

Chehalis Tribal Housing Authority

RESOLUTION 2020-01

RE: Approving the revised Resident Drug Policy

WHEREAS, the Chehalis Tribal Housing Authority is duly chartered under Tribal Ordinance #1 of the Confederated Tribes of the Chehalis Indian Reservation; and

WHEREAS, the Chehalis Tribal Housing Authority is empowered under Article V, section 3(i) of said ordinance to provide for the construction of single family residences and is further empowered under Article V, section (3) (j) thereof to sell the same to eligible persons and to make rules and regulations concerning such residences and the occupancy thereof; and

WHEREAS, the Chehalis Tribal Housing Authority is committed to creating a safe, drug free community;


WHEREAS, the CTHA Board of Commissioners has reviewed and approves of the proposed changes to the Resident Drug Policy,

NOW THEREFORE, BE IT RESOLVED that the Chehalis Tribal Housing Authority adopts the revised Resident Drug policy, and this policy supplements and super cedes any and/or all Resident Drug Policy documents and/or policies. A copy of the policy is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the changes to the Resident Drug Policy will be implemented on August 1st, 2020.

CERTIFICATION

I, Jeanette Siufanua, Secretary, certify the above resolution was adopted at a regular scheduled meeting of the Chehalis Tribal Housing Authority held on the 31st day of July 2020, at which time a quorum was present, and was passed by a vote of: 2 FOR, 0 AGAINST, and 0 ABSTAINED.


Jeanette Siufanua, Secretary


Don Secena, Chairman



Chehalis Tribal Housing Authority
RESIDENT DRUG POLICY

SECTION I PURPOSE

The purpose of this section is to assure a drug-free environment for all residents (participants). It is the intent of Chehalis Tribal Housing Authority (CTHA) to provide for the eviction or termination for any and all tenants, and/or homebuyers who: engage in drug-related criminal activity, whether on or off premises; or who sell and distribute a controlled substance or provide alcohol to a minor on premises.

SECTION II - APPLICABILITY

This policy applies to all Chehalis Tribal Housing Authority programs and premises wherever situated.

SECTION III - CRIMINAL RECORDS

Any criminal record received to administer this policy must be maintained as a confidential document and in compliance with the requirements set forth in the Native American Housing and Self-Determination Act.

A copy of the criminal conviction shall be conclusive proof of the drug-related criminal activity alleged, provided, that before any adverse action based on such a conviction can be taken, the person must be provided with the copy and an opportunity to dispute the accuracy or relevancy of the record.

If the applicant has not resided in Washington State or on the Confederated Tribes of the Chehalis Reservation for the past five years, they will be subject to a background check that includes the area(s) where they lived during this time period.

SECTION IV - INELIGIBILITY FOR ADMISSIONS

Any applicant, any member of applicant's household shall not be admitted to a CTHA program if they have any of the following drug-related issues found as a part of the application process:

Persons evicted by any Tribally Designated Housing Authority, any Indian Housing Authority, public housing, or whose homebuyer agreement with any Tribally Designated housing authority or any Indian Housing Authority has been terminated because of drug-related criminal activity are ineligible for admission to any Chehalis Tribal Housing Authority program for life, beginning on the date of such eviction or termination.

SECTION V WAIVER OF INELIGIBILITY

- A. The Board of Commissioners of the CTHA may waive the ineligibility of any person who is ineligible for admission to a CTHA program on account of this policy if:
1. A person has completed a drug assessment and is participating in a program recommended by the assessment.
 2. The person has otherwise been rehabilitated successfully, or
 3. The circumstances leading to the ineligibility no longer exist. For example, the individual involved in drugs is no longer in the household, or,

SECTION VI - PROHIBITED CONDUCT

Any tenant, any member of Tenant's household, any guest, and any other person under Tenant's control shall not:

- A. Engage in any drug-related criminal activity on or off the premises. "Drug-related criminal activity" means the illegal use, manufacture, selling, or distribution of a controlled substance;
- B. Engage in a pattern of illegal use of a drug which interferes with the health, safety or right of peaceful enjoyment of the premises by other residents

Termination

The lease or rental agreement, or any new Tribal Home Loan agreement of any person who has engaged in any of the drug-related criminal activity stated and defined herein during the term of the agreement shall be subject to immediate termination.

Any tenant who has been evicted from a unit for drug related activity is prohibited from residing at all (short term/overnight) or long-term (more than two weeks) on the premises managed by the CTHA.

SECTION VII - CTHA Unit Drug Inspection Procedure

This section of the policy was developed to address the necessity for a consistent and structured process for the scheduling of unit drug inspections and composite sampling (drug testing) of homes by CTHA staff. The inspections and

composite sampling process will apply to all rental homes managed by the CTHA.

