

BISHOP PAIUTE TRIBE BISHOP
PAIUTE RESERVATION

RENTAL MINIMAL HOUSING STANDARDS
ORDINANCE NO. 2012-02

Adopted May 10,2012

This Ordinance shall be known as the Bishop Paiute Rental Minimal Housing Standards Ordinance and once adopted by the Bishop Paiute Tribal Council shall be within the jurisdiction of the adjudicatory powers of the Bishop Paiute Tribal Court.

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Rental Minimal Housing Standards Ordinance No. 2012-02

After careful study and evaluation the Bishop Paiute Tribal Council (Tribal Council) as the governing body of the Bishop Paiute Tribe (Tribe) has determined that in order to protect the health, safety and welfare of the Bishop Tribal Community (Tribal community includes Indians and non-Indians, and members and non-members of the Bishop Paiute Tribe), there must be minimum housing standards established with reference to rental housing offered by Tribal members to the Tribal community.

Now therefore, it is hereby established that to qualify as housing that may be offered for rent to the Tribal community, the following minimum standards must be complied with at the start of any rental period and continued throughout the entire rental period. This Ordinance does not apply to Tribal government housing available to Tribal members through federal programs such as NAHASDA, and administered through the Tribal Community Development Department.

100. Minimum Standards

1. Effective waterproofing and weather protection of the roof, exterior walls, windows and doors.
2. Plumbing and gas facilities that are maintained in good working order.
3. A water supply that produces hot and cold running water.
4. A heating system that is maintained in good working order.
5. An electrical system, including lighting, wiring and equipment, that is maintained in a good working order.
6. Building, grounds and appurtenances that, are clean, sanitary and free from all accumulations of debris, filth, garbage, rodents and vermin.
7. An adequate number of appropriate garbage and rubbish receptacles, that are kept clean and in good condition at all times.
8. Floors, stairways and railings maintained in good repair.

200. Use Permit

In order to ensure that these minimum standards are complied with, a Use Permit must first be obtained by the landlord from the Tribal Council or its designees, prior to any rental of the landlord's housing. The Use Permit will not be issued until the Tribal Council or its designee has certified that the proposed rental housing is in compliance with this Ordinance. Rental housing units in existence prior to the enactment of this Ordinance must obtain a Use Permit within ninety (90) days of the enactment of this Ordinance.

It is the intent of this Ordinance that the above minimum standards are complied with not only at the beginning of a rental period, but during the entire rental term of all rental housing.

The Tribal Council or its designee, is hereby authorized to inspect each location where a housing Use Permit has been issued at least once every twelve (12) months. The landlord shall be given reasonable notice by the Tribal Council or its designee prior to any inspection. If a violation is found a warning shall be issued setting out in detail the nature and extent of the violation is.

The Warning shall spell out in detail why the rental unit is not in compliance with this ordinance. The Landlord shall be given a reasonable period of time to correct the issues referred to in the Warning and be advised that the failure to comply with the Warning maybe grounds to have the Use Permit revoked.

300. Failure to Comply

In the event that a rental unit fails to meet the above minimum standards during any rental term, the tenant may notify the Tribal Council or its designee of the alleged non conforming condition.

The Tribal Council or its designee is hereby authorized to investigate the tenant complaint, and make a determination as to whether there is in fact a non conforming condition.

Both the tenant and landlord shall be notified in writing as to the Tribal Council's or its designee's findings, and recommendations if any.

400. Citation Issued

Failure of a landlord to allow a reasonable inspection of the housing unit shall be grounds to issue a citation and thereafter revoke a Use Permit.

Failure of a landlord to substantially correct a substandard condition as listed above, within a reasonable time after receiving a written Warning from the Tribal Council or its designee, shall be grounds to issue a citation.

