

TITLE 38
LUMMI NATION CODE OF LAWS
LANDLORD AND TENANT CODE

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Table of Contents

Chapter 38.01 Jurisdiction and Scope

38.01.010 Jurisdiction and Scope1
38.01.020 Law Applied in Commencing Action1

Chapter 38.02 Notification of Suit

38.02.010 Notice to Defendant1
38.02.020 Date of Trial1
38.02.030 Written Notice Required1

Chapter 38.03 Defenses

38.03.010 Defenses1

Chapter 38.04 Applicable Law

38.04.010 Law to be Applied1

Chapter 38.05 Nature of Judgment

38.05.010 Nature of Judgment Allowed1

**TITLE 38
LUMMI NATION CODE OF LAWS
LANDLORD AND TENANT CODE**

Chapter 38.01 Jurisdiction and Scope

38.01.010 Jurisdiction and Scope

The provisions of this Title and all rules and regulations under it shall apply within the exterior boundaries of the Lummi Reservation and within the exterior boundaries all lands held in trust for the Lummi Nation by the United States regardless of location. "Trust lands" shall mean all lands held in trust for the Lummi Nation by the United States regardless of location.

This Code shall govern relationships between all landlords and tenants within the boundaries of the Lummi Reservation and trust lands with the exception that it shall not apply to multiple unit housing facilities operated by the Lummi Nation or the Northwest Indian College primarily for occupation by students. This Code shall also govern all public housing operated by the Lummi Nation or its entities that is not within the boundaries of the Lummi Reservation or trust lands.

38.01.020 Law Applied in Commencing Action

Any action for rent due or other breach or default of a lease or rental or purchase agreement shall be brought pursuant to this Code and applicable sections of the Lummi Code of Laws.

Chapter 38.02 Notification of Suit

38.02.010 Notice to Defendant

Anything in Title 3 (Civil Actions) of the Lummi Code of Laws notwithstanding, any action brought under this Code requesting eviction of a tenant or occupant of any dwelling place or other building or property shall be on not less than ten (10) days notice to the defendant.

38.02.020 Date of Trial

Trial shall be held not more than twenty (20) days from the date of filing of the action, unless agreed to by all parties.

38.02.030 Written Notice Required

Notification of suit shall be in writing pursuant to the provisions of Title 3 (Civil Actions) of the Lummi Code of Laws.

Chapter 38.03 Defenses

38.03.010 Defenses

In any action under this Code it shall not be a defense to such that the tenant or occupant is unable to pay rent or other monthly payments for the right of occupying the premises when due, unless the lease or other agreement in force with reference to the property provides otherwise.

Chapter 38.04 Applicable Law

38.04.010 Law to be Applied

In any action under this Code the Court shall apply this Code, applicable provisions of the Lummi Code of Laws, and the provisions of any and all leases or agreements, rules and regulations, etc., in force with regard to the property or tenancy which is the subject matter of the action. In the absence of any applicable tribal law or applicable agreement provisions on a particular subject, the Court may look to provisions in federal law for guidance in fashioning an equitable remedy.

Chapter 38.05 Nature of Judgment

38.05.010 Nature of Judgment Allowed

In the judgment on any action brought under this Code, the Court may allow judgment for any of the following as it appears necessary in the cause:

- (a) All past rent or payments due;
- (b) The value of any damage done to the premises;
- (c) All costs of suit, including reasonable attorneys' fees, but not more than \$150.00. Attorneys' fees may be allowed to the prevailing party even if a professional attorney is not used and the party appears on behalf of himself;

(d) An order ordering the defendant to quit the premises and move out immediately;

(e) In addition to the above, the Court may issue a Writ of Eviction or Restitution, effective immediately and directing the Lummi Nation Police Department, Bureau of Indian Affairs police, or other law enforcement officer to evict the tenant and restore the premises to the landlord.

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