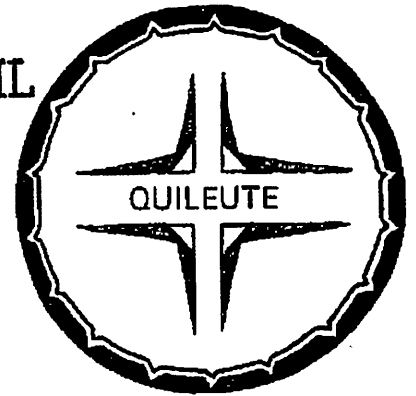


QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279
LA PUSH, WASHINGTON 98360-0279
TELEPHONE (360) 374-6163
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QUILEUTE TRIBAL COUNCIL

RESOLUTION NO. 2016-A-77

WHEREAS, the Quileute Tribe is an Indian tribe organized under the Indian Reorganization Act, and the Quileute Tribal Council is the duly constituted governing body of the Quileute Tribe by authority of article III of the CONSTITUTION AND BY-LAWS OF THE QUILEUTE TRIBE OF THE QUILEUTE RESERVATION, approved on November 11, 1936 by the Secretary of the Interior; and

WHEREAS, the ancestors of the present Quileute Tribe were a party to the Olympia Treaty of 1855, and enjoy the rights reserved to it by that Treaty; and,

WHEREAS, the Quileute Tribal Council has authority to enact ordinances to promote the peace, safety, morals, and general welfare of the Quileute Tribe by regulating the conduct of trade and the use and disposition of property upon the Quileute Reservation pursuant to QUILEUTE CONST., art. VI, § 1(j) and to promulgate and enforce ordinances governing the conduct of members of the Quileute Tribe and providing for the maintenance of law and order, pursuant to QUILEUTE CONST., art. VI, § 1(i); provided that such ordinances shall be subject to the review of the Secretary of the Interior; and

WHEREAS, the Tribal Council has determined that it is in the best interests of the Quileute Tribe to expand opportunities for financing by individual tribal members and their families by establishing a legal infrastructure by which the Quileute Tribe will be recognized by the U.S. Department of Housing and Urban Development as eligible to participate in HUD's Section 184 loan guarantee program.

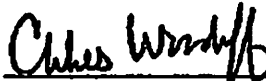
NOW THEREFORE BE IT RESOLVED that the Quileute Tribal Council hereby enacts the Eviction Procedures Ordinance, in the form attached hereto as Exhibit A; repeals any preexisting tribal law inconsistent with this Ordinance; and declares that the powers of the Quileute Tribal Government, including the tribal court and tribal law enforcement, shall be vigorously utilized to enforce the provisions of this Ordinance, including the foreclosure provisions thereof;

AND BE IT FURTHER RESOLVED that the Quileute Tribal Council hereby requests

Continued on following page

that the Secretary of the Interior, or his designee, approve the attached and enacted Ordinance in accordance with the Quileute Constitution, art. VI, § 2.

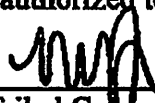
QUILEUTE TRIBAL COUNCIL



Charles Woodruff, Chairman

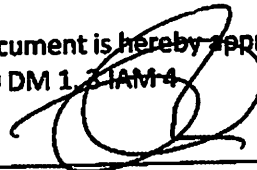
CERTIFICATION

The foregoing Resolution was adopted at a regular meeting held on the 14th of October, 2016, at which time a quorum was present, and the Resolution was adopted by a vote of 3 FOR, 0 AGAINST, and 0 ABSTAINING/NOT VOTING, the Chairperson, or the Vice-Chairperson in his absence, being authorized to sign the resolution.



Tribal Council Secretary
or authorized designee

The within document is hereby approved pursuant to
209 DM8, 230 DM 1, 3 IAM-4



Northwest Regional Director

Approval Date: 1/24/17

EVICTION PROCEDURES ORDINANCE

An ordinance amending the Evictions Procedures Ordinance.

1.0 TITLE

This ordinance shall be known as the QUILEUTE EVICTION PROCEDURES ORDINANCE of the Quileute Indian Reservation.

2.0 JURISDICTION

The provisions of this ordinance shall apply to ALL persons and property subject to the governing authority of the Tribe as established by the Tribal Constitution.

3.0 DEFINITIONS

(a) Tribe shall refer to the Quileute Tribe of the Quileute Indian Reservation as defined in the Tribal Constitution.

