

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
ORDINANCE #02/09, AS AMENDED

CRIMINAL HISTORY INVESTIGATIONS
AND ELIGIBILITY PROHIBITIONS
FOR HOUSING SERVICES PROVIDED BY
THE FOND DU LAC BAND

Adopted by Resolution #1120/09 of the Fond du Lac Reservation Business Committee
on May 26, 2009.

Amended by Resolution #1187/10 of the Fond du Lac Reservation Business Committee
on May 18, 2010.

Amended by Resolution #1405/10 of the Fond du Lac Reservation Business Committee
on November 10, 2010.

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FOND DU LAC ORDINANCE #02/09, AS AMENDED

CRIMINAL HISTORY INVESTIGATIONS & ELIGIBILITY PROHIBITIONS
FOR HOUSING SERVICES PROVIDED BY THE FOND DU LAC BAND

CHAPTER 1
AUTHORITY; PURPOSE; SCOPE

SECTION 101 AUTHORITY

This Ordinance is enacted pursuant to the authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as such authority is granted by Article VI of the Revised Minnesota Chippewa Tribe Constitution and as recognized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), 25 U.S.C. § 4101 et seq.; and in accordance with the Quality Housing and Work Responsibility Act of 1998, 42 U.S.C. § 13661 et seq.

SECTION 102 PURPOSE

The purpose of this Ordinance is to protect the safety and security of the Fond du Lac Reservation by establishing standards of eligibility for housing services which disqualify persons who have been convicted of crimes involving violence or drug distribution, or who otherwise threaten the peace of the Fond du Lac community.

SECTION 103 SCOPE

This Ordinance shall apply to applications for all housing services which are provided by the Fond du Lac Band, including those funded by the United States Department of Housing and Urban Development (HUD), the home improvement programs (HIP), supportive housing program, the lease or purchase of a home through the Fond du Lac Development Corporation, and eligibility for residential property leases from the Fond du Lac Band.

CHAPTER 2

DEFINITIONS AND INTERPRETATION

SECTION 201 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

- (a) **"Band"** means the Fond du Lac Band of Lake Superior Chippewa.
- (b) **"Emergency housing services"** means housing services provided on an emergency basis for a period of two weeks or less.
- (c) **"Housing Committee"** means the advisory body designated and authorized by the Reservation Business Committee to oversee the administration of the Fond du Lac Housing Division and, under this Ordinance, to perform review and assessment functions regarding eligibility and/or suitability of individuals to receive other housing services provided by the Fond du Lac Band.
- (d) **"Housing services"** means any services or monetary assistance provided by the Fond du Lac Band to its members for the purposes of securing a temporary or permanent residence, including services funded by the United States Department of Housing and Urban Development (HUD) or through the Fond du Lac Housing Division, the home improvement programs (HIP), supportive housing program, assisted living, the lease or purchase of a home through the Fond du Lac Development Corporation, and residential property leases from the Fond du Lac Band, excluding emergency rental assistance or emergency housing services which are provided by the Band for a period of two weeks or less.
- (e) **"Reservation Business Committee or "RBC"** means the governing body of the Fond du Lac Band of Lake Superior Chippewa.

SECTION 201 INTERPRETATION

The provisions of this Ordinance shall be interpreted in a manner which gives plain effect to its terms and purposes, and to avoid unnecessary conflicts of law.

CHAPTER 3
CRIMINAL HISTORY INVESTIGATIONS
& ELIGIBILITY PROHIBITIONS

SECTION 301 **CRIMINAL HISTORY INVESTIGATIONS OF APPLICANTS FOR HOUSING ASSISTANCE FROM THE FOND DU LAC BAND**

- a. Each applicant for housing assistance from the Fond du Lac Band, and every member of the applicant's household, shall be required, no earlier than 30 days prior to receiving housing services, to complete a "Consent to Criminal History Investigation Form" (Appendix A).
- b. Upon completion of the "Consent to Criminal History Investigation" by the applicant, the program manager shall submit the Consent to the Fond du Lac Police Department.
- c. Within 10 days of receiving the consent, the Fond du Lac Police Department shall conduct a criminal history investigation of the applicant and all adult members of the applicant's household, and shall provide the results of that investigation to the program manager.

