

Resolution 2005-08-008  
Adopted: 8/10/05  
Subject: Conflict of Interest Policy  
Resolution: 2018-05-017  
Revised: 05/19/2018

**SAMISH INDIAN NATION  
CONFLICT OF INTEREST POLICIES AND PROCEDURES  
For Federal Funds Administered By  
U.S. Dept. Of Housing and Urban Development**

**Samish Tribal Code §13.300**

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Resolution 2005-08-008  
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**Samish Tribal Code §13.300**

**§13.300**

**DEFINITIONS**

(a) Housing Committee member. A member of the Housing Committee of the Samish Indian Nation Housing Program.

(b) Tribal Council member. A member of the Samish Indian Nation Tribal Council, including any officer of the Tribal Council.

(c) HUD. U.S. Dept. of Housing and Urban Development.

(d) IHBG. Indian Housing Block Grant (IHBG) program as set forth in Title I of NAHASDA.

(e) Immediate family member. For the purpose of this policy, immediate family member is defined as an individual's spouse or domestic partner, father, mother, sister, brother, son, daughter, person residing with, parents, grandparents, grandchildren, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and the spouse or domestic partner of any of these individuals. Immediate family also means other persons with whom an individual is residing.

(f) Immediate family ties. Family ties involving an immediate family member.

(g) NAHASDA. Native American Housing Assistance and Self-Determination Act of 1996.

(h) NWONAP. Northwest Office of Native American Programs of HUD.

(i) Tribal Council. Samish Indian Nation Tribal Council.

(j) Tribe. The Samish Indian Nation.

**§13.301**

**PROCUREMENT**

Conflict of Interest (24 CFR §85.36). The following provisions relate to conflicts of interest subject to the provisions of 24 CFR §85.24 relating to procurement.

**(a) Conflicts Prohibited.** No member of the Tribal Council, Tribal Housing Committee, Tribal employee, agency or entity of the Tribe or employee of an agency or entity of the Tribe shall participate in the selection of an award for a contract if a real or apparent conflict of interest would be involved.

**(b) Real and Apparent Conflicts (24 CFR §85.24).** A real or apparent conflict would arise when:

**(1)** A Tribal Council member, Committee member, employee or agent of the Tribe or any agency or entity of the Tribe; or

**(2)** Any immediate family member of a Tribal Council member or Committee member or an employee or agent of the Tribe or any agency or entity of the Tribe; or

**(3)** The business partner, employer or prospective business partner or employer of a Tribal Council member or Committee member or an employee or agent of the Tribe or any agency or entity of the Tribe; or

**(4)** An organization which employs, or is about to employ, a Tribal Council member or Committee member or an employee or agent of the Tribe or any agency or entity of the Tribe, has a financial or other interest in the firm being considered for or selected for award.

**(c) Gratuities and Favors.** No Tribal Council member, Committee member, employee, agent of the Tribe or any agency or entity of the Tribe shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements entered into with the Tribe and involving federal funds administered by the Dept. of Housing and Urban Development; provided, that unsolicited gifts of nominal intrinsic value (pens, pins, magnets, etc.) may be accepted.

**§13.302**

**CONFLICT OF INTEREST (24 CFR §1000.30).**

The following provisions relate to conflicts of interest subject to the provisions of 24 CFR §1000.30 relating to conflicts of interest in cases not governed by 24 CFR §85.36.

**(a) Conflicts Prohibited.** No person who participates in the decision-making process or who gains inside information with regard to NAHASDA assisted activities may obtain a personal or financial interest or benefit from such activities, except for the use of NAHASDA funds to pay salaries or other related administrative costs. Such persons include anyone with an interest in any contract, subcontract or agreement or proceeds there under, either for themselves or others with whom they have business or immediate family ties.

**(b) Other Exceptions-Low Income Assistance.**

**(1) Low-Income Assistance.** The conflict of interest provisions in this section do not apply in instances where a person who might otherwise be included under the conflict provision is low-income and is selected for assistance in accordance with the Tribe's written policies for eligibility, admission and occupancy of families for housing assistance with IHBG funds.

**(2) Tribe.** The Tribe shall make a public disclosure of the nature of assistance to be provided under subsection (1) and the specific basis for the selection of the person, by posting those eligible for assistance with the Tribal Administrative building.

(3) HUD-Approved Exceptions. Any other exceptions to the conflict of interest provisions in this section must be made by HUD in accordance with the provisions of 24 CFR §§1000.32 and 1000.34.

(4) The Tribe shall also provide a copy of the disclosure notice to the appropriate Area ONAP office.

**In addition to 13.302 (24 CFR 1000.30 'What prohibitions regarding conflict of interest are applicable?'**

A relative by blood or marriage may only be the landlord if the tenant is disabled, they **require a specially-modified unit**, and such a unit is only available from a relative.

When requesting a reasonable accommodation for this service, the landlord must provide proof that they do not currently live in the unit.

The term 'persons with disabilities' according to NAHASDA means a person who:

- A. Has a disability as defined in section 223 of the Social Security Act;
- B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which:
  - 1. Is expected to be of long-continued and indefinite duration;
  - 2. Substantially impedes his or her ability to live independently; and
  - 3. Is of such a nature that such ability could be improved by more suitable housing conditions;or
- C. Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under this Act, **solely because of** any drug or alcohol dependency.

If the disability and/or the connection between the disability and the requested accommodation or modification are not obvious, we may require additional information.

If the disability is known, but the requested accommodation does not appear related to the disability, we will request only information necessary to evaluate the disability-related need for the accommodation.

If neither the disability nor the relationships between the disability and the accommodation is clear, we will ask for proof of both.

We will accept verification from a doctor or other medical professional or other qualified third-party who, in their professional capacity, has knowledge about the disability.

To accurately document reasonable accommodation or modification request, we ask that clients/residents complete a Request form. Should SINHD require additional information about the disability and/or the relationship between the disability and the requested accommodation/modification, we may ask for a written statement from your health provider/practitioner verifying the disability and the disability-related need for the accommodation.

**§13.303                      RECORDS RETENTION**

Samish Indian Nation

Conflict of Interest Policy and Procedures Adopted 8/10/05 Resolution 2005-08-008; Revised 05/19/2018

Resolution 2018-05-017

All records regarding conflicts of interest shall be retained for not less than three years or the period of time set forth in 24 CFR §1000.556, whichever is longer.

**§13.304**

**TRIBAL COUNCIL MINUTES/COMMITTEE MINUTES**

The minutes of any meeting during which an action is discussed or acted upon shall identify the name of any Tribal Council member(s), or any Committee member(s), as the case may be, who has excused himself or herself from participation due to a potential, apparent or real conflict of interest and the minutes of the Tribal Council or the Committee, as the case may be, in addition shall state that such member did NOT participate in the discussion of the action or in the decision-making concerning such action.

**§13.305**

**VIOLATIONS**

Failure of any employee of the Tribe or any agency or entity of the Tribe to whom the Personnel Policies and Procedures of the Tribe apply to comply with the provisions of this policy shall subject the employee to discipline in accordance with the Personnel Policies and Procedures.