(b) Tribal Court shall mean the Tribal Court as established by the laws of this Tribe.

(c) Leasehold Mortgage Foreclosure Proceeding shall mean a Leasehold Mortgage Foreclosure Proceeding under the Leasehold Mortgage ordinance of the Tribe.

(c) Lessor shall refer to the Tribe, Tribally Designated Housing Entity or to any other person or entity who shall have an interest in real property which for a limited time has been leased or rented to another; and the term lessor

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shall also include a Tribally Designated Housing Entity which has leased real property under a Mutual Help and Occupancy Agreement, Rental Lease Agreement or other similar arrangement whereby the tenant may, on certain conditions, obtain ownership of the occupied property at the end of occupancy under the agreement; the term lessor shall also include a person or entity who was the seller under a contract for the purchase of an interest in real property, including a leasehold interest, which has been forfeited or terminated; the term lessor shall also include a mortgagee who has been assigned a lease in a Leasehold Mortgage Foreclosure Proceeding in Tribal Court.

(d) Secretary shall mean the Secretary of the United States Department of Housing and urban Development (HUD) or his or her designee, attorney or agent, or the assignee of the Secretary.

(e) Tenant shall mean any person who occupies real property under a lease, rental agreement or other agreement with a lessor as defined in this section.

(f) Unlawful Detainer Action shall be a suit brought before the Tribal Court to terminate a tenant's interest in real property and/or to evict any person from occupancy of real property.

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(g) Writ of Restitution is an order of the Tribal Court:

(1) Restoring an owner or lessor or the Secretary to possession of real property and,

(2) Evicting a tenant or other occupant therefrom.

(h) Nuisance is the maintenance on real property of a condition which:

(1) Unreasonably threatens the health or safety of the public or neighboring land users; or,

(2) Unreasonably and substantially interferes with the ability of neighboring property users to enjoy the reasonable use and occupancy of their property.

(i) Waste is spoil or destruction by a tenant of land, buildings, gardens, trees or other improvements which result in substantial injury to the lessor's interest in the property.

(j) Gender (singular or plural). Reference to persons by terms denoting one sex shall be taken as referring to either sex. Reference to persons by a term denoting the singular shall include the plural.

4.0 Unlawful Detainer

A tenant or other occupier of land shall be guilty of unlawful detainer if such person shall continue in

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occupancy of real property under any of the following situations:

(a) Without the requirement of any notice:

(1) After the expiration of the term of the lease or other agreement; or

(2) If such person has entered onto or remains on the real property of another without the permission of the owner and without having any substantial claim of a lease or to title of the property; or

(3) After a Tribally Designated Housing Entity has terminated such person's tenancy pursuant to procedures providing such person a hearing before the Tribally Designated Housing Entity involved; or

(4) After the interest of such person in a lease has been foreclosed in a Leasehold Mortgage Foreclosure Proceeding in the Tribal Court.

(b) After having received 30 days' notice, the tenant or occupier shall remain in possession of the property contrary to the terms of the notice, as follows:

(1) When such person has received notice:

(i) That he is in default in the payment of rent; and

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(ii) requiring him, in the alternative, to pay the rent or surrender possession of the occupied property; and such person has remained in possession after receipt of such notice without either surrendering the possession of the property or paying the rent; or,

(2) When the lease of the property is for an indefinite time, with rent to be paid monthly or by some other period, and the lessor has given notice of termination of the tenancy at least 30 days prior to the end of such month or period; or,

(3) When such person shall continue to fail to keep or perform any condition or covenant of the lease or agreement under which the property is held after he has been given notice to either perform such condition or covenant or to surrender the property; or

(4) When such person continues to commit or to permit waste upon or maintain a nuisance upon the occupied property after having been given notice, in the alternative, either to cease such waste or maintenance of nuisance or to surrender the property.

(c) After having received three (3) days' notice, the tenant or occupier shall remain in possession of the

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property contrary to the terms of the notice, as follows:

(1) When such person has received notice to vacate the premises because the tenant or other occupier has engaged in drug related criminal activity, or other criminal activity which imminently threatens the health, safety, or right to peaceable enjoyment of neighboring properties; provided that a criminal conviction shall not be required to invoke the provisions of this paragraph.

(2) When such person has received notice that there exists on the rented or leased premises a condition which constitutes a threat to public health and/or safety and he or she has been given notice, in the alternative to either repair such condition or to surrender the property.

