

**MOHAWK COUNCIL OF AKWESASNE  
HOUSING AUTHORITY CHARTER**

**June 2014**

# Mohawk Council of Akwesasne Housing Authority Charter

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## Section 1: MISSION STATEMENT

- 1.1 The Mohawk Council of Akwesasne Housing Authority is established to develop and implement a fair and equitable housing policy, and to ensure that the members of the Akwesasne community have equal access to affordable and quality housing.

## Section 2: COMPOSITION

- 2.1 The Mohawk Council of Akwesasne Housing Authority shall be composed of:
  - (a) three (3) District Chiefs, representing each district—namely Kanatakon (St. Regis), Tsi Snaihne (Snye), and Kawehno:ke (Cornwall Island);
  - (b) the Director, the Program Managers, and the Loan Officer from the Housing Department;
  - (c) one (1) representative from each of the following: the Office of Vital Statistics, the Community Support Program, and Finance; and
  - (d) one (1) community member from each district—namely Kanatakon (St. Regis), Tsi Snaihne (Snye), and Kawehno:ke (Cornwall Island), for a total of three community members.

## Section 3: DUTIES AND RESPONSIBILITIES OF MEMBERS

- 3.1 Subject to this Charter and any specific provisions contained in any legislation, regulation, agreement, policy, procedure, or participation in any housing loan program that has been accepted and approved by Council resolution, Housing Authority members are responsible to perform the following duties:
  - (a) act in the best interest of the community as a whole at all times;
  - (b) develop housing policies and procedures based on community needs;
  - (c) ensure the adherence to all applicable building codes;
  - (d) ensure policy procedures are followed for the selection of applicants for all housing loans;
  - (e) develop eviction procedures for delinquent loan accounts/rental arrears;
  - (f) ensure housing policies and procedures are kept up to date, implemented, and enforced to enable housing programs to operate efficiently in a fair and beneficial manner; and

- (g) ensure changes to policies or procedures are accepted and approved by Mohawk Council Resolution (MCR).
- 3.2 As a Housing Authority member, the Loan Officer from the Housing Department is responsible to perform the following duties:
- (a) provide monthly financial reports on loan and rent payments to the Housing Authority;
  - (b) provide a monthly list of delinquent accounts to the Housing Authority;
  - (c) ensure that applicants have submitted a signed ‘Confirmation of MCA Accounts Current and in Good Standing’ and verify the information provided; and
  - (d) provide quarterly statements to homeowners regarding their accounts.
- 3.3 As a Housing Authority member, the representative from the Office of Vital Statistics is responsible to perform the following duties:
- (a) verify membership, land ownership, and confirmation of survey for all applicants;
  - (b) provide a copy of the Certificate of Possession to applicants; and
  - (c) assist applicants with land transfers.
- 3.4 As a Housing Authority member, the representative from the Community Support Program is responsible to perform the following duties:
- (a) provide input regarding social assistance recipients with regard to loan applications; and
  - (b) verify affordability to pay rent or make loan payments.
- 3.5 The duties of the representative from the Community Support Program may be performed by providing the information in writing, rather than attending the meeting to give information verbally.
- 3.6 As a Housing Authority member, the representative from Finance is responsible to provide accurate monthly housing revenues and expenses to the Housing Authority.
- 3.7 The duties of the representative from Finance may be performed by providing the information in writing, rather than attending the meeting to give information verbally.

## Section 4: ROLE OF COUNCIL

- 4.1 Council’s role with regard to the Housing Authority is to:
- (a) appoint three (3) District Chiefs as members of the Housing Authority;

- (b) accept and approve recommendations submitted by the Housing Authority;
- (c) support the enforcement of Housing policies and adherence of Housing procedures;
- (d) forward all requests for housing assistance, urgent or otherwise, to Housing Department personnel; and
- (e) in response to any complaint received requesting the removal of a community representative on the Housing Authority, schedule and attend a meeting to decide on the matter.

## **Section 5: REQUIREMENTS FOR APPOINTMENTS**

- 5.1 The representatives from the Office of Vital Statistics, Community Support Program, and Finance shall be selected jointly by the Housing Director and the appointed District Chiefs.
- 5.2 The three (3) District Chiefs shall be appointed by the Mohawk Council of Akwesasne, and every effort shall be made to ensure that they are Housing Portfolio Chiefs.
- 5.3 The Housing Director shall conduct a community call-out to fill a vacancy on the Housing Authority and interested community members shall be asked to submit a letter of interest to the attention of the Housing Authority.
- 5.4 Community representatives shall be selected by the Housing Director and the three District Chiefs appointed to the Housing Authority, based on their good character and reputation in the community, their interest in housing issues, and only if they meet the qualifications for appointment.
- 5.4 To be considered qualified for an appointment, community representatives must be 18 years of age or older, be a Member of the Mohawks of Akwesasne in accordance with the Akwesasne Membership Code, reside within the Territory of the Mohawk Council of Akwesasne, and must submit a letter of interest in response to a community call-out.
- 5.5 If there are no letters of interest submitted from all three districts, there shall be no representation from the community on the Housing Authority.

