

**RINCON BAND OF LUISEÑO MISSION INDIANS  
RINCON INDIAN RESERVATION, CALIFORNIA**



**RINCON EVICTION AND REMOVAL OF PERSONS OR  
PROPERTY ORDINANCE**

**RINCON TRIBAL CODE § 15.500**

Adopted on June 22, 1994

RINCON EVICTION AND REMOVAL OF PERSONS OR PROPERTY ORDINANCE

Rincon Tribal Code § 15.500

---

**Table of Contents**

§ <u>15.500</u>	Title .....	3
§ <u>15.501</u>	Authority .....	3
§ <u>15.502</u>	Purpose and Intent.....	3
§ <u>15.503</u>	Definitions.....	3
§ <u>15.504</u>	Grounds for Eviction and Sanctions Under this Ordinance.....	4
§ <u>15.505</u>	Sanctions .....	4
§ <u>15.506</u>	Notice of Eviction .....	4
§ <u>15.507</u>	Complaint for Eviction .....	5
§ <u>15.508</u>	Hearing Procedures.....	6
§ <u>15.509</u>	Forfeiture.....	7
§ <u>15.510</u>	Severability .....	7
§ <u>15.511</u>	Effective Date .....	7
§ <u>15.512</u>	Waiver of Sovereign Immunity .....	7

RINCON EVICTION AND REMOVAL OF PERSONS OR PROPERTY ORDINANCE

Rincon Tribal Code § 15.500

---

§ 15.500 **TITLE**

This Ordinance is adopted to govern tribal eviction actions. This ordinance shall be known as the "Rincon Eviction and Removal of Persons or Property Ordinance."

§ 15.501 **AUTHORITY**

Pursuant to authority vested in the Rincon Business Committee (commonly known as and herein referred to as "Tribal Council") by the Articles of Association, the Tribal Council hereby enacts and adopts the following Ordinance for the establishment of a process and procedures to govern eviction and removal of persons and entities, business or otherwise, from lands within the boundaries of the Rincon Band of Luiseno Indian Reservation.

§ 15.502 **PURPOSE AND INTENT**

The purpose and intent of this Ordinance is:

(a) To protect the order on the Reservation and safeguard the public health, safety, and welfare of all Rincon tribal members and their families.

(b) To establish uniform rules for the eviction and removal of persons and/or property located within the boundaries of the Rincon Reservation.

§ 15.503 **DEFINITIONS**

(a) "**Person**" shall mean any person on the Rincon Reservation both tribal and non-tribal members.

(b) "**Possession**" shall mean ownership, occupation, use, or control of lands within the boundaries of the Reservation.

(c) "**Reservation**" shall mean all lands within the exterior boundaries of the Rincon Indian Reservation, including unassigned tribal land, assignment, allotment, and fee lands.

(d) "**Tribal Court** " shall mean the Intertribal Court of Southern California.

RINCON EVICTION AND REMOVAL OF PERSONS OR PROPERTY ORDINANCE

Rincon Tribal Code § 15.500

---

(e) "**Tribe**" shall mean the Rincon Band of Luiseno Indians, a federally recognized Indian tribe.

§ 15.504 **GROUND FOR EVICTION AND SANCTIONS UNDER THIS ORDINANCE**

(a) Eviction and/or sanctions may be imposed on persons in possession of lands within the Reservation for one or more of the following causes:

- (1) Violating tribal laws and ordinances;
- (2) Establishing or maintaining an unauthorized housing unit or units, inclusive of mobile homes, trailers, wood frame, any move-on residential structure or substandard rental structure as defined by tribal codes, any public housing authority codes, or applicable federal housing standards;
- (3) Creating conditions which pose a threat to the public health, safety and welfare;
- (4) Being convicted of one or more felonies in federal or state court; and/or
- (5) Being excluded from the Rincon Reservation.

§ 15.505 **SANCTIONS**

Any person found to have violated the provisions of Section 15.504 may be evicted and/or assessed a civil penalty of up to \$5,000. In addition, that person may be assessed damages for trespass and may be required to pay the Tribe's attorneys fees and costs in addition to any other remedies the Tribe may have.

§ 15.506 **NOTICE OF EVICTION**

(a) The Tribe, through its authorized representative shall provide written Notice of Eviction to the person, entity or business being evicted from lands within the Reservation. The Notice given shall be entitled "NOTICE OF EVICTION" and contain:

RINCON EVICTION AND REMOVAL OF PERSONS OR PROPERTY ORDINANCE

Rincon Tribal Code § 15.500

---

- (1) Grounds for the eviction;
- (2) A description of the property including the address if known;
- (3) The person is to vacate and remove all personal property from the property within thirty (30) calendar days after the date the Notice is served; provided however, that in cases of immediate danger to persons or property the notice period may be shortened to three (3) days;
- (4) A statement that should the person fail to vacate the property in the proscribed time period, that a Complaint for Eviction shall be filed with the Tribal Court;
- (5) A statement that any personal property remaining on the property after the date specified in the Eviction Notice shall, at owner's and/or landlord's expense, be removed, stored, and if not claimed within thirty (30) days, will be forfeited.

