



Chehalis Tribal HOUSING AUTHORITY

Resolution No. 2023-06-07

Of the Chehalis Tribal Housing Authority ("CTHA")

RE: Approving the revised Occupant and Resident Drug Policy.

Whereas: CTHA is an independent entity under NAHASDA tasked with providing HUD / IHBG housing on the Chehalis Reservation; and

Whereas: CTHA is governed by a Board of Commissioners with day-to-day operations vested in the Executive Director, all in compliance with HUD regulations; and

Whereas: CTHA wishes to have Board approval for the proposed Occupant and Resident Drug Policy (a copy of which is attached hereto and made a part hereof) for the purposes of;

- Consistency with past & current procedures and practices of CTHA Operations
- Allowable retention and second chance agreements under CTHA programs
- Insertion of due process for program participants

Now Therefore Let It Be Resolved: That the Board of CTHA does hereby approve the Occupant and Resident Drug Policy attached hereto.

Certification: This Resolution, Number 2023-06-07, was duly considered and approved at a regularly scheduled meeting of the Board of CTHA held on June 13, 2023, at which a quorum was present. The vote being 3 For, 0 Against, with 0 Abstentions.

Signed:

DocuSigned by:

901D44CD66074B6

June 13, 2023 | 1:59:08 PM PDT

Chairman
Philip Youckton

Attested:

DocuSigned by:

B1824D696DE14E7...

June 13, 2023 | 2:01:22 PM PDT

Secretary
Danial Penn



Chehalis Tribal

HOUSING AUTHORITY

OCCUPANCY AND RESIDENT DRUG POLICY

Updated June 13, 2023, by Resolution: 2023-06-01

Previously “Zero Tolerance” Drug Policy

Adopted by Board Action on December 11, 2014

Updated July 31, 2020

Table of Contents

Purpose..... 2

Applicability..... 2

Definitions 2

Ineligibility for admission..... 3

Other Requirements 3

Waiver of ineligibility 4

Eviction or termination 4

Termination of Homeowner Program..... 4

Retention or forbearance regarding eviction or termination..... 5

Due process 5

Miscellaneous provisions..... 5

Use of Criminal Background Information 6

Maintenance of Criminal Conviction Records..... 6

Purpose

- The purpose of this drug and alcohol policy is to ensure a drug free environment for all CTHA residents.
- It is the intent of this policy to provide for the retention, eviction, or termination of any and all tenants and homebuyers who engage in drug-related criminal activity, whether on or off CTHA premises and to any and all persons who are inebriated on CTHA premises or who sell or distribute alcohol to a minor on CTHA premises.
- This policy is incorporated by reference into all CTHA leases and homebuyer agreements.

Applicability

This policy applies to all CTHA premises, whether rental units or homebuyer units, wherever situated.

Definitions

“BOC” means the governing authority of the Board of Commission of the Chehalis Tribal Housing Authority

“CTHA” means the Chehalis Tribal Housing Authority

"Drug-related criminal activity" also means the illegal manufacture, sale, distribution, use or possession of a controlled substance by a visitor or guest on CTHA premises or such an individual being under the influence of a controlled substance while on CTHA premises.

"Controlled substance" has the same meaning as defined in Title 21 of the United States Code.

"Minor" shall mean any person under the age of 18 years.

“NAHASDA” means Native American Housing Assistance and Self-Determination Act.

"CTHA premises" includes all housing units, whether rental or homebuyer, all common areas, all administrative areas and all lands and buildings included in any lease of property to the CTHA.

"Date of application for admission" shall mean the date for **which** application is made for an available rental unit or homebuyer unit.

Ineligibility for admission

Prior Alcohol or Drug-Related Incidents

- Persons evicted by any Tribally Designated Indian Housing Authority, any Indian Housing Authority, public housing, or any Section 8 program 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 CTHA program for a 3-year period beginning on the date of such eviction or termination.
 - Exceptions shall only be considered when a program participant has provided the following documentation that shows the previous deficiency has been corrected:
 - Proof of successful completion of an accredited program
 - Proof that any arrears from the previous eviction has been paid in full.
- Persons evicted by the CTHA or whose homebuyer agreement with the Housing Authority has been terminated because of alcohol inebriation or the selling or distribution to a minor are ineligible for admission to any CTHA program for a 3-year period beginning on the date of such eviction or termination.
- Persons who were found to be involved in substance abuse-related criminal activity are ineligible for admission to any CTHA housing unit.