Investigations under this section shall involve, at minimum, inquiries to every local law enforcement agency within the geographical region where the applicant has resided within the past ten (10) years. Written documentation of those contacts shall be retained by the Fond du Lac Police Department.

- d. If the applicant or any member of the applicant's household possesses a criminal history which is prohibitive of eligibility for assistance as defined under Chapter 3 of this Ordinance, the program manager shall inform the applicant in writing of such finding, and shall provide the applicant with an opportunity to dispute such finding in writing within 30 days.

SECTION 302 **PROHIBITIONS ON ELIGIBILITY TO RECEIVE HOUSING SERVICES**

No applicant for housing services from the Fond du Lac Band shall be eligible to receive services if the criminal history investigation performed under Section 301 indicates that the applicant, or any member of the applicant's household:

- a. Has been convicted in a court of competent jurisdiction of any felony involving the following crimes:
 - (1) Domestic violence;
 - (2) Child abuse;
 - (3) Sexual assault;
 - (4) Crimes against persons, including all forms of assault, murder, manslaughter, robbery, kidnapping or false imprisonment;
 - (5) Distribution or possession with intent to distribute illegal drugs; or

- b. Is determined by the Fond du Lac Housing Committee to have a criminal record, reputation, habits or associations which present a threat to the health, safety, or to the peace of the community.

CHAPTER 4
REHABILITATION OF PERSONS DENIED SERVICES

SECTION 401 PETITION FOR RECOGNITION OF SUITABILITY

Any individual who has been denied housing services under the provisions of this Ordinance may submit a completed "Petition for Recognition of Suitability for Housing Services from the Fond du Lac Band" (Appendix B), except that no petition shall be granted for any individual who has been convicted of a felony 10 years after his or her release from incarceration.

SECTION 402 EVALUATION OF PETITION

Upon completion and submission of a petition under Section 401, the Fond du Lac Housing Committee shall evaluate the person's prior disqualifying conduct in accordance with the following criteria:

- a. The nature and seriousness of the conduct in question;
- b. The recency and circumstances surrounding the conduct;
- c. The age of the individual at the time of the conduct;
- d. Societal conditions that may have contributed to the conduct;
- e. The probability of continued conduct of this type; and
- f. The individual's commitment to rehabilitation and a change in this type of behavior.

Each case must be evaluated on its own merits. All available information, both favorable and unfavorable, must be considered and assessed in terms of accuracy, completeness, relevance, seriousness, overall significance, and how similar cases have been handled in the past.

A decision of the Housing Committee as to the suitability of an individual's petition shall be final and unappealable. The granting of an individual's petition for suitability shall remove the individual's criminal history as a disqualification to eligibility, and shall not operate to guarantee an individual housing services or make the person's application a higher priority. An individual whose petition has been denied may submit another petition one year after his or her petition has been denied.

CHAPTER 5
EFFECTIVE DATE; AMENDMENT OR RESCISSION

SECTION 501 EFFECTIVE DATE


The provisions of this Ordinance shall be effective on the date of adoption by the Reservation Business Committee.

SECTION 502 AMENDMENT OR RESCISSION

The provisions of this Ordinance may be amended or rescinded by Resolution of the Fond du Lac Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #02/09 was duly presented and adopted by Resolution #1120/09 by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on May 26, 2009, on the Fond du Lac Reservation, subsequently amended by Resolution #1187/10 on May 18, 2010; and subsequently amended by Resolution #1405/10 on November 10, 2010.



Karen R. Diver,
Chairwoman



Ferdinand Martineau, Jr.,
Secretary/Treasurer

2009 02 (052609;051810;111010)

**FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
CONSENT TO CRIMINAL HISTORY INVESTIGATION
FOR HOUSING SERVICES**

I CONSENT TO ALLOW THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA TO REQUEST AND OBTAIN INFORMATION PERTAINING TO MY CRIMINAL HISTORY FROM ANY LEGALLY AVAILABLE SOURCES FOR THE PURPOSE OF VERIFYING MY ELIGIBILITY FOR HOUSING SERVICES FROM THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA IN ACCORDANCE WITH FOND DU LAC ORDINANCE #02/09. THIS CONSENT EXPIRES 15 MONTHS AFTER SIGNED.