## **Section 6: OATH OF APPOINTMENT**

- 6.1 Prior to entering upon his/her duties, each member of the Housing Authority shall take and subscribe to an Oath of Appointment (in the form attached as Schedule "A") before a person authorized to administer oaths.

## **Section 7: TERM OF APPOINTMENTS**

- 7.1 The term for the three (3) District Chiefs shall be for the remainder of the current term as District Chief.
- 7.2 The term for the Director, the Program Managers, and the Loan Officer from the Housing Department shall be for as long as they hold their employment positions.
- 7.3 The term for the representatives from the Office of Vital Statistics, the Community Support Program, and Finance shall be for as long as they are designated to represent their program.
- 7.4 The term for the community members representing each district shall be for the remainder of the current Council term.

## **Section 8: QUORUM**

- 8.1 The presence of five members of the Housing Authority constitutes a quorum.

## **Section 9: CHAIRPERSON**

- 9.1 The Major for the Housing Portfolio or his/her designate shall serve as the Chairperson.
- 9.2 The Chairperson is responsible to:
  - (a) call the meeting to order when quorum is present;
  - (b) facilitate the meeting by following the order of business dictated by the agenda;
  - (c) ensure that the meeting runs smoothly and fairly by maintaining order;
  - (d) maintain a speaker's list to allow for discussion in an orderly manner;
  - (e) allow speakers to be placed on the list who have not yet spoken before those who have already spoken during the debate;
  - (f) ask for motions and call the votes on recommendations to be made to Council; and
  - (g) perform any such other duties as the Housing Authority may determine.

## **Section 10: MEETINGS**

- 10.1 The Housing Authority shall meet at least once every month and meetings shall be scheduled to occur on a recurring basis at relatively the same time each month, for best planning practices.
- 10.2 A quorum is required to hold a meeting.

- 10.3 If a quorum is not present within fifteen (15) minutes after the time scheduled for a meeting, the meeting shall be deemed to be cancelled.
- 10.4 Minutes of all Housing Authority meetings shall be recorded and distributed to the Housing Authority members.
- 10.5 Storage and maintenance of Housing Authority meeting minutes shall be the responsibility of the Housing Department.
- 10.5 Requests for copies of Housing Authority meeting minutes must be submitted in writing in accordance with MCA's Access to Information and Protection of Personal Privacy Regulation.
- 10.6 Meetings are closed to the public unless otherwise directed by the Housing Authority.

## **Section 11: VOTING**

- 11.1 Matters requiring a decision of the Housing Authority shall be discussed at a duly convened meeting and decisions shall be made by majority vote of the members present at the meeting.
- 11.2 Housing Authority members shall adhere to existing policies when making decisions on matters.
- 11.3 Decisions requiring acceptance and approval by Council shall be forwarded as a recommendation to Council, for acceptance and approval by MCR.
- 11.4 The Chairperson will only vote if needed, in order to break a tie.

## **Section 12: CONFLICT OF INTEREST**

- 12.1 A conflict of interest exists when the Housing Authority discusses or wishes to decide on a matter at a meeting that has the potential to personally or financially benefit a Housing Authority member, a member of a Housing Authority's immediate family (spouse, parent, parent-in-law, grandparent, bother, sister, child, or grandchild) or the spouse of a member of a Housing Authority member's immediate family.
- 12.2 In the event that a conflict of interest exists, the Housing Authority member who has a conflict of interest shall, as soon as possible, fully disclose the nature and extent of the conflict to the Housing Authority.
- 12.3 A Housing Authority member who discloses a conflict of interest shall:
  - (a) leave the meeting;
  - (b) not participate in discussions of the matter; and

- (c) not vote on any decisions regarding the matter.
- 12.4 If quorum is lost due to a conflict of interest, the meeting shall be deemed adjourned and the matter shall not be considered until a quorum of Housing Authority members who are not in a conflict of interest are available to consider the matter.
- 12.5 If a Housing Authority member believes that a conflict of interest exists for another Housing Authority member who has not declared the conflict, the member who believes that a conflict of interest exists may inform the remaining members of the Housing Authority and ask for a ruling on whether or not a conflict of interest exists.
- 12.6 If a conflict of interest is declared in accordance with Section 12.5, the Housing Authority member affected must leave the meeting, not participate in discussions of the matter, and not vote on any decisions regarding the matter under consideration.

### **Section 13: APPEALS**

- 13.1 Any decision made by the Akwesasne Housing Authority may be appealed to the Akwesasne Appeal Tribunal.

### **Section 14: CONFIDENTIALITY**

- 14.1 Housing Authority members shall not release any information received by them in performing their responsibilities and duties or information relating to the deliberations, proceedings, and decisions of the Housing Authority unless:
  - (a) it is public information; or
  - (b) it is information the Housing Authority, by vote at a duly convened meeting, decides to disclose.