5.0 PROCEDURES FOR SERVICE OF NOTICE

Notices required or authorized in the immediately preceding section shall be given in writing by either:

(a) Delivering a copy personally to the tenant or occupier or to any adult member of his family residing on the premises; or,

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(b) Posting said notice in a conspicuous place near the entrance to said premises, and by sending an additional copy to the tenant or occupier by certified mail, return receipt requested, properly addressed, postage prepaid.

Proof of service by either of the above methods may be made by affidavit of any adult person stating that he or she has complied fully with the requirements of 1 of 2 methods of service.

6.0 COMPLAINT AND SUMMONS

The owner of real property or lessor shall commence an action for unlawful detainer by filing with the court, in writing, the following documents:

(a) A complaint, signed by the owner, lessor, the Secretary, an agent, or attorney, stating:

- (1) The facts on which he seeks to recover.
- (2) Describing the property so that it can be identified with reasonable certainty; and
- (3) Any claim for damages or compensation due from the persons to be evicted; and

(b) A summons issued as in other cases requiring the defendants to appear for a trial upon the complaint on a date and time specified in the summons. The trial date

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specified in the summons shall be not less than 6 nor more than 30 days from the date of service of the summons and complaint. The summons must notify the defendants that judgment will be taken against them in accordance with the terms of the complaint unless they file with the court an answer and appear for trial at the time, date and place specified in the summons.

7.0 SERVICE OF SUMMONS AND COMPLAINT

A copy of the summons and complaint shall be served upon the defendants in the manner provided by the Tribal Court rules for service of process in civil matters. In the absence of such Tribal Court rules, the summons and complaint shall be served by one of the methods authorized in section 5.0 above.

8.0 POWER OF THE TRIBAL COURT

The Tribal Court shall enter a Writ of Restitution if:

- (a) Notice of suit and trial is given by service of summons and complaint in accordance with the procedures provided in this ordinance; and,
- (b) The Tribal Court shall find that the occupier of the real property is guilty of an act of unlawful detainer.

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Upon issuance of a Writ of Restitution, the Tribal Court shall have authority to enter against the defendants a judgment for the following: back rent; unpaid utilities; charges due the Tribe, Tribally Designated Housing Entity, or land owner under any lease or occupancy agreement (not including under a leasehold mortgage); and for damages caused by the defendants to the property other than ordinary wear and tear. The Tribal Court shall have authority to award to the prevailing party his costs and reasonable attorney's fees in bringing suit.

9.0 CONTINUANCES IN CASES INVOLVING THE SECRETARY

Except by agreement of all parties, there shall be no continuances in cases involving the Secretary which will interfere with the requirement that the Writ of Restitution be enforced not later than 60 days from the date of service of the summons and complaint.

10.0 ENFORCEMENT

Upon the issuance of a Writ of Restitution by the Tribal Court, tribal law enforcement officers shall enforce the Writ of Restitution by evicting the defendants and their property from the premises which are unlawfully occupied and keeping the peace during such eviction. In all cases involving the Secretary, the Writ of Restitution shall be

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enforced not later than 60 days after the date of service of the summons and complaint.

11.0 ALTERNATE REMEDIES

In those cases in which the persons or property are subject to the jurisdiction of the State of Washington or the United States, the remedies and procedures provided by this Section are in the alternative to remedies and procedures provided by the laws of the State of Washington or the United States.

12.0 CONFLICTS

In the event of a conflict between this ordinance and any other law or ordinance of the Tribe, the provisions of this ordinance shall take precedence and be controlling.

13.0 SAVINGS CLAUSE, SEVERABILITY PENDING ACTIONS. If any

paragraph, subparagraph, clause or sentence or phrase of this ordinance or regulations adopted pursuant to this Title shall be declared invalid, or declared invalid as applied to any person or circumstance, such decision shall not affect the validity of the remaining portions of the ordinance, and those remaining portions shall remain in full force and effect and to this end, provisions of this ordinance and any regulations adopted hereunder are declared severable. Any action pending at the date of the

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amendment of this ordinance shall not be affected by amendment of this ordinance, and the action shall proceed pursuant to prior provisions of the Law and Order Ordinance of the Quileute Tribe or other applicable ordinance of the Tribe or regulations enacted pursuant thereto.

14.0 EFFECTIVE DATE

This ordinance shall take effect upon approval of the Secretary of the Interior.

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