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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: _____

ORDINANCE NO. _____ (2026)

An ordinance amending Cherokee Code Chapter 47D and Chapter 47B to update the Tribe’s laws on the assignment of possessory holdings by Tribal Council.

WHEREAS, the Tribe first adopted laws describing the process by which Tribal Council assigns a possessory holding to an enrolled member of the Tribe in 1976 and codified the process in the Cherokee Code in 1988 titled “Assignment of home sites” in Chapter 47; and

WHEREAS, the section regarding the assignment of possessory holdings is currently in Section 47D-4, and since its initial adoption, the Tribe has seen significant change in its laws, procedures, and government structure; and

WHEREAS, notably, Section 47D-4 does not address the appropriate standards by which to identify property suitable for assignment to an enrolled member of the Tribe, the process by which their applications for land to Tribal Council should be addressed, how much the Tribal member should pay for the possessory holding, nor the appropriate Tribal agency that should maintain the applications for land or notify both the enrolled member and Tribal Council if the property should revert to the Tribe; and

WHEREAS, the Tribal Lands Committee held its regularly scheduled meeting on March 26, 2026, and voted to submit this ordinance to Tribal Council to amend the Cherokee Code to address these issues.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that Cherokee Code Chapter 47D and Chapter 47B are amended as follows:

Sec. 47D-4. Assignment of home sites. Reserved.

~~Upon resolution, the Tribal council may assign Tribal land to Tribal members on the condition that the Tribal member constructs a permanent dwelling on the land within three years after the assignment is made. If a permanent dwelling is not constructed within this time period, the land shall automatically revert back to the Tribe and any money paid to the Tribe by the member for this land shall be refunded. The Tribe shall apply the following standards when assigning Tribal land to Tribal members:~~

1 (1) ~~Lots may only be assigned to Tribal members who do not own a possessory holding suitable~~
2 ~~for a home site, who are head of a household, and who have never received such an~~
3 ~~assignment from the Tribe.~~

4
5 (2) ~~The transfer of possessory holding shall not be effective until the Tribal member has made~~
6 ~~full payment for the land. The Tribal member shall be given 90 days from the date the~~
7 ~~Principal Chief ratifies the above resolution to fulfill this obligation of payment.~~

8
9 (3) ~~Three years after the date of transfer, an inspection will be made by the Tribe to ensure that~~
10 ~~a dwelling has been constructed on the assigned land. If this requirement is not met, the~~
11 ~~assigned land will automatically revert back to the Tribe, the assignee will be notified, and~~
12 ~~upon request, the assignee will be reimbursed for the purchase price of the land.~~

13
14 (4) ~~Once the transfer has been made to the member purchasing the property, that member may~~
15 ~~not transfer or sell the property to any member of the Tribe. They have to come back before~~
16 ~~the Lands Committee, which will come back before Tribal council, within a three-year time~~
17 ~~frame.~~

18
19 Sec. 47B-12. Assignment of Unimproved Possessory Holdings by Tribal Council

20
21 (a) Upon application of a Tribal member, the Tribal Realty Services Office shall research if there
22 is an unassigned and unimproved possessory holding that is suitable for a permanent dwelling.
23 For the purposes of this section, “unassigned” shall mean any possessory holding owned by
24 the Tribe that is neither owned by a Tribal member nor presently been assigned by Tribal
25 Council to a Tribal member. “Unimproved” shall mean any Tribal land that lacks any existing
26 improvements on the Tribal land and contains no infrastructure development including, but
27 not limited to, electricity, water, or sewage.

