

Yurok Tribal Code, Land Use

YUROK TRIBE LAND ASSIGNMENT ORDINANCE

Pursuant to its authority under Article IV, Section 5 of the Yurok Constitution, as certified on November 24, 1993, the Yurok Tribal Council hereby enacts the following ordinance regulating land assignments.

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GENERAL PROVISIONS

SECTION 1001. Short Title

This ordinance shall be referred to as the “Yurok Land Assignment Ordinance.”

SECTION 1002. Legislative Findings

The Yurok Tribal Council hereby finds and declares that:

- (a) It is in the Tribe's interest to provide land assignments for Tribal Members;
- (b) It is in the Tribe's interest to regulate land assignments as they are integral to the political and economic integrity of the Tribe and the health and welfare of the Tribe and its members.

SECTION 1003. Purpose

The purpose of this Ordinance is to provide safe and secure housing for Yurok Tribal members wishing to live on the Reservation.

SECTION 1004. Sovereign Immunity Preserved

Except as judicial review is authorized in this ordinance, and in accordance with the Yurok Tribe's Supreme Ordinance, nothing in this ordinance shall be interpreted as a waiver of the Tribe's sovereign immunity from unconsented lawsuit, or as authorization for a claim for monetary damages against the Tribe.

SECTION 1005. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of its provisions to other persons or circumstances shall not be affected, and to this end, the provisions of this ordinance are severable.

SECTION 1006. Ordinance Adopted by Emergency Legislative Act

This Amended Yurok Tribe Land Assignment Ordinance was adopted by emergency legislative act, pursuant to Section 5009 of the Yurok Public Hearing Ordinance on June 23, 2023. The Yurok Tribal Council found that there was an immediate and urgent threat to the welfare of Tribal members and the Tribe due to the lack of affordable and accessible housing.

SECTION 1007. Amendment and Restatement

The Yurok Land Assignment Ordinance is hereby amended and restated and Council adopts this amended and restated ordinance in its entirety as the Yurok Tribe Land Assignment Ordinance.

SECTION 1008. Effective Date


This ordinance shall take effect immediately after its adoption by Council.

SECTION 1009. Repeal of Conflicting Ordinance Provisions

All prior ordinance provisions previously enacted by the Tribal Council and inconsistent with the provisions of this ordinance are hereby repealed. If the provisions of this ordinance conflict with the provisions of any other previously enacted ordinance, the provisions of this ordinance shall control.

SECTION 1010. Definitions

For the purposes of this ordinance, the following words or phrases shall have the meaning designated unless a different meaning is expressly provided, or the context clearly indicates otherwise:



- (a) *Abandonment* means to vacate a land assignment for a period of more than a year with no improvements or regular maintenance occurring to the land or structures. Maintenance can include maintaining cleared zones or fire breaks, gardening, grading, or any other activity that improves the land for habitation.
- (b) *Application* means Yurok Land Assignment Application.
- (c) *Assignable land* means tribal trust or tribal fee lands made available for residential land assignment by formal action of the Yurok Tribal Council.
- (d) *Assignment* means a Yurok Residential Land Assignment.
- (e) *Assignee* means the holder of a Yurok Revocable Residential Land Assignment.
- (f) *Department* means the Yurok Tribe Planning Department.
- (g) *Household or Family* means the nuclear family consisting of one or more parents or legal guardians and their minor children, as well as such other adults of the extended family (grandparents, aunts, uncles or cousins) as may live with the nuclear family on a regular and extended basis, consistent with Yurok cultural standards and values.
- (h) *Land Assignment Committee* means a committee formed of representatives from the Planning Department, Yurok Tribe Environmental Program, Office of Tribal Attorney, a representative of Tribal Council, and any other necessary and appropriate departments.
- (i) *Means to Develop* means that the applicant has identified either financial resources, grants, loans, other funding, skills, and/or labor assistance to sufficiently develop the assignment for habitation.
- (j) *Moral Turpitude* means conduct that is contrary to justice, honesty, or morality or so extreme a departure from ordinary Yurok standards of honesty, good morals, justice or ethics as to be shocking to the moral sense of Yurok people. Moral turpitude shall include, but shall not be limited to, the following:
 - (1) Fraud; 
 - (2) Embezzlement;
 - (3) Extortion;
 - (4) Theft;
 - (5) Bribery;
 - (6) Receiving stolen goods knowing they are stolen;
 - (7) Perjury;

- (8) Child abuse, including physical or sexual abuse;
 - (9) Contributing to the delinquency of a minor, including sexual relations with a minor, sexual exploitation of a minor, production or trafficking of child pornography, or serving or providing illegal drugs or alcohol;
 - (10) Assault with an intent to kill, commit serious bodily harm, or rape or with a dangerous weapon;
 - (11) Arson;
 - (12) Rape;
 - (13) Murder;
 - (14) Felony conviction for domestic abuse;
 - (15) Intentional manufacture, use, or distribution of a controlled substance or drug trafficking; and
 - (16) Aiding or abetting in the commission of, or attempting to commit, a crime involving moral turpitude.
- (k) *Minor* means a Yurok Tribal Member under the age of eighteen years.
- (l) *Reservation* mean all land, air, and water located within the exterior boundaries of the Yurok Indian Reservation.
- (m) *Spouse* means two people who have been joined together by legal matrimony, common law or “Indian Way.” “Indian Way” and common law must be certified by the Yurok Tribal Court.
- (n) *Tribal Council* or *Council* mean the duly elected governing body of the Yurok Tribe.
- (o) *Tribal Court* means the Yurok Tribal Court including their appeals court.
- (p) *Tribal member* means a duly enrolled member of the Yurok Tribe.
- (q) *Tribe* means the Yurok Tribe, federally recognized by the United States of America.


