



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 05- 29

of the

### SQUAXIN ISLAND TRIBAL COUNCIL

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; **and**

**WHEREAS**, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of the tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; **and**

**WHEREAS**, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education, and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; **and**

**WHEREAS**, the Housing and Utilities Commission adopted a complete revision of the Rent Collections Policy by resolution 04-05 on May 21, 2004; **and**

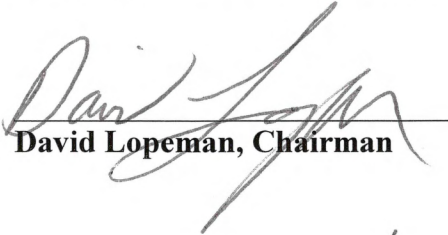
**WHEREAS**, the Squaxin Island Tribal Council approved the new Rent Collections Policy by its resolution 04-41 of May 28, 2004: **and**

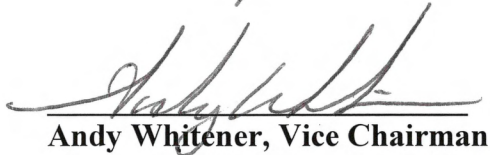
**WHEREAS**, the Housing and Utilities Commission has determined that changes need to be made to the policy and has adopted Change One to the Rent Collection Policy by its resolution 05-01 on March 18, 2005,

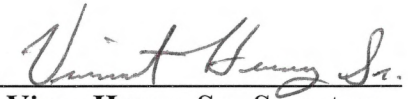
**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council does hereby approve Change One to the Rent Collections Policy of the Housing and Utilities Commission.

**CERTIFICATION**

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 24<sup>th</sup> day of March 2005, at which time a quorum was present and was passed by a vote of 5 for and 0 against with 0 abstentions.

  
David Lopeman, Chairman

  
Andy Whitener, Vice Chairman

Attested by:   
Vince Henry, Sr., Secretary



# SQUAXIN ISLAND TRIBE

## Housing and Utilities Commission

### RESOLUTION NO. 05-01 OF THE

### SQUAXIN ISLAND TRIBAL HOUSING AND UTILITIES COMMISSION

**WHEREAS**, the Squaxin Island Tribal Housing and Utilities Commission is authorized under the Tribal Commissions and Committees Policy Ordinance and created by the Squaxin Island Tribal council under the Tribal Ordinance Establishing the Squaxin Island Housing and Utilities Commission adopted by Resolution of the Tribal Council on October 8, 1998; **and**,

**WHEREAS**, under Squaxin Island Tribal Law, the Squaxin Island Tribal Housing and Utilities Commission is charged with the duty to serve as the advisory, decision-making, and policy authority for the Squaxin Island Tribal Housing Program and the Tribal Utilities Program; **and**,

**WHEREAS**, the Squaxin Island Tribal Housing and Utilities Commission serves at the pleasure of the Squaxin Island Tribal Council with authority as delegated by the Tribal Council to create policies governing the Tribal Housing Program and the Tribal Utilities Program and to adjudicate interpretation of these policies; **and**,

**WHEREAS**, the Squaxin Island Tribal Housing and Utilities Commission adopted the Housing and Utilities Commission Housing Policies by Resolution 99-01; **and**,

**WHEREAS**, the Squaxin Island Tribal Council approved the Housing and Utilities Commission Housing Policies by Resolution 99-59; **and**,

**WHEREAS**, the Rent Collection Policy was revised and update on May 28, 2004 and approved by the Housing and Utilities Commission by Resolution 04-05, **and**,

**WHEREAS**, the revisions to the Rent Collection Policy was approved by the Squaxin Island Tribal Council by resolution 04-41, **and**,

**WHEREAS**, the Squaxin Island Tribal Housing and Utilities Commission have determined it necessary to make a change to the Housing and Utilities Commission's Rent Collection Policy;

**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Housing and Utilities Commission does hereby approve Change 1 to the Rent Collections Policy.

## CERTIFICATION

The Squaxin Island Tribal Housing and Utilities Commission does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Housing and Utilities Commission, held on this 18th day of March, 2005, at which a quorum was present and was passed by a vote of 5 for, and 0 against with 0 abstentions.

