



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled, “Amendment to the Three Affiliated Tribes Code of Laws – Title VI, Chapter 33, Landlord Tenant Code.”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to said Act; and

WHEREAS, Pursuant to Article III, Section 1 of Constitution and By Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled member thereof; and

WHEREAS, The Tribal Business Council has previously passed Three Affiliated Tribes Code of Laws, Title VI, Chapter 33, Landlord-Tenant Code; and

WHEREAS, The Landlord-Tenant Code regulates the occupation of all rental housing within the Fort Berthold Reservation (“Reservation”); and

WHEREAS, The Tribe, by and through its various housing boards including the North Segment Alliance, individual segment housing boards and the Tribal Housing Office, regulate multiple housing and mortgage properties on the Reservation; and

WHEREAS, The current version of Title VI, Chapter 33-2-1 (B) states as follows:

“No Rental Agreement shall provide that the tenant agrees: (1) to waive or forfeit his rights or remedies under this Code or any other applicable laws as identified in Section 33-1-5: (2) to exculpate or limit the liability of the landlord or to indemnify the landlord for that liability or the costs connected therewith; (3) to permit the landlord to dispossess him with resort to court order; or (4) to pay a late charge prior to the expiration of the grace period set forth in Section 33-3-1 (A). A provision prohibited by this subsection shall be unenforceable.” ; and

WHEREAS, Due to Title VI, Chapter 33-2-1(B)(1), the tribal and segment housing boards are unable to enforce Zero Drug Tolerance provisions including expedited eviction procedures and policies without a court order in rental agreements for violations of the proposed zero drug tolerance polices that are necessary to protect the enrolled members and communities of the Tribe; and



WHEREAS, Due to the increased presence of illegal drugs on the Reservation, the tribal and segment rental properties are at risk for the illegal drug and criminal activity that harms all enrolled members of the Tribe; and

WHEREAS, The tribal and segment housing boards require the ability to install zero drug tolerance provisions that allow for expedited eviction without court order policies and provisions in order to protect the communities, its residents and the rental properties; and

WHEREAS, An amendment to Title VI, Chapter 33-2-1(B) is required to create a statutory exception for zero drug tolerance provisions in all rental agreements for tribal and segment rental / mortgage properties including the inclusion of an expedited eviction policies and procedures where no court order is required to evict where illegal drugs are found on the rental property or where illegal drug activity has been identified by a law enforcement investigation and/or the criminal conviction of any listed occupants or individuals found on the property has occurred during the lease period; and

WHEREAS, Due to the urgency and emergency circumstances created by the ongoing illegal drug activity on the Fort Berthold Reservation, the Tribal Business Council finds it is in the best interest of the Tribe to waive the provisions of Resolution 08-56-MP (April 3, 2008) in order to immediately grant all tribal and segment housing boards the authority to insert Zero Drug Tolerance provisions into their rental policies and procedures.

THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes approves amending the Title VI, Chapter 33 – Landlord-Tenant Code as follows:

New Title VI, Chapter 33, Section 33-2-1 (B) - Rental Agreements shall now read:

No Rental Agreement shall provide that the tenant agrees: (1) to waive or forfeit his rights or remedies under this Code or any other applicable laws as identified in Section 33-1-5; (2) to exculpate or limit the liability of the landlord or to indemnify the landlord for that liability or the costs connected therewith; (3) to permit the landlord to dispossess him with resort to court order; or (4) to pay a late charge prior to the expiration of the grace period set forth in Section 33-3-1 (A).

An exception to this provision shall be granted to the Tribal and/or Segment Housing Boards for Zero Drug Tolerance provisions and policies within their rental agreements. Such provisions may include an expedited eviction process where no written court order is required to evict where illegal drugs are found on the rental property; where illegal drug activity has been identified by a law enforcement investigation; and/or the criminal conviction of any listed occupants



or individuals found on the property has occurred during the lease period. Any Zero Drug Tolerance expedited eviction without a written court order included in a tribal or segment rental agreement shall include appropriate due process and notice provisions; and

BE IT FURTHER RESOLVED, the North Segment Alliance or any other tribal / segment housing board shall grant appropriate due process and notice provisions on a case by case basis in all policies and shall include a Winter Eviction Provision where all evictions shall be prohibited during the months of November to March of the calendar year; and

BE IT FINALLY RESOLVED, The Tribal Business Council, pursuant to Section VI-10 of Resolution 08-56-MP (April 3, 2008), recognizing the urgency and emergency circumstances of the current illegal drug activity on the Fort Berthold Reservation and to protect rental property occupants, enrolled members and residents of the Fort Berthold Resident hereby waive all provisions of Resolution 08-56-MP and hereby approve the amendment to the Tribes' Landlord-Tenant Code, Title VI, Chapter 33 and the amendment shall effective the date of this Resolution.

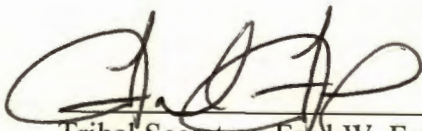
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 20th day of April, 2017, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

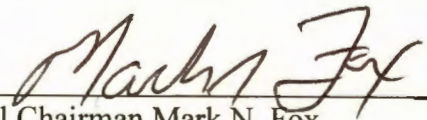
Chairman [X] Voting. [] Not Voting.

Dated this 11th day of May, 2017.

ATTEST:



Tribal Secretary Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman Mark N. Fox
Tribal Business Council
Three Affiliated Tribes