

SPOKANE INDIAN HOUSING AUTHORITY

SENIOR RENTAL COMPLEX DRUG AND ALCOHOL FREE POLICY

Adopted July 17, 2003; Amended: June 5, 2019

A. PURPOSE

1. The purpose of this drug and alcohol policy is to assure a drug and alcohol free environment for all Spokane Indian Housing Authority residents residing in the Senior Rental Complex.
2. It is the intent of this policy to bar admission to all rental units within the rental site known as the Senior Rental Complex, any and all persons engaged in drug-related criminal activity, whether on or off the Spokane Indian Housing Authority premises, and to any and all persons engaged in alcohol use or possession or who are inebriated in the Spokane Indian Housing Authority Senior Rental Complex area.
3. This policy is incorporated by reference into all Spokane Indian Housing Authority leases for rental units in the Senior Rental Complex.

B. APPLICABILITY

This policy applies to all rental units within the Senior Rental Complex. If this policy is to be expanded to other areas or programs offered by the Spokane Indian Housing Authority, the policy will be amended by the Board of Commissioners.

C. DEFINITIONS

1. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession of a controlled substance, whether on or off Spokane Indian Housing premises, and includes offenses for which only a civil penalty may be assessed. "Drug-related criminal activity" also means the illegal manufacture, sale, distribution, use or possession of a controlled substance by a resident other than a tenant or homebuyer, whether on or off Spokane Indian Housing Authority premises. "Drug-related criminal activity" also means illegal manufacture, sale, distribution, use or possession of a controlled substance by a visitor or guest on Spokane Indian Housing Authority premises or such an individual being under the influence of a controlled substance while on Spokane Indian Housing Authority premises.
2. "Controlled substance" has the same meaning as defined in Title 21 of the United States Code, specifically defined as a substance included in Schedules I, II, III, IV or V of the Controlled Substance Act, 21 U.S.C. sec. 801, et seq. These controlled substances include but are not limited to marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
3. "Use or possession of alcohol or inebriation" includes use or possession of alcohol within areas identified and designated by either the Spokane Indian Housing Authority Board of Commissioners or the Spokane Tribe of Indians Business Council by resolution. Alcohol use or possession or inebriation also includes use or possession of alcohol or inebriation by a resident other than a tenant or a homebuyer or by a visitor or guest within areas identified and designated by either the Spokane Indian Housing Authority Board of Commissioners or the Spokane Tribe of Indians Business Council by resolution.

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4. "Date of application for admission" shall mean the date an application is made for an available rental unit or homebuyer unit, whether or not constructed, and shall not include any period in which a person is on a waiting list for housing.
5. "Forbearance" means the act of showing patience, or leniency, or granting clemency when related to this policy.
6. "Senior Rental Complex" includes in the home, out around the home, within the public areas around the complex area.

D. INELIGIBILITY FOR ADMISSION

1. Prior Alcohol-or Drug-Related Eviction or Termination or Prior Conviction
 - a. Persons evicted by any Tribally Designated Indian Housing Authority, any Indian Housing Authority, public housing, Section 23, 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 Spokane Indian Housing Authority Senior Rental Complex for one-year period beginning on the date of such eviction or termination.
 - b. Persons evicted by the Spokane Indian Housing Authority because of the use or possession of alcohol or because of inebriation in the Senior Rental Complex are ineligible for admission to the Senior Rental Complex for a one-year period beginning on the date of such eviction or termination,
 - c. Persons convicted in any jurisdiction of any offense (including levy of a civil assessment) because of drug-related criminal activity are ineligible for admission to any Spokane Indian Housing Authority program according to the Admissions and Occupancy Policy.

2. Other Requirements

Any applicant for Spokane Indian Housing Authority housing and any other prospective resident shall be required to sign such release forms and to provide such other information as may be necessary to assure compliance with this section.

E. WAIVER OF INELIGIBILITY

1. The Board of Commissioners of the Spokane Indian Housing Authority may waive the ineligibility of any person who is ineligible for admission to a Spokane Indian Housing Authority program if:
 - a. The person demonstrates successful completion of a supervised drug or alcohol rehabilitation program approved by the Spokane Indian Housing Authority, or
 - b. The person has otherwise been rehabilitated successfully, or

- c. The circumstances leading to the ineligibility no longer exist. For Example, the individual involved in drugs and alcohol use is no longer in the household.
2. Any person desiring to have his or her ineligibility waived shall have the burden of showing that the requirements for waiver have been met. Ineligibility and background checks to provide proof that there has been rehabilitation will be at the expense of the individual. All applicants' first background check will be at the expense of the housing authority.
3. Nothing in this section shall insure a waiver of ineligibility.
4. The Board of Commissioners by separate resolution on board action may delegate the authority to waive the ineligibility for admission to any one or more of its members, to the Executive Director of the Spokane Indian Housing Authority, to any other suitable employee of the Spokane Indian Housing Authority or to any combination of the foregoing.

