

FOND DU LAC RESERVATION BUSINESS COMMITTEE

POLICY ON VIOLENCE AND DRUGS FOR FOND DU LAC HOUSING

THIS POLICY SHALL APPLY TO THE OCCUPANCY OF ALL HOUSING WHICH IS OWNED OR ADMINISTERED BY THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA, AND IS ADOPTED PURSUANT TO THE INHERENT SOVEREIGN AUTHORITY OF THE FOND DU LAC RESERVATION BUSINESS COMMITTEE, AS THE GOVERNING BODY OF THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA, AS GRANTED BY ARTICLE VI OF THE REVISED CONSTITUTION OF THE MINNESOTA CHIPPEWA TRIBE, AND AS RECOGNIZED UNDER SECTION 16 OF THE INDIAN REORGANIZATION ACT, 25 U.S.C. § 476, AND THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996, 25 U.S.C. § 4101 ET SEQ.

1. Declaration of purpose and policy. Acts of violence by a tenant or resident of housing which is owned or administered by the Fond du Lac Band of Lake Superior Chippewa are contrary to the health, safety and well-being of the people of the Fond du Lac Band, and shall as a matter of the public policy of the Fond du Lac Band be grounds for eviction from such housing in accordance with the procedures set forth herein.

2. Prohibited conduct. For the purposes of this Policy, residents of housing which is owned or administered by the Fond du Lac Band shall be subject to eviction if there is substantial evidence that any member of the household has engaged in any of the following conduct:
 - (a) Assault;
 - (b) Murder;
 - (c) Robbery;
 - (d) Sexual assault;
 - (e) Distribution of, or possession with intent to distribute, illegal drugs;
 - (f) Criminal damage to property;
 - (g) Threatening violence towards another; or
 - (h) Aiding and abetting any of the above conduct.

3. Strict liability of tenant or leaseholder for conduct of other residents. For the purposes of this Policy, the tenant or leaseholder of any housing which is owned or administered by the Fond du Lac Band shall be strictly liable for the prohibitive conduct, as identified under Section 2 of this Policy, by any other member of the tenant or leaseholder's

household and any guests, regardless of whether such individuals are juveniles or are otherwise related to the tenant or leaseholder, except when the evidence indicates otherwise, as determined by the Fond du Lac Reservation Business Committee.

4. Manner of eviction. Any tenant or leaseholder of housing which is owned or administered by the Fond du Lac Band who is subject to eviction under this Policy shall be notified in writing at least 72 hours prior to the effective date of eviction. If the tenant or leaseholder has not vacated the premises upon the expiration of the notice period, any individual still occupying the premises shall be treated as a trespasser in accordance with applicable law.
5. Appeals. Any appeal of evictions undertaken pursuant to this Policy shall be in writing to the Reservation Business Committee within thirty (30) days of said eviction, but in no event shall such appeal stay or delay the effective date of the eviction.
6. Continued Ineligibility for Fond du Lac Housing. Persons who are evicted under this Policy shall remain ineligible for housing which is owned or administered by the Fond du Lac Band until such person has demonstrated rehabilitation and presents evidence of suitability to the Reservation Business Committee.

Approved pursuant to Resolution #1297/98 of the Fond du Lac Reservation Business Committee on September 3, 1998.

Amended pursuant to Resolution #1309/02 of the Fond du Lac Reservation Business Committee on November 27, 2002.

Amended pursuant to Resolution #1235/04 of the Fond du Lac Reservation Business Committee on September 23, 2004.

32P092304