The warning and citation process applies equally to rental housing units in existence prior to the enactment of this Ordinance. As an example the warning could require that the Landlord apply for a Use Permit. Failure to obtain a Use Permit would subject the Landlord to the remedies available to the Bishop Paiute Tribal Court (Tribal Court) under this Ordinance.

If a Citation is issued after failure to substantially comply with the Warning, the Citation shall advise that an appeal must be filed in writing with the Tribal Court within thirty (30) days of service of the Citation on the Landlord. The Citation shall also set out in detail what action is to take place under the Citation if an appeal is not taken and or the warning is not complied with. As an example, the revocation of a Use Permit.

500. Tribal Court

If a Citation is issued and served, a landlord shall have thirty (30) days within which to appeal the citation to the Tribal Court. The appeal shall be filed in writing directly with the Clerk of the Tribal Court. The Tribal Court will thereafter process the appeal according to its rules of court and make a determination in open court after notice to all parties as to whether the grounds for a Citation are valid.

Service of the Citation shall be in accordance with the Tribal Court rules dealing with Service of Process (Rule 9).

In the event that the Tribal Court determines that there is a basis for the Citation, the Tribal Court shall then enter the appropriate order directing the terms and condition under which the landlord shall comply with the Citation.

The Tribal Council or its designee shall follow up with the landlord to establish that the Tribal Court order is complied with. If the Tribal Court order is not substantially complied with, the Tribal Council or its designee shall provide the Tribal Court with a declaration setting out how and in what manner the Tribal Court order has not been complied with.

If the Tribal Court determines after reviewing the declaration that there is probable cause to believe that there has not been substantial compliance with the Tribal Court order, the court shall then issue and have served on the landlord an order to show cause why the landlord's Use Permit shall not be revoked. The order to show cause will provide notice to the Landlord of the date of hearing on the order to show cause.

600. Revocation of Use Permit

After the order to show cause hearing, the Tribal Court shall determine if further compliance is required of landlord. The Tribal Court has the discretion to either order further compliance or find there has been substantial compliance or revoke the landlord's Use Permit.

In the event that the Tribal Court revokes the house rental Use Permit, or the landlord has failed to obtain a Use Permit as required by this Ordinance, but continues to rent the housing unit, the Tribal Council or its designee shall file with the Tribal Court a declaration requesting that all occupants of the housing unit be removed under the Tribe's Unlawful Detainer Ordinance.

The declaration shall also request available remedies and damages against the landlord for violating this Ordinance as provided herein.

The Tribal Court may also be requested in the declaration to issue an injunction against the landlord, prohibiting the landlord from re-renting the housing unit until a valid Use Permit is issued.

700. Remedies

The Tribal Court has in addition to any other available remedies, is given further grant of authority to order one or more of the following remedies within its discretion in order to obtain compliance with its orders/judgments:

- a. Order the suspension of selective Tribal services identified and limited to DMV exemptions, enrolment card verification, and sales tax certification within the discretion of the Tribal Court.

- b. Order the suspension of eligibility to receive Tribal per capita and State of California Special Distributions, or in the alternative, the use of such Tribal per capita and state distributions to satisfy any and all outstanding orders/judgments of the Tribal Court.

800. Failure to Appeal

In the event that there is no appeal of a Citation as provided herein, the Landlord is bound by the findings contained within the Warning and the remedies set out in the Citation.

After written notice to Landlord by the Tribal Council or its designee of the failure to appeal, and Landlord's failure to comply with the Citation, the Tribal Council or its designee is then empowered to file the citation with the Tribal Court.

The Tribal Council or its designee, in addition to filing the Citation with the Tribal Court, may request the Tribal Court to order one or more of the remedies sought in the Warning and or Citation including, but not limited to revocation of a Use Permit and a request to evict all tenants occupying a rental unit that is not operational under a valid Use Permit.

The court in addition to the remedies stated for Landlord failure to comply with the Citation or Tribal Court orders, also has available those remedies as set out in § 700.