28
29 (1) If there is an unassigned possessory holding, the Tribal Realty Services Office shall submit
30 a resolution to Tribal Council on behalf of the Tribal member requesting that the
31 possessory holding be assigned to the Tribal member; provided that:

- 32
33 a. The Tribal member applicant is over 18 years of age.
34 b. A site inspection is conducted that determines that the unassigned possessory holding
35 is suitable for a permanent dwelling.
36 c. The unassigned possessory holding has not already been designated by the Tribe for
37 another purpose.
38 d. The Tribal member applicant does not own a possessory holding suitable for a
39 permanent dwelling.
40 e. The Tribal member applicant has not owned a home in the previous five years at the
41 time of their application.
42 f. The Tribal member applicant has never been assigned a possessory holding by the
43 Tribe unless such assignment was received as part of their inheritance pursuant to
44 Chapter 28 of the Cherokee Code.
45 g. The unassigned possessory holding either has existing road and utility access or steps
46 have been taken to obtain access.

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- (2) If there are no unassigned and unimproved possessory holdings eligible for assignment, the Tribal Realty Services Office shall maintain a list of all Tribal member applicants for the preceding two years. To maintain the status of their application, the Tribal member applicants must renew their application every two years. As unassigned and unimproved possessory holdings become available, the Tribal Realty Services Office shall submit resolutions for those Tribal member applicants in the order by date that the applications were submitted prior to any renewals, provided that the Tribal member applicants still meet the requirements of subdivision (a)(1) of this section.

 - (b) Tribal Council may assign an unassigned and unimproved possessory holding to a Tribal member by a resolution ratified by the Principal Chief. The resolution must contain, at a minimum, the following:
 - (1) That the Tribal Realty Services Office and Tribal Business Committee are authorized to carry out the transfer of the possessory holding.
 - (2) The monetary or other good and valuable consideration for which the possessory holding is being sold to the Tribal member.
 - a. If the possessory holding is being sold to the Tribal member in exchange for monetary consideration, the value of any unassigned and unimproved possessory holding shall be at fair market value as determined by Tribal Council.
 - (3) That the possessory holding is being sold to the Tribal member by the Tribe on the condition that the Tribal member constructs a permanent dwelling on the possessory holding within three years from the date the Tribal Business Committee approves the transfer.
 - (4) That if a permanent dwelling is not constructed on the assigned possessory holding within three years of the date of the Tribal Business Committee approved transfer, the possessory holding shall revert to the Tribe.
 - (5) That the Tribal member has 90 days from the date of ratification by the Principal Chief to make full payment to the Tribal Finance Office for the possessory holding named in the resolution.
 - (6) That if the possessory holding reverts to the Tribe for any reason, the Tribal member or their estate shall be entitled to a full refund of the purchase price.

 - (c) Any transfer of a possessory holding prepared by the Tribal Realty Services Office pursuant to this section shall contain language stating that if a permanent dwelling is not constructed on the assigned possessory holding within three years of the date of the Tribal Business Committee approval date, the possessory holding shall revert to the Tribe.

1 (d) The Tribal member has 90 days from the date the Principal Chief ratifies the resolution to
2 make full payment to the Tribal Finance Office for the possessory holding. The Tribal
3 Business Committee shall not approve any transfer of possessory holding until receipt of
4 payment is received by Tribal Realty Services from the Tribal Finance Office. Any Tribal
5 Business Committee approved transfer that occurs prior to the date of payment shall be null
6 and void.

7
8 (e) If a permanent dwelling is not constructed on the assigned possessory holding within three
9 years of the date of the assignment approved by Tribal Business Committee, the land shall
10 automatically revert back to the Tribe and any money paid to the Tribe by the Tribal member
11 for the possessory holding shall be refunded by the Tribal Finance Office.

12
13 (f) If a permanent dwelling is not constructed on a possessory holding assigned to a Tribal
14 member by Tribal Council pursuant to this section within three years of receiving the
15 assignment, the Tribal Realty Services Office shall notify the Tribal member that the
16 possessory holding has reverted to the Tribe with instructions on how to receive their refund,
17 as well as notify Tribal Council that the property has automatically reverted to the Tribe.

18
19 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are
20 rescinded and this ordinance shall become effective when ratified by the Principal
21 Chief.

22
23 *Submitted by Lands Committee*