

26.4 In considering an application for an Occupancy Licence, the Authority may consider the following criteria:

- a) whether the services offered to Non-members negatively affect or unreasonably limit the capacity to offer services to members;
- b) the availability of funding and services to accommodate the Applicant, including but not limited to shelter, food, clothing, medical, educational, insurance and other costs;
- c) whether the Applicant meets the eligibility criteria for the program;
- d) whether there is adequate space available in the facility or private homes at Akwesasne to accommodate the Applicant;
- e) the conduct and behaviour of the Applicant, including past behaviour in other communities or educational, social, religious, health or cultural facilities or institutions; the willingness of the Applicant to uphold community standards of conduct; whether the Applicant has a criminal record and the offence is described in the record; whether the Applicant has ever been convicted of a criminal offence and, if so, the nature of the offence; and
- i) the overall needs and goals of the Authority are met.

27 AUTHORITY'S DECISION ON APPLICATION FOR OCCUPANCY LICENCE

27.1 After verification of the contents and information relevant to the application, the Authority shall:

- a) issue a non-transferable Occupancy Licence for a period that does not exceed twelve (12) months; or
- b) deny the application and issue a Notice of Denial with reasons.

28 APPLICANT'S NOTICE OF DECISION

28.1 An Applicant who is granted an Occupancy Licence shall be informed in person or by registered mail of the Authority's decision and shall be provided with a copy of the Occupancy Licence.

28.2 An Applicant who is denied an Occupancy Licence shall be informed in person or by registered mail, by being provided with a Notice of Denial with reasons.

29 APPEALS FROM DECISIONS ON APPLICATIONS FOR OCCUPANCY LICENCE

An Appeal from the denial of an Occupancy Licence shall be taken in accordance with appeal rules established by the appropriate Authority.

If an Authority establishes no appeal rules, the Appeal Tribunal shall hear Appeals from denials of an Application for an Occupancy Licence. DENIED APPLICATIONS FOR OCCUPANCY LICENCE

Section 13 shall apply to denied applications for an Occupancy Licence, it being understood that references to "Membership Board", "Residency Permit" and "Appeal Tribunal" mean "Authority", "Occupancy Licence" and "Authority or Appeal Tribunal," as the case may be, and the documents, notices and forms referred to in those sections are modified consistent with provisions of the Law dealing with denied applications for an Occupancy Licence.

31 OCCUPANCY LICENCE REPORT

The Authority shall, within seventy-two (72) hours of the issuance of an Occupancy Licence, provide the Membership Officer with the names of the persons who have been issued an Occupancy Licence.

The Authority may instruct the Membership Officer to keep the identities confidential of any Non-member who has been issued an Occupancy Licence.

PART VI REVOCATION OF RESIDENCY

32 GROUNDS FOR REVOCATION OF RESIDENCY

32.1 A Residency Permit, Lease Agreement or Occupancy Licence may be revoked if the Non-member has: been convicted in Canada with an indictable offence, or in the United States with a felony; or been convicted of two (2) or more lesser offences (i.e., in Canada, summary conviction and in the United States, misdemeanor) against the property or person of a Member; or breached community customs or values; or breached community standards of conduct; or been a consistent disruptive force in the community; or provided false information on any application under this Law; or no longer qualifies for the eligibility criteria of the Authority's program; or breached the terms of the Lease Agreement or the conditions in the Residency Permit.

33 PROCEDURE FOR REVOCATION OF RESIDENCY

33.1 A Non-member's privilege to be a resident may be reconsidered upon a written request from an Eligible Voter for a Hearing to determine whether the residency right should be revoked. The request shall set out the grounds under section 32.1, on which revocation is sought, and the request shall be directed to the:

- a) Membership Board in the case of a Residency Permit; or
- b) Council in the Case of a Lease Agreement; or
- c) Authority in the case of an Occupancy Licence.

33.2 Before deciding whether to conduct a revocation Hearing, the Membership Board, Council or Authority may interview the person making the request ("Complainant") to clarify the contents of the request.

33.3 If the Membership Board, Council or Authority determines that there are not sufficient grounds to proceed with a revocation Hearing, it shall send a written notice of its decision, with reasons to the Complainant.

33.4 If the Membership Board, Council or Authority determines there are sufficient grounds to proceed with a revocation Hearing, it shall notify the Complainant and the Holder, Occupant or Tenant, as the case may be, of the date, time and place for such a Hearing.

33.5 All appropriate rules governing the Hearing on applications for Residency Permits in sections 6, 7 and 8 shall apply to the revocation Hearing, it being understood that the "Applicant" is now the "Holder", "Occupant" or "Tenant" and the "Membership Board" is now the "Membership Board," "Council" or "Authority," as the case may be, and the documents, notices and forms referred to in those sections are modified, consistent with the provisions

of this Law as related to revocation of residency.