§ 15.507 **COMPLAINT FOR EVICTION**

**(a) Complaint for Eviction.** If, after the date set forth in the Notice to vacate has expired and the person named in the Notice is still in possession of the property, the Tribe may file an original and two (2) copies of a Complaint for Eviction and one Summons. The Complaint for Eviction shall state:

- (1) The names of the person(s) being evicted including all occupants whose names may be unknown to the Tribe;
- (2) The address or reasonable description of the property;
- (3) The grounds for eviction;
- (4) A statement that the Notice of Eviction was properly served and that the Proof of Service is attached; and
- (5) A request for an Order of Eviction, sanctions, fees, costs, or other special relief.

RINCON EVICTION AND REMOVAL OF PERSONS OR PROPERTY ORDINANCE

Rincon Tribal Code § 15.500

---

After filing the Summons and Complaint for Eviction with the Tribal Court, the Court Clerk shall stamp date the original and all copies, sign the Summons, and return the Summons and the stamp dated copies of the Complaint for Eviction to the Tribe.

**(b) Service of Summons and Complaint.** The Summons and the Complaint for Eviction shall be served on the person being evicted (herein "Defendant") no more than fifteen (15) days from the filing of the Complaint. Service shall be made in the manner provided for in Section 15.506. After the Complaint and Summons have been served on the Defendant, the Tribe shall file a Proof of Service with Tribal Court.

**§ 15.508 HEARING PROCEDURES**

**(a) Failure to Answer.** The Defendant has five (5) days to file an Answer with the Court. If the Defendant fails to file a timely Answer, the Tribe shall file a request with the Court for an Order to Vacate and other relief as prayed for in the Complaint for Eviction. The Court shall review the Tribe's pleadings and supporting documents and make its finding in writing no less than five (5) days from the filing of the request for an Order to Vacate. If the Order to Vacate is issued it shall inform the Defendant that he or she and all other occupants must vacate the property within 24 hours from being served the Order to Vacate and that if the Defendant remains on the property after the 24 hours that he or she and all other occupants will be physically removed from the property by the appropriate law enforcement department. The Tribe shall serve the Order on the Defendant as provided under Section 15.506.

**(b) Hearing Procedure.** Should the Defendant file a timely Answer with the Court, the matter will be set for hearing no less than twenty (20) days from the filing date of the Answer. The Court shall issue a Notice of Hearing setting forth the time, date and location of the hearing. All parties may be represented at the hearing by legal counsel at their own expense. The hearing shall be conducted pursuant to the Intertribal Court of Southern California Code of Civil Procedures and Rules of Court, Title 3. The Trial.

At the conclusion of the evidence and testimony, each party will be permitted to make a closing statement. The Court shall render its decision at the close of the hearing and take the matter under submission for no more than three (3) days. All decisions of the Court will be in writing and served on the parties. Should the Court find in favor of

RINCON EVICTION AND REMOVAL OF PERSONS OR PROPERTY ORDINANCE

Rincon Tribal Code § 15.500

---

the Tribe, the Court shall issue with its written decision all necessary orders to effectuate the Court's decision (Order to Vacate, or other necessary Orders).

**§ 15.509 FORFEITURE**

If personal property is obtained by the Tribe through the eviction process, the Tribe shall have the right to store, at owner's and/or landlord's expense, said property, on or off the reservation. If the stored property is unclaimed at the end of thirty (30) days of the date of storage, it shall be deemed abandoned and the Tribe may retain it for its own use, may sell it, or dispose of it. Any stored property costs shall be at the property owner's and/or landlord's expense. Non-movable property may be dismantled and destroyed at the owner's and/or landlord's expense.

**§ 15.510 SEVERABILITY**

If any provisions of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of the remaining provisions of the Ordinance.

**§ 15.511 EFFECTIVE DATE**

This Ordinance shall take effect when adopted by a majority vote of the Tribal Council, and shall rescind, supersede and replace in its entirety any previously adopted tribal ordinance governing this subject matter.

**§ 15.512 WAIVER OF SOVEREIGN IMMUNITY**

Nothing in this Ordinance is intended to, nor should it be construed as, a waiver of the protections of tribal sovereign immunity, in all suits in any court.

**[END OF DOCUMENT]**