

Oneida Nation

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Oneida, WI 54155

BC Resolution # 02-08-17-E Landlord-Tenant Rules Extension

- 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 Oneida Business Committee adopted the Landlord-Tenant Law (Law) pursuant to resolution BC-10-12-16-C and thereafter adopted an emergency amendment pursuant to BC Resolution 01-25-17-C which revised the definition of “rental agreement” to include language that rent-to-own contracts may be longer than one (1) year pursuant to; and
- WHEREAS,** the Law as originally adopted and the emergency amendment to the Law both become effective on February 9, 2017; and
- WHEREAS,** the Law delegates joint rulemaking authority to the Land Commission and the Comprehensive Housing Division to create rules naming each rental program and the specific requirements related to each, and
- WHEREAS,** the Law provides that all rentals shall be in accordance with the respective program rules and that, at a minimum, rental programs are required to be developed, by rule, that function to serve (1) the general population; (2) the low-income population; and (3) the elder population; and
- WHEREAS,** the Oneida Housing Authority’s rent-to-own program rule and Oneida Elder Services’ elder rental program rule will not be ready in time for the February 9, 2017, effective date of the Law; and
- WHEREAS,** currently there is no rent-to-own inventory available; therefore, the Oneida Housing Authority focused first on the Landlord-Tenant Law Rental Rule 2: Income Based Rental Program Eligibility, Selection and Other Requirements; and
- WHEREAS,** given that there is no current rent-to-own inventory available, the Oneida Housing Authority determined that it would be best to assess the homeownership program for the purpose improving the program and making any necessary policy revisions rather than adopt a rule based on current practice; and
- WHEREAS,** the Oneida Housing Authority presented the Landlord-Tenant Law Rental Rule 2: Income Based Rental Program Eligibility, Selection and Other Requirements to the Legislative Operating Committee for procedural compliance on February 1, 2017, which was denied because the rule conflicted with an outstanding Oneida Business Committee Resolution for which the Oneida Housing Authority was requesting an repeal; and

WHEREAS, the next opportunity for Legislative Operating Committee certification of the Landlord-Tenant Law Rental Rule 2: Income Based Rental Program Eligibility, Selection and Other Requirements is February 15, 2017, after the February 9, 2017, effective date of the Law; and

WHEREAS, the Oneida Housing Authority needs additional time to develop and make effective the income based rental program rule and the rent-to-own program rule in accordance with the process set forth in the Administrative Rulemaking Law; and

WHEREAS, the Oneida Elder Services program has recently experienced a significant change in management which has made finalization of the rule and implementation of the rulemaking process difficult; and

WHEREAS, the Oneida Elder Services program has a public meeting for the Landlord-Tenant Law Rental Rule 3: Elder Rental Program Eligibility, Selection and Other Requirements scheduled for February 16, 2017; and

WHEREAS, the Oneida Elder Services program needs additional time to develop the elder rental program rule in accordance with the process set forth in the Administrative Rulemaking Law; and

NOW THEREFORE BE IT RESOLVED, the Oneida Housing Authority and Oneida Elder Services are hereby each granted a 60-day extension to create and make effective the rules governing the income based rental program, the rent-to-own program and the elder rental program.

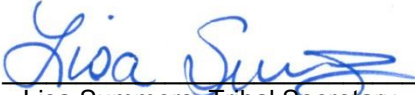
NOW THEREFORE BE IT FURTHER RESOLVED, the income based rental program, the homeownership program and the elder rental program shall continue to operate under the current standard operating procedures until the respective rules are effective.

NOW THEREFORE BE IT FURTHER RESOLVED, that any agreements entered by the Oneida Housing Authority's income based rental program and the rent-to-own program and the Oneida Elder Services elder rental program during the interim period shall be temporary and that permanent agreements shall be entered immediately after the respective rules are effective.

NOW THEREFORE BE IT FINALLY RESOLVED, the 60-day extension does not impact the effective date of Landlord-Tenant Law.

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; 9 members were present at a meeting duly called, noticed and held on the 8th day of February, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 3 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."