter to the Board of Commissioners with an order giving explanation as to the basis of deficiency.

19-12-104. Appeal to Crow Court of Appeals. The Crow Tribal Court shall issue a written decision and order on all appeals and enforcement petitions, which shall be final and binding upon the parties unless the decision is appealed to the Crow Court of Appeals in accordance with the Tribal Rules of Appellate Procedure. Any such appeals shall create an automatic stay of any court orders or administrative actions for the duration of the appeal. After receiving a final decision and order from the Court of Appeals, all tribal remedies shall be deemed exhausted.

19-12-105. Costs and Attorney's Fees. The Judicial Branch may, in its discretion, award costs and attorney's fees against any party whose appeal was frivolous, malicious, or in bad faith. Under no other circumstances shall such costs and fees be entered against a party seeking judicial review of actions of the Housing Authority.

19-12-106. Emergency Injunctive Relief. Notwithstanding any other provision of Crow tribal law, the Judicial Branch shall have the power to issue injunctive relief in accordance with upon a demonstration of sufficient cause, including under 19-2-109 of this Title.

19-12-107. Waiver of Civil Filing Fees and Appellate Bonds. Under no circumstances shall any person subject to a notice of violation be required to make or guarantee any payment of any type to the Judicial Branch for the cost of filing an appeal to the Crow Tribal Court or the Crow Court of Appeals.

19-12-107. No Waiver of Sovereign Immunity. Nothing in this Act shall constitute any waiver whatsoever of the Authority's or the Crow Tribe's sovereign immunity with respect to money damages or any extra form of monetary relief.