

Oneida Tribal Judicial System

Onlayote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

TRIAL COURT

**Ana Ramirez-Barton,
Petitioner**

v.

**Dale Wheelock,
Oneida Housing Authority,
Respondent**

Docket No: 10-TC-192

Date: October 6, 2010

Decision

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Sandra Skenadore, and Leland Wigg-Ninham, presiding.

History

This case involves a request for a Temporary Restraining Order for an Eviction.

On September 29, 2009 Petitioner, Ms. Ana Ramirez-Barton, filed a Motion for a Temporary Restraining Order to stay an eviction notice she received from Respondent, Oneida Housing Authority, on August 11, 2009. This case involves an alleged charge that Petitioner violated the Residential Lease due to the Admission and Occupancy eligibility requirement.

The Court granted Petitioner's Motion for a Temporary Restraining Order and held a hearing on October 5, 2010.

Analysis

Petitioner argued according to the NAHASDA rules, a person cannot be evicted before the end of the lease without “good cause”. This means you cannot be evicted from tribal housing in the middle of the lease unless there are serious or repeated violations of the terms or conditions of the lease, such as continued failure to pay your rent.

Respondent claims according to the OHA Admissions and Occupancy eligibility, “*I. Enrollment Qualification: A minimum of one person in the household must be an enrolled, or eligible to be enrolled, member of the Oneida Tribe of Indians of Wisconsin*”. Respondent claims they received notice from Mr. Barton that he moved from the housing unit in June 2010. Respondent asserts they followed up with a memo on July 11, 2010 to Mrs. Barton to vacate the premises in thirty days and another memo dated August 11, 2010, requesting Mrs. Barton to vacate the premises by October 1, 2010. Respondent argues Mrs. Barton had two and one-half months to vacate. Respondent contends according to his Exhibit #1, Ana Barton signed an acknowledgement that she is not an enrolled Oneida Tribal Member and, in the event that the enrolled tribal member departs the premises for whatever reason, she must vacate the premises within (30) days after said tribal member’s departure.

Respondent agreed to allow Petitioner until October 31, 2010 to vacate premises.

II Decision

The Court grants Respondent’s eviction notice to Petitioner to vacate premises by October 31, 2010.