SIGNATURES:

Head of Household/Applicant SSN: _____ DATE: _____

Other Household Member Over Age 18 SSN: _____ DATE: _____

Other Household Member Over Age 18 SSN: _____ DATE: _____

Other Household Member Over Age 18 SSN: _____ DATE: _____

Other Household Member Over Age 18 SSN: _____ DATE: _____

Other Household Member Over Age 18 SSN: _____ DATE: _____

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
PETITION FOR RECOGNITION OF SUITABILITY
FOR HOUSING SERVICES

PURPOSE: Section 401 of Fond du Lac Ordinance #02/09 provides that an applicant who has been denied housing services from the Fond du Lac Band may submit this Petition for Recognition of Suitability. The purpose of this Petition is to enable such persons to demonstrate that he or she has become sufficiently rehabilitated and no longer presents a threat to the community. All information provided on this Petition shall be confidential. Failure to provide all of the information required on this Petition, or the provision of false information, will invalidate the Petition. The granting of this Petition does not assure the Applicant of housing services, but only removes his or her disqualification under FDL Ordinance #02/09.

1. NAME: _____
 First Middle Last Maiden

2. DATE OF BIRTH: _____

3. SOCIAL SECURITY NUMBER: _____

4. ADDRESS: _____

5. PERSONAL STATEMENT. Explain (1) why, despite your criminal history, you do not present a threat to the community, (2) why you consider yourself to be rehabilitated and (3) why you should no longer be disqualified from eligibility for housing services from the Fond du Lac Band. Attach additional pages as necessary.

6. CHARACTER REFERENCES. The Applicant must provide the names and letters of reference from at least three non-related, reputable individuals who have known the Applicant for at least two years and will attest to the Applicant's trustworthiness and good character. Attach the letters of reference to this Petition.

a. Name: _____

Address: _____

Telephone: _____

How Long Known: _____

Relationship: _____

b. Name: _____

Address: _____

Telephone: _____

How Long Known: _____

Relationship: _____

c. Name: _____

Address: _____

Telephone: _____

How Long Known: _____

Relationship: _____

7. ACKNOWLEDGEMENT AND RELEASE. I understand that the questions and requirements contained in this Petition are necessary to maintaining the safety and welfare of the Fond du Lac Reservation. I understand that all responses and materials submitted in this Petition are confidential, and that access to this information will

be limited to those officers or employees of the Fond du Lac Band who must review the information in order to fulfill their official duties to the Band. I consent to such investigation as is reasonably necessary to verify the responses contained in this petition and the documentation submitted in their support. I further acknowledge that any false or misleading information given in connection with this petition shall result in my continued disqualification for housing services from the Fond du Lac Band.

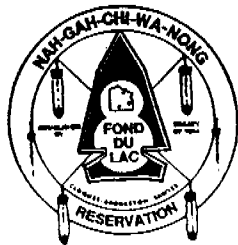
Signature: _____

Date: _____

32D062110

Fond du Lac Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146



Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Councilman
Wally Dupuis

Dist. II Councilperson
Sandra M. Shabiash

Dist. III Councilperson
Mary S. Northrup

RESOLUTION #1120/09

ADOPTING AN ORDINANCE ESTABLISHING ELIGIBILITY PROHIBITIONS FOR HOUSING SERVICES, FDL ORD. #02/09

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as Governing Body of the Fond du Lac Band under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee has an obligation, under tribal and federal law, to protect the Band and the Reservation community from individuals who engage in criminal activity or other conduct which threatens then health and welfare of the community; and

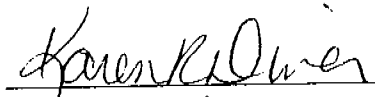
WHEREAS, towards these purposes, the Reservation Business Committee has developed an ordinance establishing uniform standards for background investigation and ineligibility for housing services provided by the Fond du Lac Band;

RESOLUTION # 1120/09
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NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee hereby adopts Fond du Lac Ordinance #02/09 entitled "Criminal History Investigations & Eligibility Prohibitions for Housing Services from the Fond du Lac Band", to become effective immediately.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on May 26, 2009 on the Fond du Lac Reservation.