900. Sovereign Immunity

Nothing in this ordinance is a waiver of the sovereign immunity of the Tribe or the Tribal Councilor any official, agent or employee of the Tribe while acting in his or her official capacity. The employees and appointees of the Tribe, agents, the members of the Tribal Council, and the personnel of the Tribal Court are cloaked with the sovereign immunity of the Tribe. No

individual named above shall be liable for his or her acts or failure to act under this Ordinance while acting in their lawful official capacity.

1000. Amendments

This Ordinance and any procedures promulgated hereunder may be amended or rescinded by the Tribal Council at a duly called regular or special meeting.

1100. Effective Date

This Ordinance shall become effective upon the date of its approval by the Bishop Tribal Council.

1200. Bishop Tribal Court

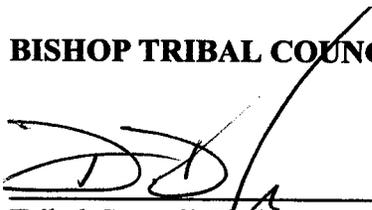
Once this Ordinance is adopted by the Tribal Council, it shall be within the jurisdiction of the Tribal Court.

CERTIFICATION

The foregoing Ordinance was passed at a duly called meeting of the Bishop Tribal Council held on the 10 th day of May, 2012 with a quorum present and voting 4 AYES, 0 NAYS, 0 ABSTAINING, and 0 ABSENT and the Tribal Council Chairman not voting.

7.

BISHOP TRIBAL COUNCIL:

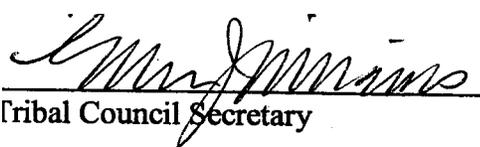


Tribal Council Chairman

Date:

5/17/12

ATTEST:



Tribal Council Secretary

Date: 5 -17 - / 12



BISHOP TRIBAL COUNCIL

RESOLUTION T2012-27

SUBJECT: Rental Minimal Housing Standards Ordinance 2012-02

WHEREAS: The Bishop Tribal Council, as the federally recognized governing body of the Bishop Paiute Tribe (Tribe) has as one of its mandates the pursuit of economic development both on and off the Bishop Paiute Reservation which will benefit the Bishop Paiute Tribal community and help the Tribe to become self-sufficient and to strengthen tribal government; and

WHEREAS: After careful study and evaluation the Bishop Tribal Council, has determined that in order to protect the health, safety and welfare of the Bishop Tribal Community there must be minimal housing standards established with reference to rental housing offered by Tribal members to the Tribal Community.

NOW, THEREFORE, BE IT RESOLVED: That the Bishop Tribal Council hereby authorizes its Tribal Chairman or Vice- Chair to execute Ordinance No. 2012-2.

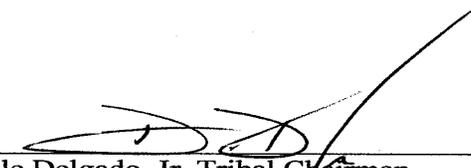
CERTIFICATION

We, the undersigned, as the Chairman and Secretary of the Bishop Tribal Council, hereby certify that the Bishop Tribal Council, at a duly called meeting which was convened and held on the 10th day of May, 2012, at the tribal offices in the State of California approved the foregoing resolution, at which a quorum was present, voting 4 FOR, 0 AGAINST, 0 ABSTAINING, the Tribal Chairman not voting, and that this resolution has not been rescinded or amended in any way.

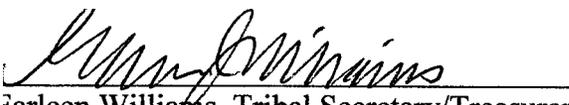
8.

9.

ATTEST:


Dale Delgado, Jr, Tribal Chairman

5/17/12


Earleen Williams, Tribal Secretary/Treasurer

5/17/12