F. EVICTION OR TERMINATION

1. Eviction.
 - a. Any tenant who has engaged in drug-related criminal activity during the term of the tenancy, whether on or off Spokane Indian Housing Authority premises, or who has a resident of his or her household who has engaged in such activity on or off Spokane Indian Housing Authority premises, or who has had a visitor or guest who has engaged in such activity on Spokane Indian Housing Authority premises or who has been under the influence of a controlled substance while on Spokane Indian Housing Authority Premises, will be evicted.
 - b. Any tenant who has used or possessed alcohol or who has been inebriated and caused a disturbance to their neighbors or others within the Senior Rental Complex during the term of the tenancy or who has a resident of his or her household or has had a visitor or guest who has engaged in such activity within the Senior Rental Complex will be evicted.
2. Termination
 - a. The rental agreement of any person who has engaged in drug related criminal activity during the term of the agreement, whether on or off Spokane Indian Housing Authority premises, or who has a resident of his or her household who has engaged in such activity on or off Spokane Indian Housing Authority premises, or who has had a visitor or guest who has engaged in such activity on Spokane Indian House Authority premises or who has been under the influence of a controlled substance while on Housing Authority premises, shall be terminated
 - b. The rental agreement of any person who has used or possessed alcohol or who has been inebriated and caused a disturbance to their neighbors

or others within the Senior Rental Complex during the term of the agreement or who has a resident of his or her household or has had a visitor or guest who has engaged in such activity within the Senior Rental Complex, shall be terminated.

3. Removal of Resident, Visitor or Guest

In the case of a household resident or visitor or guest, no tenant shall be evicted and no rental agreement shall be terminated if the tenant has promptly secured the removal, other than the temporary removal, of the offending resident, visitor or guest from the premises.

G. FOREBEARANCE REGARDING EVICTION OR TERMINATION

1. The Board of Commissioners may forbear the eviction of any person or the termination of any rental agreement under this policy if:
 - a. The person demonstrates successful completion of a supervised drug or alcohol rehabilitation program approved by the Spokane Indian Housing Authority, or
 - b. The person has otherwise been rehabilitated successfully, or
 - c. The circumstances leading to the ineligibility no longer exist. For example, the individual involved in drugs or alcohol use is no longer in the household, or
 - d. The Board of Commissioners determines that there are extraordinary circumstances (such as the welfare of a minor child) which warrant forbearance, and the person completes or agrees to complete any other requirements of the Board of Commissioners at its sole discretion may impose, including but not limited to periodic alcohol and/or drug blood tests or other tests.

The Board of Commissioners may also forbear if the person is participating in a supervised drug or alcohol rehabilitation program approved by the Spokane Indian Housing Authority and the person completes or agrees to complete any other requirements imposed by the Board of Commissioners, including but not limited to periodic alcohol and/or drug blood tests or other tests.

2. Any person desiring forbearance regarding eviction or termination shall have the burden of showing that the requirements for forbearance have been met.
3. Nothing in this section shall insure forbearance regarding eviction or termination.
4. The Board of Commissioners by separate resolution or board action may delegate the authority to waive the ineligibility for admission to any one or more of its members, to the Executive Director of the Spokane Indian Housing Authority, to any other suitable employee for the Spokane Indian Housing Authority or to any combination of the foregoing

H. GRIEVANCES

1. 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 Spokane Indian Housing.
2. There shall be no right to a hearing other than a court hearing in the case of an eviction or termination where there is an allegation regarding the manufacture, sale or distribution of a controlled substance on Spokane Indian Housing Authority premises or where there is an allegation of the sale or distribution of alcohol to a minor child on Spokane Indian 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.

I. MISCELLANEOUS PROVISIONS

1. Criminal History

Any criminal record received in order to administer this policy must be maintained confidentially, must not be misused or improperly disseminated, and must be maintained under lock and key by the Executive Director of the housing authority or the designee authorized by the Board of Commissioners by separate resolution once the purpose for which it was requested is fully accomplished.


2. 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 the tenant with the Summons and Complaint.

3. 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 in order for a person to be ineligible for admission to Spokane Indian Housing Authority programs or be subject to eviction or termination from a Spokane Indian Housing Authority rental unit.

Amended by the Board of Commissioners on June 5, 2019.



Timothy Horan, Executive Director