Karen R. Diver,
Chairwoman



Ferdinand Martineau, Jr.,
Secretary/Treasurer

Fond du Lac Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146



Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Councilman
Wally Dupuis

Dist. II Councilperson
Sandra M. Shabiash

Dist. III Councilperson
Mary S. Northrup

RESOLUTION # 1187/10 AMENDING FOND DU LAC ORDINANCE #02/09, CRIMINAL HISTORY INVESTIGATIONS & ELIGIBILITY PROHIBITIONS FOR HOUSING SERVICES FROM THE FOND DU LAC BAND

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee adopted FDL Ordinance #02/09, entitled "Criminal History Investigations & Eligibility Prohibitions for Housing Services from the Fond du Lac Band," establishing standards for background investigation and ineligibility for housing services provided by the Fond du Lac Band; and

WHEREAS, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to amend Section 401, as follows:

SECTION 401 PETITION FOR RECOGNITION OF SUITABILITY

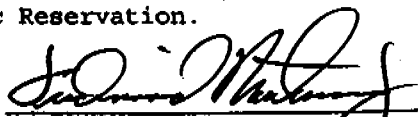
Any individual who has been denied housing services under the provisions of this Ordinance may submit a completed "Petition for Recognition of Suitability for Housing Services from the Fond du Lac Band" (Appendix 2), except that no petition shall be granted for any individual who has been convicted of a felony within the previous 10 years after his or her release from incarceration.

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the proposed amendment to Ordinance #02/09, entitled "Criminal History Investigations & Eligibility Prohibitions for Housing Services from the Fond du Lac Band," effective immediately, and further directs said amendment be incorporated into FDL Ord. #02/09.

CERTIFICATION

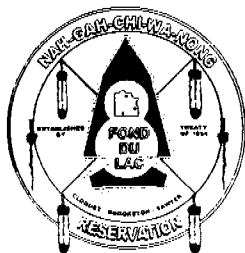
We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a SPECIAL Meeting of the Fond du Lac Reservation Business Committee held on May 18, 2010 on the Fond du Lac Reservation.


Karen R. Diver
Chairwoman


Ferdinand Martineau, Jr.
Secretary/Treasurer

Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146



RESOLUTION # 1405/10

AMENDING FOND DU LAC ORDINANCE #02/09, CRIMINAL HISTORY INVESTIGATIONS & ELIGIBILITY PROHIBITIONS FOR HOUSING SERVICES FROM THE FOND DU LAC BAND

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Wally Dupuis

Dist. II Representative
Sandra M. Shabiash

Dist. III Representative
Mary S. Northrup

Executive Director,
Tribal Programs
Chuck Walt

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee adopted FDL Ordinance #02/09, entitled "Criminal History Investigations & Eligibility Prohibitions for Housing Services from the Fond du Lac Band," establishing standards for background investigation and ineligibility for housing services provided by the Fond du Lac Band; and

WHEREAS, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to amend Section 201(d), as follows:

1405/10


SECTION 201 DEFINITIONS

- (d) **"Housing services"** means any services or monetary assistance provided by the Fond du Lac Band to its members for the purposes of securing a temporary or permanent residence, including services funded by the United States Department of Housing and Urban Development (HUD) or through the Fond du Lac Housing Division, the home improvement programs (HIP), supportive housing program, assisted living, the lease or purchase of a home through the Fond du Lac Development Corporation, and residential property leases from the Fond du Lac Band, excluding emergency rental assistance or emergency housing services which are provided by the Band for a period of two weeks or less.


NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the proposed amendment to Ordinance #02/09, entitled "Criminal History Investigations & Eligibility Prohibitions for Housing Services from the Fond du Lac Band," to become effective immediately, and further directs said amendment be incorporated into FDL Ord. #02/09.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on November 10, 2010 on the Fond du Lac Reservation.



Karen R. Diver
Chairwoman



Ferdinand Martineau Jr.
Secretary/Treasurer