### **Section 15: RESIGNATION FROM APPOINTMENT**

- 15.1 A community representative on the Housing Authority may resign from his/her appointment prior to the end of his/her term by submitting written notice to that effect to the Chairperson of the Housing Authority.
- 15.2 A community representative on the Housing Authority must resign if he/she wishes to become involved in any facet of construction contracting for the Housing department during his/her appointment. Failure to resign in these circumstances will result in removal from the Housing Authority.
- 15.3 Upon receipt of a written notice of resignation, the Chairperson shall inform all Housing Authority members of the resignation.



## Section 16: REMOVAL FROM APPOINTMENT

- 16.1 A community representative on the Housing Authority is subject to removal from their appointment if Council determines that the Housing Authority member:
- (a) breached the Oath of Appointment;
  - (b) was negligent in the carrying out of their duties and responsibilities;
  - (c) engaged in dishonorable or questionable conduct which casts doubt on their personal or professional integrity or competence, or reflects adversely on the integrity of the Housing Authority;
  - (d) breached the confidentiality provisions of this Charter;
  - (e) exhibits disruptive and unprofessional behavior such as using profanity or lacking professional etiquette by intimidating or being rude to other Housing Authority members;
  - (f) failed to attend three consecutive meetings without a valid reason;
  - (g) failed to follow and abide by policies in place, or
  - (h) no longer qualifies in accordance with the appointment requirement provisions of this Charter.
- 16.2 Proceedings to determine whether or not a community representative on the Housing Authority shall be removed may be commenced by the submission of a complaint to Council which must:
- (a) be made in writing;
  - (b) set out the grounds for removal; and
  - (c) be signed by a Housing Authority member.
- 16.3 Upon receipt of a complaint against a Housing Authority member, Council shall schedule and attend a meeting to determine whether or not the Housing Authority member should be removed from his or her appointment.
- 16.4 The Housing Authority member who is the subject of the complaint shall be given a copy of the grounds for the complaint prior to the meeting and shall be given a reasonable opportunity to respond to the complaint in writing or in person at the meeting.
- 16.5 The Housing Authority member who is the subject of the complaint may be temporarily excused from his/her Housing Authority duties during the time period from Council's receipt of the complaint until Council renders their decision.

- 16.6 Council shall attend the scheduled meeting to consider the complaint and the response to the complaint and shall determine, by majority vote, whether or not to remove the Housing Authority member from his/her appointment.
- 16.7 The Housing Authority member who is the subject of the complaint and the Housing Authority shall be served with a copy of Council's decision personally or by ordinary mail.
- 16.8 Council's decision regarding the removal of a community representative on the Housing Authority is final.

## **Section 17: VACANCIES**

- 17.1 A vacancy may be deemed to exist when a community representative on the Housing Authority:
  - (a) fails or refuses to sign an Oath of Appointment;
  - (b) fails to attend three (3) consecutive meetings without a valid reason, as determined by the Housing Authority;
  - (c) no longer qualifies in accordance with the appointment requirement provisions of this Charter;
  - (d) passes away;
  - (e) resigns; or
  - (f) is removed from his or her appointment by Council decision.
- 17.2 If the Housing Authority determines that a vacancy exists, the Housing Director shall conduct a call-out inviting interested community members to submit a letter of interest for an appointment to the Housing Authority.

## **Section 18: HONORARIUMS**

- 18.1 There will be no honorariums or remuneration.

## **Section 19: AMENDMENTS**

- 19.1 Any changes to this Charter shall be made by Resolution of Council and will take effect on the date of the Resolution or such date as specified in the Resolution.

Mohawk Council of Akwesasne Housing Authority Charter  
Schedule "A"

**OATH OF APPOINTMENT**

1. I, \_\_\_\_\_, do solemnly and sincerely swear my position on the Mohawk Council of Akwesasne Housing Authority with full respect for the people of our community.
2. I will strive to serve the people of Akwesasne faithfully, honestly, and with integrity. I will not bring disgrace upon the people of Akwesasne.
3. I will faithfully and impartially carry out the duties of my appointment to the best of my ability in compliance with the provisions of the Charter of the Mohawk Council of Akwesasne Housing Authority and will strive to promote the best interests of the people of Akwesasne.
4. In performing my duties as a member of the Mohawk Council of Akwesasne Housing Authority, I will strive to use my best efforts in carrying out the purposes of the Mohawk Council of Akwesasne Housing Authority.
5. I am aware that violation of this Oath of Appointment or any change in circumstances where I cease to qualify for appointment could result in my removal from office.
6. I swear to uphold, during or subsequent to my appointment as a member of the Mohawk Council of Akwesasne Housing Authority, the confidentiality provisions of this Charter.

Sworn and executed before me in the Territory of Akwesasne,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Person Authorized to Administer Oaths