



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northwest Regional Office

911 Northeast 11<sup>th</sup> Avenue

Portland, Oregon 97232

The Honorable Ross Cline, Sr.  
Chairman, Nooksack Tribe  
P.O. Box 157  
Deming, Washington 98244

Dear Chairman Cline:

Last fall, the Department of Housing and Urban Development (HUD) notified the Department of the Interior (Department) of potential Indian Civil Rights Act violations surrounding the evictions of individuals from Nooksack tribal housing. The Department agreed to review the situation, looking particularly at compliance with applicable and relevant federal laws within the scope of the Department of the Interior's purview. (*Letter from AS-IA to Chairman Cline, dated October 5, 2021*). Additional questions have been raised regarding compliance with Department of Housing and Urban Development regulations, policies, or funding agreements. These issues are beyond the scope of this Department's review.

In the Fall of 2021, an attorney for the individuals began sending emails and letters to various offices in the Department concerning the removal of nine individuals from Nooksack Indian Housing Authority (NIHA) homes. The emails and letters generally warned of potential Indian Civil Rights Act and due process violations by NIHA and the Tribe in their attempts to remove these individuals from tribal housing. I also discussed these allegations with you and Tribal Council, and on January 13, 2022, you agreed to delay any action on evictions for these nine individuals until February 1, 2022, to allow the Regional Office of the Bureau of Indian Affairs (BIA) to review the allegations.

Though numerous of Departmental employees have engaged on these issues over the past few months, multiple employees from the Northwest Region of BIA and the Portland Regional Solicitor's Office conducted an in-depth regional review over the last month. These offices reviewed the emails and letters sent by the individuals' attorney, documents provided by the Nooksack Tribe concerning the nine individuals proposed for eviction, tribal housing policies, Nooksack Tribal Code, Chapters 45 and 80, Title Status Reports and other title documents recorded with the BIA. The review was based only on examination of these documents and pertains only to the following nine individuals: Norma Aldredge, Cathalina Barril, Saturnino Javier, Alexander Nicol-Mills, Olive Oshiro, Francisca Rabang, Francisco Rabang, Michael Rabang, and Michelle Roberts, collectively, the "Tenants."

The Department's review found that the Tenants currently reside in NIHA developments located on trust land owned by the Nooksack Indian Tribe. Each of the nine Tenants entered into a Rental Agreement with NIHA for housing. The Tribe's process for removing tenants from tribal housing is a multi-step process. In addition to the termination process outlined in the terms of



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northwest Regional Office

911 Northeast 11<sup>th</sup> Avenue

Portland, Oregon 97232

the Rental Agreements, the processes set out in the *Nooksack Indian Housing Authority Program Policy & Procedures* (June 15, 2021) (Procedures) also apply.

NIHA initially notified the nine Tenants that they were ineligible for tribal housing because they have been disenrolled from the Nooksack Tribe. After the Tenants failed to reestablish their eligibility for tribal housing, NIHA issued each Tenant a Notice of Termination. Some, but not all the Tenants, challenged those Notices of Termination pursuant to NIHA Procedures. The Procedures allow an individual to request a Resolution Conference to discuss with the Housing Director why their lease should not be terminated. (Procedures, Section XV, B.3.) The Housing Director issues a written decision after discussion with the tenant. (Procedures, Section XV, B.4.) If a tenant disagrees with the Housing Director's decision, the tenant may request a Grievance Hearing before the Housing Committee. (Procedures, Section XV, C.1.)

All Tenants who challenged their Notice of Termination are currently in the administrative review process; they are waiting for dates to be scheduled for a Resolution or Grievance Hearing or waiting for a decision on a Grievance Hearing. At this time, while the administrative process is not complete, it appears that NIHA has followed its Procedures and the process for removal of individuals from tribal housing. NIHA has not filed any complaints in tribal court for unlawful detainer at this time for any of the Tenants; accordingly, the Department is not commenting on the validity of any future tribal court actions concerning the Tenants.

Emails and letters received by the Department of the Interior over the past several months have made numerous claims of violations under the Indian Civil Rights Act (ICRA) 82 Stat. 77, 25 U.S.C. 1301 *et seq.* The Department's review of the ICRA claims was limited in scope to whether the Tribe's eviction process complied with the due process requirements of ICRA. Under ICRA, "[n]o Indian tribe in exercising powers of self-government shall ... deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law." 25 U.S.C. § 1302(a)(8). From our review of the materials pertaining to the Tenants' proposed evictions, even though these eviction processes have not been finalized, NIHA has thus far, adhered to the terms of the Rental Agreements and NIHA Procedures.

We appreciate the Nooksack Tribe's cooperation in refraining from eviction actions in the last weeks to allow the Department to proceed with its review. We also recognize the detrimental effects that evictions can have on a community, particularly on the Tenants and their families. Though they lack tribal citizenship, they are members of the community, and we encourage the Tribe to treat them with dignity and respect their legal rights moving forward. In summary, as of the date of this letter, it appears that NIHA has complied with the Rental Agreements and NIHA procedures, as they relate to the eviction process, concerning these nine individuals: Norma Aldredge, Cathalina Barril, Saturnino Javier, Alexander Nicol-Mills, Olive Oshiro, Francisca Rabang, Francisco Rabang, Michael Rabang, and Michelle Roberts.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northwest Regional Office

911 Northeast 11<sup>th</sup> Avenue

Portland, Oregon 97232

The Department makes no conclusions on any future actions taken against the nine Tenants or on any eviction processes for any other individuals.

Sincerely,

Bryan Mercier  
Regional Director, Northwest Region, BIA

Cc: Bryan Newland, Assistant Secretary – Indian Affairs  
Darryl LaCounte, Director, Bureau of Indian Affairs  
Heidi Frechette, Deputy Assistant Secretary, Native American Programs, HUD