Other Requirements

- Any applicant for CTHA housing and any other prospective residence shall be required to sign such release forms and to provide such information, including a background check, as required by the CTHA to assure compliance with this section.
- Persons evicted by the CTHA or whose homebuyer agreement with the Housing Authority has been terminated under a retention agreement because of:
 - alcohol inebriation
 - the selling or distribution to a minor
 - criminal related drug offenses

are ineligible for admission to any CTHA program for a 10-year period beginning on the date of such eviction or termination of a retention agreement.

Should a prospective resident have repeated termination(s) BOC written approval shall be required prior to processing the application.

In the event that the BOC has approved the acceptance of an application the Executive Director shall take necessary steps to add the prospective resident to the CTHA waiting list.

Waiver of ineligibility

- The Executive Director of the CTHA may waive the ineligibility of any family/person who is ineligible for admission to a CTHA program if:
 - The family demonstrates successful completion of a supervised drug or alcohol rehabilitation program approved by the CTHA, or
 - The family **can provide documentation indicating that they** have otherwise been rehabilitated successfully, or
 - The circumstances leading to the ineligibility no longer exist.
 - For example, the individual involved in drugs or alcohol use is no longer an occupant of the unit or a member of the household.
 - The family agrees to random drug testing at the family's expense.
- Any person desiring to have his or her ineligibility waived shall have the burden of showing that the requirements for waiver have been met.
- Nothing in this section shall require a waiver of ineligibility under any circumstances.
- The Executive Director shall seek additional approval by the CTHA Board of Commission prior to moving forward.

Eviction or termination

Eviction of Rental Unit

- Any tenant who has engaged in drug-related criminal activity during the term of the tenancy, whether on or off CTHA premises, or who has a resident of his or her household who has engaged in such activity on or off CTHA premises, or who has had a visitor or guest who has engaged in such activity on CTHA premises or who has been under the influence of a controlled substance while on CTHA premises, shall be subject to eviction.
- Any tenant who has been inebriated on CTHA premises during the term of the tenancy or has sold or distributed alcohol to a minor on CTHA premises, or who has a resident of his household or had a visitor or guest who has been inebriated or sold or distributed alcohol to a minor on CTHA premises shall be subject to eviction.

Termination of Homeowner Program

- The homebuyer agreement of any person who has engaged in drug-related criminal activity during the term of the agreement, whether on or off CTHA premises, or who has a resident of his or her household who has engaged in such activity on or off CTHA premises, or who has been under the influence of a controlled substance while on Housing Authority premises, shall be subject to termination and the resident evicted.
- The homebuyer agreement of any person who has been inebriated on CTHA premises or has sold or distributed alcohol to a minor on CTHA premises or who has a resident of his or her household or has had a visitor or guest who has been inebriated or sold or distributed alcohol to a minor on CTHA premises shall be subject to termination and eviction.

Procedure upon Violation

- In the event of a violation hereof, tenant or homebuyer shall receive a written notice from the Executive Director of the CTHA to immediately vacate the premises. Said notice will provide that should the tenant or homebuyer fail to execute and deliver the compliance agreement or vacate the premises, the CTHA will seek their forcible eviction by Chehalis Tribal Law Enforcement for such failure through the Chehalis Tribal Court.

Removal of Resident, Visitor or Guest

In the case of a household resident or visitor or guest, no tenant shall be evicted, and no homebuyer agreement shall be terminated if the tenant or homebuyer has promptly secured the removal, other than the temporary removal, of the offending resident, visitor, or guest from the premises. The CTHA may randomly inspect the unit to ensure program and policy compliance.

Retention or forbearance regarding eviction or termination

The CTHA may forbear the eviction of any person or the termination of any agreement under this policy. The Executive Director will have sole discretion to develop a compliance plan if there are mitigating circumstances and it is in the best interests of the CTHA. Any compliance plan must include the following:

- Corrective Action on the part of the Tenant to include;
 - Enrollment in services that would assist with the health and safety of the family and CTHA Residences
- Compliance with all terms of the lease agreement and its Retention Agreement
- Immediate eviction in the event of a breach of any terms of the lease or the compliance plan.

Due process

CTHA gives access to all residents and tenants of CTHA Programs to the Grievance Process to mediate and compromise of any conflict that may arise during the participation of CTHA programs.

All Appeal rights must be exercised through the Chehalis Tribal Court for eviction and termination of the programs.

Miscellaneous provisions

Criminal History

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

Criminal Records should be requested in the geographical area(s) of previous primary residence.

