

SIHA Eviction Attempts Fails

Siletz Tribal Court, in a decision handed down January 7, 1990, ruled that the Siletz Indian Housing Authority cannot evict homebuyer Yvonne Fish from the Tribe's new housing project.

S.I.H.A. wanted Fish out of the home she had been buying at 152 Chetco Court because the Board of Commissioners believed that Fish had "abandoned" the house. S.I.H.A. further argued that Fish had never occupied the house in accordance with the homebuyer's agreement.

During the eviction proceeding held in Tribal Council Chambers, both Fish and S.I.H.A. officials agreed that Fish has a job that requires her to spend much time away from Siletz. S.I.H.A. Commissioner Sharon Butler pointed to a list of 60 tribal members waiting for tribal housing to justify the attempted eviction.

But Fish maintained that she had occupied the house and that she had not abandoned the property. While the Court deliberated, Fish summed up her position: "Making me choose between my livelihood and a place to live is a pretty poor excuse for kicking someone out."

In an unanimous decision, Judges John Roe, Diane Robertson, and Cynthia Viles found that S.I.H.A. could not evict Fish. The Court's decision said in part "that the Siletz Indian Housing Authority had failed to show that there had been a violation of the agreement or that there had been an abandonment of the property."

Chief Judge John Roe also said that S.I.H.A. needed first to define "abandonment" and "occupancy" and make these definitions known to homebuyers before evicting anyone for non-compliance with the homebuyer's agreement.

S.I.H.A. Commissioner Manuel Rilatos said that it was difficult to call the Court's decision "good or bad," but that he believed the case was decided on a "technicality."

S.I.H.A. Director Paul Mason sees "no difficulties with the decision. These are the first 39 homes," Mason said. "Changes will be made—changes in the contract—so this won't happen again." □

Tribal Court Briefs

Siletz Tribal Court dismissed two cases brought by tribal members.

The two petitions, one submitted by Lisa Brown and the other filed by Andrew Viles, both alleged that the Tribal Council and tribal officials violated rights guaranteed to them by the Siletz Constitution and other laws. Both suits resulted from actions taken while they were employees of the Tribe.

Acting Chief Judge Diane Robertson ruled that neither Brown nor Viles had followed the Tribe's grievance procedure and had no right to a hearing on the merits.

The Siletz Family Welfare Court certified the home of Michael and Annie Green of 727 NW 3rd, Newport, Oregon as a Tribal Foster Home. The home of Sam and Sheila Bayya at 174 Chetco Court, Siletz, Oregon was also certified a tribal Foster Home by Siletz Family Welfare Court Judge Cheryl Lane.

Evictions proceedings were brought by the Siletz Indian Housing Authority against two tribal members: Yvonne Fish and David Rilatos. Tribal Court dismissed the action against Fish (see opposite column for story). The case against Rilatos, at last report, was still pending in Siletz Tribal Court.

Tribal Member Edmond A. Ben of Salem filed a petition in Siletz Tribal Court alleging that Tribal Council violated rights protected by the Siletz Constitution when it donated \$2,500 to the Siletz Fire Department.

Citing past "bias, prejudice, or incompetence," Ben also requests that Chief Judge John Roe "remove himself from all actions regarding this Petition For Review." The case is still pending in Tribal Court. □

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