

Oneida Nation

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Oneida, WI 54155

BC Resolution # 01-25-17-C Landlord-Tenant Law Emergency Amendments

- 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 Landlord-Tenant law (the "Law") was adopted by the Oneida Business Committee by resolution 10-12-16-C; and
- WHEREAS,** the Law provides mechanisms for protecting the rights of the landlords and tenants of the Nation's rental programs; and
- WHEREAS,** the current Law applies to rental agreements defined as, "a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less;" and
- WHEREAS,** the Oneida Housing Authority's rent-to-own program does not fall into the Law's definition of rental agreements because the rental agreement for the rent-to-own program generally has a fifteen (15) year term with conveyance of the home at the satisfaction of the rental agreement; and
- WHEREAS,** the rental agreements in the Law were limited to one (1) year terms to fortify the policy requiring annual renewals of rental agreements and to avoid month-to-month tenancies; and
- WHEREAS,** the emergency amendment to the Law maintains the Law's policies while including the Oneida Housing Authority's rent-to-own program by revising the definition of "rental agreement" to state, "a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent to own basis;" and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** the emergency adoption of this amendment to the Landlord-Tenant law is necessary for the preservation of the public health, safety, or general welfare of the reservation population to ensure that the Oneida Housing Authority is not prohibited from entering into rent-to-own agreements when the Landlord-Tenant law becomes effective on February 9, 2017; and

WHEREAS, observance of the adoption requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest; and

WHEREAS, the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

NOW THEREFORE BE IT RESOLVED, that the emergency amendment to the Landlord-Tenant Law is hereby adopted on an emergency basis and shall become effective immediately upon effect of the law on February 9, 2017.

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; 8 members were present at a meeting duly called, noticed and held on the 25th day of January, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 1 member 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."