34 DECISION ON REVOCATION OF RESIDENCY

34.1 After consideration of the request and submissions and documents presented at the Hearing, the Membership Board, Council or Authority shall:

dismiss the revocation request; or revoke the right of residency; or add or modify any condition in the Residency Permit, Permission to Lease Permit or Occupancy Licence.

35 NOTICE OF DECISION ON REVOCATION OF RESIDENCY

Pursuant to the provisions in this Law, the Membership Board, Council or Authority shall notify the Holder, Occupant or Tenant, as the case may be, and the Complainant, of its decision in person if possible, and send a copy of the Notice of Revocation to them by registered mail.

Any decision of the Membership Board, Council or Authority with respect to revocation of residency, shall be published in at least one community newspaper and posted in a public place in each District.

36 EFFECTIVE REVOCATION OF RESIDENCY

36.1 If the Non-member's privilege to reside is revoked, the Membership Officer shall provide notice of the decision to the Community, Akwesasne Mohawk Police Service, the Mohawk Council of Akwesasne and any other Council programs or other enforcement agencies that the Membership Board, Council or Authority deems appropriate.

36.2 A Non-member, whose privilege of residence has been revoked, must leave the Territory of Akwesasne within forty-eight (48) hours after receiving the Notice of Revocation.

36.3 The period provided for in section 36.2 may be extended by the Membership Board, Council or Authority, as the case may be, not more than thirteen (13) days.

36.4 Unless the revocation is under Appeal to the Appeal Tribunal, any Non-member who remains on the Territory of Akwesasne beyond the period provided for in the Notice of Revocation, may be charged with violation of this Law.

37 APPEALS OF DECISIONS ON REVOCATION OF RESIDENCY

37.1 Any Appeals from the Membership Board, Council or Authority decision regarding the denial, approval or conditions for the revocation of residency shall be made to the Appeal Tribunal.

37.2 If the Appeal Tribunal determines that there are no grounds for the Appeal, or confirms the Notice of Revocation, then the Non-member must leave the Territory of Akwesasne within forty-eight (48) hours after receiving the decision of the Appeal Tribunal, or such further time as the Appeal Tribunal directs.

PART VII OFFENCES AND PENALTIES

38 VIOLATIONS

38.1 Prosecutions in relation to offences under this Law shall be heard in the Akwesasne Mohawk Court.

38.2 Any person who violates any provisions of this Law or knowingly provides residency to a person who has not complied with the provisions of this

Law, is guilty of an offence and is liable on summary conviction to:

- a) a fine not exceeding One Thousand dollars (\$1,000.00); and/or
- b) a term of imprisonment not exceeding thirty (30) days; or
- c) both.

39 APPEAL PROCEDURES

Appeals of a decision of the Mohawk Court under this Law shall be made to the Appeal Tribunal. The decision of the Appeal Tribunal is final and conclusive, and no further Appeals shall be permitted.

PART VIII AMENDMENTS

40 AMENDMENTS OF THE LAW

40.1 Amendments to this Law shall be initiated by:

a Motion passed by Council, setting out the proposed amendment and supported by a majority of Council; or a Petition presented to Council by at least seventy-five (75) Eligible Voters from each District, setting out the proposed amendment.

Upon the amendment process being validly initiated in accordance with section 40.1, the Legislative Commission shall prepare a proposed Law indicating the amended provisions.

The proposed amended Law shall be presented by the Legislative Commission at a General Meeting by reading a summary of the proposed Law, explaining the amendments and making available a full text of the proposed amended Law to the community members.

At least seven (7) days prior to the General Meetings, Council shall give a notice to the community, through the local media, of the full text of the proposed amended Law and make copies available to community members.

After presentation at the General Meeting, the Legislative Commission shall hold information meetings in each District to explain the proposed amendments and receive comments and recommendations from community members.

Reasonable efforts shall be made through the information meetings to explain the proposed amendments in the Mohawk Language.

The Legislative Commission shall prepare a final proposed amended Law, taking into consideration the information received at the information meetings and responses from community members.

Council shall schedule a Special General Meeting for the purposes of considering the final proposed amendments.

Notice shall be given to the community at least seven (7) days prior to the Special General Meeting. The full text of the final proposed amendments will be included in the notice and copies made available to community members.

At the Special General Meeting a vote of Eligible Voters present shall be taken on the final proposed amendments. If a majority of those voting approve the final proposed amendments, the proposed amendments shall be deemed valid and enacted, and Council shall pass a Resolution at a Special General Meeting adopting the amendments.