Mary Whitener  
Mary Whitener, Chairperson

Attested by: Rose Algea  
Rose Algea, Secretary-Treasurer

Mark West  
Mark West, Vice-Chairman

# **SQUAXIN ISLAND TRIBE**

## **RENT COLLECTIONS POLICY**

### **Purpose and Applicability**

#### Purpose

The purpose of the Collections Policy is to inform tenants of the process for collecting rents. The goal of this policy is to collect the amounts owed to the Squaxin Island Tribal Housing Program in order to ensure the continuation of adequate housing services while providing for the safety and well being of tenants and promoting fairness and due-process.

#### Applicability

This policy shall apply to tenants of the Squaxin Island Tribal Housing Program that have entered into a rental, lease purchase or home ownership contract, or have made any other financial obligation to the Tribe's Housing Program.

#### Definitions

Definition of any terms contained herein shall be consistent with the Squaxin Island Tribal Housing Code.

### **The Collection Process**

#### Amount of Required Monthly Payment

The amount of required monthly payment shall be determined at the initial admission and occupancy as stipulated in the lease or home ownership agreement. The rent shall be established based on the method identified in the Squaxin Island Tribe Payment and Rent Policy or pursuant to program requirements. Rent will be adjusted according to the terms of the lease, home-ownership agreement, or other program requirements.

#### Statements

When monthly payments are required, statements reflecting individual tenant accounts will be mailed by the Finance Department to tenants between the 25<sup>th</sup> and 30<sup>th</sup> of each month. The statement will reflect the tenant's outstanding balance and the rent due for the next month. A reminder will be affixed to all statement with an overdue balance.

## Payments

All payments for housing services shall be made to the:

Finance Department  
Squaxin Island Tribe  
10 S. E. Squaxin Lane  
Shelton, WA 98584

The Finance Department's hours are 7:30 A.M. to 4:00 P.M. Monday through Friday except on tribally recognized holidays. Checks should be made payable to "Squaxin Island Tribe." The Office of Housing is not authorized to accept payments.

## Payroll Deduction Discount

Tenants who elect to pay their rent by payroll deduction will receive a 5% discount on their rent, provided the tenant's account is current.

## Pre-payment Discount

Tenants who elect to prepay three or more months at a time will receive a 5% discount on their rent, provide the tenant's account is current.

## Due Date

Rent payments are due and payable on or before the 5th day of each month. In the event the 5<sup>th</sup> falls on a weekend or recognized holiday, payment is due by close of the first business day following the 5<sup>th</sup> of the month. Rent is considered delinquent 10 days after the due date.

## Late Fees

If payment is not received by the 15<sup>th</sup> of the month or if the 15<sup>th</sup> falls on a weekend or recognized holiday, the first business day following the 15<sup>th</sup>, a late fee will be automatically added to the individual tenant's account. The late fee is \$10.00 for elders and \$20.00 of all other tenants.

## Partial Payment

The Finance Department will apply any partial payment to the oldest portion of any outstanding account balance.

## Notice of Termination

Once any portion of the tenant's account becomes three months overdue, the tenant will be personally served with a Notice of Termination. Tenant's rental, lease purchase or home ownership agreement shall be subject to termination unless the tenant appears before the Tribal Housing Support Team and shows cause why their agreement should not be terminated. Date and time of the meeting with the Tribal Housing Support Team shall be contained in the Notice to Terminate.

## Tribal Housing Support Team

### Tribal Housing Support Team Membership and Authority to Act

The Tribal Housing Support Team will consist of the Housing Manager, the Housing Counselor, the Chairman and Vice-Chairman of the Housing and Utilities Commission, a representative of the Tribe's social services program appointed by the Director of Health and Human Services, and the Tribe's Deputy Executive Director. The Housing Manager will serve as a Chairman of the Tribal Housing Support Team. The Planning Director or his/her designee shall act as a technical advisor. The Tribal Housing Support Team shall meet at least on a monthly basis. The Tribal Housing Support Team has the authority to determine the merits of a Notice of Termination, or compliance of a Continued Occupancy Agreement, even if an affected tenant fails to appear before the Team.

### Tribal Housing Support Team Considerations and Tenant Rights

The Office of Housing shall make every reasonable effort to notify tenants of time and date of their meeting with the Team. The Tribal Housing Support Team shall consider all appropriate information offered by the Housing Program and the tenant. Tenants may have one personal representative present. Tenants may request relevant Tribal staff to appear to provide appropriate information.

