

**RESOLUTION 2018-12**  
**APPROVE AND AUTHORIZE COLVILLE INDIAN HOUSING AUTHORITY'S RISKY**  
**STRUCTURES DISALLOWED, AND CIHA DISCLAIMER OF LIABILITY POLICY**

**WHEREAS**, the Colville Indian Housing Authority is the duly constituted Housing Authority for the Confederated Tribes of the Colville Reservation, established by the Colville Business Council pursuant to the authority of the Constitution of the Colville Confederated Tribes, and in particular Article V, Section 1(a); and,

**WHEREAS**, the authorities and responsibilities of the Colville Indian Housing Authority are set out in the Colville Tribal Housing Authority Ordinance, adopted by Resolution 1977-59 of the Business Council; and,

**WHEREAS**, the purposes for which the Colville Indian Housing Authority was established include: (1) remedying unsafe and unsanitary housing conditions that are injurious to the public health, safety, and morals; (2) alleviating the acute shortage of decent, safe, and sanitary dwellings for persons of low income; and (3) providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings; and,

**WHEREAS**, the Colville Indian Housing Authority has been designated as the "Tribally Designated Housing Entity" for the Confederated Tribes of the Colville Reservation, as that term is defined at Section 4(21) of the Native American Housing Assistance and Self-Determination Act of 1996, P.L. 104-330 (25 U.S.C. 4101 - 4212), as amended ("NAHASDA"); and,

**WHEREAS**, the Business Council has appointed a Board of Commissioners to manage the Colville Indian Housing Authority (the "Board"), which Board operates pursuant to a Constitution and By-laws enacted by the Board on August 10, 2004 (as amended); and,

**WHEREAS**, the Colville Indian Housing Authority has received numerous requests from Homebuyers and Tenants to install the following types of items within the boundaries of Homebuyer/Tenant's premises: trampolines, bouncy houses, above-ground swimming pools, etc.; and

**WHEREAS**, the Colville Indian Housing Authority does not approve of such items, as such items are inherently risky; and

**WHEREAS**, the Colville Indian Housing Authority desires to clarify to all Homebuyers and Tenants that if they install or use such items, they assume all risk and liability of harm resulting from the installation and use of such items, including serious injury, permanent disability and death, and social and economic losses resulting from Homebuyer/Tenant's actions, inactions or negligence, and the inactions or negligence of others, or the condition of the premises or of any equipment used, as well as all other risks not known or not reasonably foreseeable; and

**WHEREAS**, the Colville Indian Housing Authority further desires to clarify to all Homebuyers and Tenants that they install or use such items, the Colville Indian Housing Authority bears no liability or responsibility for any harm resulting from or arising out of Homebuyer/Tenant's installation or use of such items within the boundaries of the Homebuyer/Tenant's premises; and

**WHEREAS**, the Colville Indian Housing Authority has conferred with the Housing Authority's legal counsel to draft a new housing policy for all Homebuyers and Tenants: *Risky Structures Disallowed, and CIHA Disclaimer of Liability Policy* ("Policy"), which is attached as Exhibit A to this Resolution; and

**WHEREAS**, the Board has reviewed and has determined that adopting the attached Policy is in the best interest of the Colville Indian Housing Authority; and

**WHEREAS**, the Board has determined that the attached Policy shall apply to all Homebuyers and Tenants, and shall also govern such risky structures that are already in place if they are not removed; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Colville Indian Housing Authority Board hereby approves and adopts the Policy, attached as Exhibit A to this Resolution, effective immediately.


**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Policy shall hereby apply to all Homebuyers and Tenants, and shall also govern such risky structures that are already in place if they are not removed.

**NOW, THEREFORE, BE IT FINALLY RESOLVED**, that the Colville Indian Housing Authority Executive Director is hereby authorized and directed to take any and all steps necessary to implement this Policy and to distribute it to all CIHA tenants and homebuyers.

### CERTIFICATION

This is to certify that the foregoing was duly enacted, pursuant to Article V of the Colville Tribal Ordinance, ratified on January 27, 1977, at a regular meeting of the Colville Indian Housing Authority Board of Commissioners, held on June 21, 2018, a quorum being present, with a vote of 4 FOR; 0 AGAINST, and 0 ABSTAINED.

BY:

  
\_\_\_\_\_  
John F. Stensgar Jr., Chairman  
Board of Commissioners

ATTEST:

BY: Melanie Green  
\_\_\_\_\_  
Melanie Green, Secretary/Treasurer  
Board of Commissioners

Risky Structures Disallowed, and CIHA Disclaimer of Liability Policy  
Approved June 21, 2018, Resolution No. 2018-12

RISKY STRUCTURES DISALLOWED, AND CIHA DISCLAIMER OF  
LIABILITY POLICY

1. This *Risky Structures Disallowed, and CIHA Disclaimer of Liability Policy* (“Policy”) was developed by CIHA and adopted by the CIHA Board of Commissioners in response to numerous requests from Homebuyer/Tenants to install or use the following types of equipment, structures or items within the boundaries of Homebuyer/Tenant’s premises: trampolines, bouncy houses, above-ground swimming pools, etc. (hereinafter “Risky Structures”). The foregoing list of items is intended to be illustrative only, and is not intended to be all-inclusive.
2. Installation or use of Risky Structures is inherently risky. Risky Structures may cause serious injury, including permanent disability and death. Further, social and economic losses might result not only from Homebuyer/Tenant’s actions, inactions or negligence, but the actions, inactions or negligence of others, or the condition of the premises or of any Risky Structures installed or used, and there may be other risks not known or not reasonably foreseeable.
3. Colville Indian Housing Authority (CIHA) ***does not approve*** of the installation or use of Risky Structures on any premises owned or managed by CIHA because of the inherent risks, described above.
4. If a Homebuyer/Tenant installs or uses Risky Structures, he or she thereby assumes all risk and liability of harm resulting from the installation or use of such Risky Structures, including but not limited to serious injury, permanent disability and death, and social and economic losses resulting from Homebuyer/Tenant’s actions, inactions or negligence, as well as all other risks not known or not reasonably foreseeable.
5. If a Homebuyer/Tenant installs or uses such Risky Structures, he or she thereby further assumes all risk and liability of harm resulting from the actions, inactions or negligence of others, or the condition of the premises or Risky Structures, as well as all other risks not known or not reasonably foreseeable.
6. CIHA bears no liability or responsibility for any harm resulting from or arising out of Homebuyer/Tenant’s installation or use of such Risky Structures.
7. This Policy applies to any such Risky Structure currently in place, or to any such risky structures that are installed.