

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 10-12-16-A Eviction and Termination Law**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Nation has adopted the Leasing law, which covers residential land leases and agricultural and business leases (which may include land and improvements), and the Landlord-Tenant law, which governs rental agreements for residential land and improvements; and
- WHEREAS,** the Nation does not have any laws in its code that govern the eviction and termination process related to leases under the Leasing law or rental agreements under the Landlord-Tenant law; and
- WHEREAS,** currently the eviction process, including the appeal of eviction process, is included in various standard operating procedures from the Division of Land Management, the Oneida Housing Authority and Elder Services; and
- WHEREAS,** in order to provide consistency, this law contains the minimum framework required to terminate a lease or rental agreement (defined as a contract in the law), evict and withhold from a security deposit; and
- WHEREAS,** this law provides that the Land Commission and the Comprehensive Housing Division may jointly create rules to further govern the processes contained in this law related to residential contracts, and
- WHEREAS,** this law provides that the Land Commission and the Division of Land Management may jointly create rules to further govern the processes contained in this law related to agricultural and business contracts; and
- WHEREAS,** this law names the Oneida Judiciary as the hearing body able to hear appeals arising under this law (the Land Commission previously had hearing body authority for all leases and Division of Land Management administered rental agreements); and
- WHEREAS,** a public meeting on the proposed Law was held on August 4, 2016 in accordance with the Legislative Procedures Act; and

**NOW THEREFORE BE IT RESOLVED,** that within 120 calendar days the Land Commission and the Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property in relation to residential contracts and the Land Commission and the Division of Land Management

shall jointly create rules further governing the disposition of personal property in relation to agricultural and business contracts.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Eviction and Termination law is hereby adopted and shall become effective in 120 calendar days.

**NOW THEREFORE BE IT FINALLY RESOLVED**, that because the provision of this law which names the Oneida Judiciary as the hearing body for appeals conflicts with section 67.11-5 of the Real Property law adopted by resolution BC-02-25-15-C, this resolution repeals the second sentence of that section which reads:

If the default is corrected under these circumstances the Lessee will be subject to further proceedings under the Oneida Administrative Procedures Act, Section 10 Contested Cases, which may lead to termination of Lessee's lease, loss of improvements, revised payment schedule and/or Garnishment of Lessee's wages in order to pay the remainder of the default.

#### CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 6 members were present at a meeting duly called, noticed and held on the 12<sup>th</sup> day of October, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
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Lisa Summers, Tribal Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."