### Tribal Housing Support Team Actions

The Tribal Housing Support Team actions are limited to one or more of the following four actions:

- 1) Direct the Office of Housing to issue a Notice to Quit and a demand for full payment.
- 2) Direct the Office of Housing to enter into a Continued Occupancy Agreement with the tenant.

The Continued Occupancy Agreement is limited to one or more of the following actions:

- a) A payment plan to bring the tenant current within 90 days.
- b) Use of the tenant's MEPA account to bring the account current
- c) Conversion of the housing unit from a MHU to a rental unit
- d) Tenant performing in-kind service In lieu of rent
- e) Financial counseling
- f) Deferral of action contingent of participation in appropriate treatment program

Continued Occupancy Agreements shall have a specific start and end date. The Agreement shall clearly state that the failure of the tenant to comply with all the terms of the agreement shall result in termination without any further notice or appeal. The Tribal Housing Support Team will review all outstanding Continued Occupancy Agreements on a monthly basis. The Team's determination that a tenant has failed to fulfill any provision of the Continued Occupancy Agreement shall result in the immediate issuance of a Notice to Quit.

3) Based on a finding the tenant is in full compliance with the rental, lease purchase or home ownership agreement, strike the Notice to Terminate.

4) For good cause, defer a decision for no more than 30 days.

The Team's decision shall be in writing and personally served upon tenant within two days of decision date.

## Legal Proceedings

### Notice to Quit

When directed by the Tribal Housing Support Team, the Office of Housing shall issue a Notice to Quit in accordance with the Tribal Housing Ordinance. The tenants shall be informed of the reason for action and the need to remove personal property from the premises. A copy of the Notice of Termination, the Notice to Quit and the terminated occupancy contract shall be recorded with the Planning Department in accordance with Tribal Housing Code. After the Notice to Quit is issued, the Office of Housing may only accept full payment of the outstanding balance on an account to allow continued occupancy.



## Court Proceedings

On the first business day following expiration of the Notice to Quit, the Office of Housing shall file a civil complaint in the Squaxin Island Tribal Court or other appropriate court of competent jurisdiction seeking eviction and/or full payment of the overdue account. The complaint shall contain a copy of the homebuyer or lease agreement, account ledger, letters and other notices sent to the tenant regarding non-payment

## Assessment of Fees and Costs

Upon the court filing of the eviction proceedings, there shall be assessed against tenant's account an administrative fee of \$ 400.00. In addition to this administrative fee, and regardless of the final determination in the eviction proceedings, tenant shall reimburse the Housing Program all costs of court, including reasonable attorney fees.

## End of Occupancy

### Collection of Delinquent Accounts

If the tenant is removed or vacates the premises any time following the Notice of Termination, and if the tenant continues to have a delinquent account balance, the Office of Housing shall refer the matter to the Squaxin Island Court and seek judgment for the overdue account. After removal or vacation of the premises, any tenant MEPA balance shall first be applied towards tenant's delinquent account, and the remaining MEPA account balance, if any, shall be refunded to the tenant.

### Interest

After removal or vacation of the premises, any unpaid balance on a tenant's account shall be charged compounded interest at the rate of 12% per annum.

### Collection Efforts

The Office of Housing shall make every attempt to collect unpaid accounts using every legal means available. The Office of Housing shall report quarterly to Housing and Utilities Commission on their efforts to collect unpaid accounts.

### Video Taping Premises

Once a tenant is removed or vacates the premises, the Office of Housing will video tape the condition of the premises. The video tape will be retained until the tenant's account, including damage fees, is paid in full. If the tenant has abandoned personal property, the video recording shall take place prior to the removal of the property.

#### Removal of Personal Property

It is the responsibility of the evicted tenant to remove all personal property from the unit. However, if the tenant cannot be located, the Office of Housing shall remove the personal property and dispose of it consistent with the terms of the Squaxin Island Housing Code.

#### **Loss of Eligibility**

Tenant's failure to pay all outstanding obligations after removal or vacation of the premises shall result in a loss of eligibility for all services or benefits offered by the Tribal Housing Program for a period of five years. One year after date of tenant's removal or vacation of the premises, tenant may petition the Housing Program for reinstatement and eligibility for any and all housing programs offered by the Tribe. Reinstatement and eligibility shall be conditioned upon tenant paying any and all outstanding delinquent account balances.