CHAPTER 1. LAND ASSIGNMENT APPLICATION

SECTION 1101. Applicant Eligibility

- (a) Must be an enrolled Yurok Tribal Member;
 - (1) Applicants non-tribal household or family members consent to the jurisdiction of the Yurok Tribe and Tribal Court by virtue of this application.
- (b) Must be a competent adult 18 years or older;
 - (1) Be competent, in that they have the mental capacity to make or carry out important decisions regarding their legal affairs.


- (c) Must agree to comply with all Yurok ordinances;
- (d) Have the means to develop the land assignment;
- (e) Completed an application and passed the background check: 
- (f) Must not be convicted of a violent crime or moral turpitude within the last 10 years or be required to register as a sexual offender. 

SECTION 1102. Application Process

- (a) All required documents must be submitted;
- (b) Applications will be assessed based on criteria clearly identified in the application packet, which may include means to develop, ties to  village, and other factors;
- (c) Applicant packets will be anonymized to remove identifying information as much as possible while initially evaluated;
- (d) Applications will be evaluated by the Land Assignment Committee, who will forward their recommendations to Tribal Council for adoption.
- (e) Notice will be given to the immediate neighbors that an application has been completed and they will have 30 days to give public comment.

CHAPTER 2. ELIGIBLE LAND ASSIGNMENTS

SECTION 1201. Assignment Eligibility.

- (a) Only land assignments that have been surveyed and reviewed for cultural suitability are eligible for assignment; 
- (b) Tests for ability to support adequate waste water systems must be completed before an assignment is eligible;
- (c) Have available water;
- (d) Legal access land assignments shall be established.

SECTION 4602. Assignment Size


- (a) Land Assignments shall be a minimum of half an acre (0.5) and a maximum of one and a quarter acre (1.25), unless a variance is granted by Council.


CHAPTER 3. ASSIGNMENT EXPIRATION AND REVOCATION

SECTION 1301. Assignment Expiration

Land assignments shall expire 20 years from issuance, unless the assignment is re-issued, or otherwise specified by the Council and consistent with the Yurok Constitution.

SECTION 1302. Grounds for Revocation

- (a) Three (3) violations of any Yurok ordinances in a five-year period as evidenced by a notice, citation, or civil action by Yurok Tribe Environmental Program staff, Tribal Heritage Protection Officers, Yurok Public Utilities District, Yurok Tribal Police, or other relevant departments. Citations will stay on the assignees record for five years. 
- (b) Abandonment.

- (c) Committing acts of moral turpitude  or a felony conviction for a violent crime.
- (d) If the Assignee's violation contaminates the land or cultural items causing significant harm to the land assignment or adjacent properties or watershed, then one violation is sufficient grounds to revoke the assignment.



SECTION 1303. Revocation Process

Tribal Council takes the Due Process rights of members very seriously and intends for Members facing revocation to have notice and an opportunity to be heard in front of the Tribunal. Revocation of a Land Assignment should be a last resort when all other reasonable remedies have failed. Land Assignment revocation will occur after whichever citing department has attempted to work with land assignment holders to correct any deficiencies on the assignment and failed, unless there are exigent circumstances that could lead to permanent or substantial damages or danger to health and welfare of community members.


- (a) The assignment file and complaints will be referred to Office of Tribal Attorney for prosecution;
- (b) Written notification will be given to the assignment holder no less than ten (10) business days after a complaint is filed in Tribal Court;
- (c) Revocation hearings shall be heard by Tribal Court;
 - (1) Tribal Court may assess damages, including clean-up costs, compensation for improvements to the land, or other orders not inconsistent with tribal law.

SECTION 1304. Findings and Aggravating Factors.

If there have been more than three (3) citations under tribal law in a five (5) year period the burden is on the Assignee to show that there is an extraordinary reason that they should retain their assignment.

CHAPTER 4. SUCCESSION

SECTION 1011. Succession

Assignees may nominate a spouse to hold a life estate for the remainder of the land assignment period in event of their death, upon approval by Council. 

- (a) An Assignee may nominate a beneficiary heir for the land assignment, so long as the beneficiary is otherwise eligible. When the Assignee dies, the beneficiary will have to confirm their interest in the assignment and complete whatever documentation is needed by the department for the land assignment. The designated beneficiary on file will control the disposition of the land assignment.
- (b) If a dispute arises over the transference of the land assignment, Council will make the final decision, which may include terminating the assignment or referring the matter to Tribal Court.

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THE FOREGOING ORDINANCE, ENTITLED THE LAND ASSIGNMENT ORDINANCE, WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUOK TRIBAL COUNCIL ON JUNE 23RD, 2022, AT WHICH QUORUM WAS PRESENT, AND THIS ORDINANCE WAS ADOPTED BY A VOTE OF 7 FOR, 0 OPPOSED AND 0 ABSTENTIONS IN ACCORDANCE WITH ARTICLE IV, SECTION 5(j) OF THE CONSTITUTION OF THE YUOK TRIBE.

DATED THIS 23RD DAY OF JUNE, 2022



Joseph L. James, Chairperson

Yurok Tribal Council

ATTEST:



Sherri K. Provolt, Secretary

Yurok Tribal Council