

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 03-22-17-C

Repeal of Resolution BC-12-23-09-A, Oneida Housing Authority Admissions and Occupancy Policy

- 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,** prior to adoption of the Landlord-Tenant law and the Eviction and Termination law, Oneida Housing Authority (OHA) rentals and evictions were solely governed by OHA's Admission and Occupancy Policy; and
- WHEREAS,** resolution BC-12-23-09-A entitled *Oneida Housing Authority Admissions and Occupancy Policy* was adopted December 23, 2009, and placed a minimum requirement on OHA's Admission and Occupancy Policy wherein social eligibility criteria was minimized; and
- WHEREAS,** resolution BC-12-23-09-A prohibited OHA from using a failure to pay previous debt owed to a party other than OHA to find an applicant or occupant ineligible for participating in OHA's rental program; and
- WHEREAS,** resolution BC-12-23-09-A prohibited OHA from using a previous debt related eviction (i.e. failure to pay rent) from a housing entity other than OHA to find an applicant or occupant ineligible for participating in OHA's rental program; and
- WHEREAS,** when assessing the eligibility criteria for the OHA's income based rental program, OHA determined that resolution BC-12-23-09-A set both the landlord and the tenant up for failure by prohibiting consideration of unpaid utilities and debts owed to other housing programs within the Nation such as the Division of Land Management and Elder Services' rentals; and
- WHEREAS,** OHA has drafted the Landlord-Tenant law's Rule #2, Income Based Rental Program Eligibility, Selection and Other Requirements, which conflicts with resolution BC-12-23-09-A in articles 2.4-4 and 2.4-5 which read as follows; and

2.4-4. *Outstanding Debts.* Applicants for a rental agreement may not have a past due balance greater than two hundred dollars (\$200) owed to any utility provider and may not have any prior debt owed to the Comprehensive Housing Division.

2.4-5. *Prior Comprehensive Housing Division Eviction.* Applicants that have had a rental agreement with the Comprehensive Housing Division subject to an eviction

and termination within two (2) years from the date of the application are not eligible to participate in the income-based rental program; and

WHEREAS, article 2.4-4 of the Landlord-Tenant law Rule #2 conflicts with the resolution BC-12-23-09-A to the extent that it allows OHA to find an applicant ineligible based on debts owed to utility providers and the Nation in its landlord capacity; and

WHEREAS, article 2.4-5 of the Landlord-Tenant law Rule #2 conflicts with the resolution BC-12-23-09-A to the extent that it allows OHA to find an applicant ineligible based on an eviction from the Comprehensive Housing Division, which as defined by the Oneida Business Committee, consists of OHA, the Division of Land Management or Elder Services' rentals whereas the resolution only allows consideration of OHA evictions; and

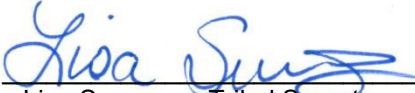
NOW THEREFORE BE IT RESOLVED, that resolution BC-12-23-09-A entitled *Oneida Housing Authority Admissions and Occupancy Policy* is hereby repealed.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Legislative Operating Committee is hereby directed to amend the Landlord-Tenant law to include the following restrictions on the rules governing the income-based rental program:

1. The rules may not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; and
2. The rules may contain eligibility requirements that consider debt owed to utility providers, but may not deny eligibility for any past due debt owed to a utility provider with a balance of less than two hundred dollars (\$200).

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 22nd day of March, 2017; 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.


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."