A. Composite Sampling

The CTHA will test for the presence of Methamphetamines:

1. Each unit will have composite sampling performed prior to occupancy.
2. The applicant/occupant(s) will receive official written documentation from the CTHA stating composite sampling has previously been performed and samples were negative. A copy of such documentation will be made available during the orientation with a copy placed in their program file.

B. Regularly scheduled Testing

CTHA will perform a unit drug inspection on an annual basis

C. Reasonable Suspicion/Probable Cause

Housing Program staff will conduct reasonable suspicion/probable cause composite sampling should any of the following apply:

1. Notification and/or documentation from Law Enforcement/Legal Officials who have physically observed the use/or presence of a controlled substance and/or drug paraphernalia in the unit of CTHA grounds.
2. Notification and/or documentation from Law Enforcement of a search warrant being served for drug-related criminal activity in the unit or on the premises which resulted in the seizure of a controlled substance and/or drug paraphernalia.
3. Observation and/or notification the unit occupant(s) received criminal charges and/or are incarcerated for drug-related criminal activity on or off the premises.

Procedures after a Positive Test

A. Occupied Unit(s): After inspection of the unit and sampling results are positive, the following will occur:

1. The participant and family will be given their Notice to Quit. In the event the unit is found to be contaminated due to methamphetamines, CTHA will immediately file a complaint for eviction in Chehalis Tribal Court. Should the Chehalis Tribal Court grant an eviction, the unit will be

immediately boarded up by the CTHA and eviction and/or relocation of the tenants will occur due to health and safety concerns.

2. The tenant will be responsible for all costs associated with restoring the unit back to safe, healthy and drug-free standards. Associated costs of restoration may include, but are not limited to the following:
 - a) Total costs for both the initial and post composite sampling of the unit;
 - b) Total costs for decontamination of the unit due to drug contamination;
 - c) Total costs for rehabilitation of the unit due to drug contamination.
- B. The participant and the family will be prohibited from applying for any CTHA assistance for a period of not less than three years beginning on the date of eviction or termination, and until all cleanup and rehabilitation costs associated have been paid in full.
- C. After the three-year period has expired and the family is offered another unit, they must pay for and take a drug test.

SECTION XIII - GRIEVANCES

- A. Except as specified in the following paragraph, any grievance arising under this policy shall be resolved in accordance with the Grievance Policy procedure of the Chehalis Tribal Housing Authority.
- B. There shall be no right to a hearing other than a court hearing in the case of an eviction or termination where based on the manufacture, sale, distribution, use or possession of a controlled substance, on Chehalis Tribal Housing Authority premises; provided, that the Board of Commissioners, at its sole discretion may, but shall not be required to provide a hearing to any person so accused and requesting a hearing.

CTHA will follow any and all requirements set forth in the CTHA policies, individual rental/lease/homebuyer agreements and the CTHA Grievance Policy.

Testing results are not a grievable issue. Grievable issues are as follows:

- Eviction
- Wait list removal
- Clean-up costs and/or work order costs

SECTION IX - DEFINITIONS

1. "CTHA" means the Chehalis Tribal Housing Authority.

2. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession of a controlled substance, whether on or off CTHA premises, and includes offenses for which only a civil penalty may be assessed.
3. "Controlled substance" has the same meaning as defined in Title 21 of the United States Code, Washington State Uniform Controlled Substances Act (chapter 69.50), and the Chehalis Criminal Code 21 (chapter 4.09 – Drug Related Offenses).
4. "Chehalis Tribal Housing Authority premises" includes all housing units, whether rental and homebuyer, all common areas, all administrative areas and all lands and buildings included in any lease of property to the CTHA or homebuyer.
5. "Composite Sampling" means the process(es) used to check for the presence of drug residue in a unit.
6. "Guest" means any person, other than the tenant, in or around a unit or on the premises with the permission and consent of the tenant.
7. "Minor" means any person under 18 years.
8. "NAHASDA" means Native American Housing and Self-Determination Act.
9. "Premises/Unit" means all applicable housing units, whether a rental, all administrative areas and all lands and buildings included in any lease of property of the CTHA.
10. "Tenant" is defined to include all occupants of the unit.
11. "Washington State Department of Health State Certified Person, Company, or Entity" requires a current, valid certification and compliance with RCW 64.44 and WAC 246-205, or any successor laws or codes.

I/We the undersigned fully understand and will comply with the CTHA Resident Drug Policies and Procedures. If the applicant fails to fully disclose any required or relevant information in an attempt to obtain a loan will prosecuted for fraud.

Applicant: _____

Applicant: _____

CTHA: _____