

## COURT OF APPEALS

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ELIZABETH HOUSE,

Appellant,

v.

ONEIDA COMPREHENSIVE  
HOUSING DIVISION,

Respondent.

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Case No.: 22-AC-003

Date: May 20, 2022

### INITIAL REVIEW DECISION

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This matter has come before Oneida Judiciary Appellate Judges Michele Doxtator, Diane House, and Chad Hendricks.

#### BACKGROUND

On March 25, 2022, the Oneida Comprehensive Housing Division (hereinafter "OCHD") issued Appellant Elizabeth House (hereinafter "House") a 5-Day Notice to Vacate-Termination of Rental Agreement for the property located at N6456 Evergreen Drive, Oneida, WI, 54155. The notice to House cited violation of 6 O.C. 610.5-3 (c). On March 29, 2022, House filed a complaint contesting the eviction with the Oneida Judiciary Trial Court (hereinafter "Trial Court"). The Trial Court scheduled hearings for April 13 and 15, 2022. On April 19, 2022, the Trial Court upheld the eviction and ordered House to vacate the premises on or before April 25, 2022.

House filed a Notice of Appeal with the Oneida Judiciary Court of Appeals on April 22, 2022. In her appeal, House also requested a stay on the eviction. On April 26, 2022 this Court granted the stay.

## DECISION

After review of the information contained in the Notice of Appeal and the decision of the Trial Court, as the original hearing body, it is determined that House has not sufficiently alleged that the Trial Court's decision:

1. Violated applicable provisions of the Constitution;
2. Violated provisions, substantive or procedural, of applicable Tribal law or applicable federal law;
3. Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; or
4. Is not supported by the substantial evidence on the record taken as a whole.

House has failed to state legal grounds for her appeal under Oneida Rules of Appellate Procedure §805.5-2(c)(3). The Trial Court properly found that OCHD could terminate House's lease per a violation of 6 O.C. 610.5-3 (c) due to the report submitted to OCHD from the Oneida Police Department (hereinafter "OPD") involving a drug overdose/death incident that occurred on the property on March 16, 2022.

House argues that the Trial Court made flawed findings of fact and law in its Final Order issued on April 19, 2022, by imputing other people's criminal activity to House. We disagree. Based upon the testimony provided during the hearings, the Trial Court found by a preponderance of credible evidence that a violation of 6 O.C. 610.5-3 (c) occurred when OCHD received a report from OPD about an incident that occurred in House's residence in response to a 911 call. House did not dispute the police report findings about illegal drug paraphernalia being found in the home and a suspected drug overdose occurring on the property that day. With these facts undisputed, the Trial Court correctly held that the above findings entitled OCHD to terminate House's lease pursuant to 6 O.C. 610.5-1(b), and that OCHD could decline Peacemaking. As OCHD acted in accordance with its rights to terminate the lease, we find that the Trial Court did not abuse its discretion in its findings or conclusions of law by upholding House's eviction.

For the reasons stated above, this appeal is DENIED and the Trial Court's Order upholding the Eviction and Termination of House's rental agreement is AFFIRMED.

The Stay issued on April 26, 2022 is hereby LIFTED. In accordance with 6 O.C. 610.5-3 (c)(1)(B) OCHD shall provide House with written notice that she must vacate the premises and give her at least five (5) calendar days to vacate the premises located at N6456 Evergreen Drive, Oneida, WI, 54155.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-13-B and 03-19-17-A, the appeal is **DENIED** for review. Dated this 20th day of May 2022, in the matter of Case No. 22-AC-003, *Elizabeth House v. Oneida Comprehensive Housing Department*.

***It is so ordered.***