Use of Criminal Background Information

The CTHA shall use criminal background information only for applicant screening, lease enforcement and eviction actions. The information may be disclosed only to any person who has a job-related need for the information and who is an authorized officer, employee, or representative of the CTHA.

Copy of Criminal Conviction or Civil Penalty Record

A certified copy of a criminal conviction record or of a civil penalty record shall be conclusive proof of the drug-related criminal activity identified in the record or of the alcohol-related offense specified in the record;

- provided that before any adverse action based on such a record can be taken, the person must be provided with a copy of the record and an opportunity to dispute the accuracy or relevancy of the record.
- In the case of an eviction or termination for which no opportunity for a hearing is required prior to the court hearing, a copy of the record shall be filed with the court and served on tenant or homebuyer with the Summons and Complaint.

Maintenance of Criminal Conviction Records

- The recipient will keep all the criminal conviction record information it receives from the official law enforcement agencies listed in Sec. 1000.150 in files separate from all other housing records.
- These criminal conviction records will be kept under lock and key and be under the custody and control of the CTHA Executive Director and/or his designee for such records.
- These criminal conviction records may only be accessed with the written permission of the CTHA's Executive Director and/or his designee and are only to be used for the purposes stated in section 208 of NAHASDA and these regulations.

No Requirement for Criminal Conviction or Civil Penalty

In no instance shall a criminal conviction be required to have been entered or a civil penalty be required to have been assessed for a person to be ineligible for admission to CTHA programs or be subject to eviction or termination from a CTHA rental or homebuyer unit.

Certificate Of Completion

Envelope Id: BCE437E392EC427385545388F70E4342

Status: Completed

Subject: Complete with DocuSign: Occupant & Resident Drug Policy Resolution 6.13.23.docx, CTHA Occupancy...

Source Envelope:

Document Pages: 8

Signatures: 2

Envelope Originator:

Certificate Pages: 5

Initials: 0

Glenda Comenout

AutoNav: Enabled

gcomenout@chehalistrike.org

Enveloped Stamping: Enabled

IP Address: 50.216.52.162

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Record Tracking

Status: Original

Holder: Glenda Comenout

Location: DocuSign

6/13/2023 1:34:12 PM

gcomenout@chehalistrike.org

Signer Events

Dan Penn

dpenn@chehalistrike.org

BOC Secretary

Chehalis Tribal Housing Authority

Security Level: Email, Account Authentication
(None)**Signature**

DocuSigned by:


B1824D696DE14E7...

Signature Adoption: Pre-selected Style

Using IP Address: 50.216.52.162

Signed using mobile

Timestamp

Sent: 6/13/2023 1:36:45 PM

Resent: 6/13/2023 2:00:57 PM

Viewed: 6/13/2023 2:01:22 PM

Signed: 6/13/2023 2:01:22 PM

Electronic Record and Signature Disclosure:

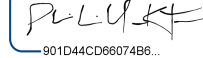
Not Offered via DocuSign

Philip Youckton

pyouckton@chehalistrike.org

Security Level: Email, Account Authentication
(None)

DocuSigned by:


901D44CD66074B6...

Signature Adoption: Drawn on Device

Using IP Address: 50.216.52.162

Sent: 6/13/2023 1:36:44 PM

Viewed: 6/13/2023 1:42:52 PM

Signed: 6/13/2023 1:59:08 PM

Electronic Record and Signature Disclosure:

Accepted: 1/31/2023 8:46:02 PM

ID: 90367b79-e2b7-41e4-ae67-960a82994b0f

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp****Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

6/13/2023 1:36:45 PM

Envelope Updated

Security Checked

6/13/2023 1:41:14 PM

Envelope Updated

Security Checked

6/13/2023 1:41:14 PM

Certified Delivered

Security Checked

6/13/2023 1:42:52 PM

Envelope Summary Events	Status	Timestamps
Signing Complete	Security Checked	6/13/2023 1:59:08 PM
Completed	Security Checked	6/13/2023 2:01:22 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Chehalis Tribal Housing Authority (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Chehalis Tribal Housing Authority:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: criffe@chehalistribe.org

To advise Chehalis Tribal Housing Authority of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at criffe@chehalistribe.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Chehalis Tribal Housing Authority

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to criffe@chehalistribe.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Chehalis Tribal Housing Authority

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to criffe@chehalistribe.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Chehalis Tribal Housing Authority as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Chehalis Tribal Housing Authority during the course of your relationship with Chehalis Tribal Housing Authority.