

Walker River Paiute Tribe Housing Department

Zero Tolerance for Alcohol and/or Drug or Violent Criminal Activity for Low Rent Tribal Housing

Purpose:

Walker River Paiute Tribe Housing Department, in furtherance of the objective of federally assisted housing and in order to provide homes for Walker River Paiute Tribal members that are a safe place to live and raise families, free of crimes and alcohol/drug use, hereby implements this Zero Tolerance for Alcohol of Drug Related Activity policy for all Low Rent Units.

Administration:

Upon approval by Resolution of the Walker River Paiute Tribal Council, this policy will become effective for all present and future tenants of the Low Rent Homes operated by the Walker River Housing Department (WRHD) on behalf of the Walker River Paiute Tribe. The administration of this policy will be under the supervision of the WRHD and must be in accordance with the procedures set forth in this policy.

This policy will be posted at the Walker River Paiute Tribal Administration Building and the WRHD Office and will be provided by mail upon request to all participants of the Low Rent Program.

The Notice to tenants will inform them that they must sign a form acknowledging and accepting that this policy shall be part of their Low Rent Lease Agreement. The failure of any tenant to sign such form will be grounds for termination or non-renewal of that tenant's lease agreement.

Enforcement:

The enforcement of this policy will be through notices and eviction which is assigned by the Walker River Paiute Tribe to the Walker River Housing Department Staff and in cooperation from the Walker River Tribal Police Department.

Violations:

The tenant will be in violation of this policy if the WRHD receives a police incident report involving a tenant or covered person substantiating an alcohol related disturbance and/or illegal drug related activity, or the presence of drug paraphernalia in a WRHD Low Rent unit or within the areas associated with a unit.

It shall be a violation of this policy for a tenant or covered person to engage in any violent criminal activity in a WRHD unit or within the areas associated with a unit.

It shall be a violation of this policy if it is determined that there is reasonable cause to believe that a tenant or covered person's abuse or pattern of abuse of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other household members or other residents of the WRHD development. A pattern of abuse is constituted by three (3) or more incidents or disturbances involving the Walker River Police Department within a 12 month period.

It shall be a violation of this policy if it is determined that any tenant or covered person is currently engaging in illegal use of a drug or if it is determined that there is reasonable cause to believe that a tenant or covered person's illegal use or pattern of illegal use of a drug may interfere with or threaten the health, safety or right to peaceful enjoyment of the WRHD premises by other household members or other residents of the WRHD development. A pattern of illegal drug use is constituted by one (1) or more incidences as there is a zero tolerance for illegal drug use policy at the WRHD managed units.

It shall be a violations of this policy for a tenant or covered person to engage in any “Alcohol Related Activity” or “Drug Related Activity” as those terms are defined in this policy.

Penalties for Violations:

Walker River Housing Department will issue Notices of Non-Compliance or may evict persons based upon violations of this policy.

1. A Notice of Non-Compliance will be issued to the tenant as the first step in any violation of this policy. The Notice of Non-Compliance will state the date, time and nature of the violations, will include the names of the persons present in the unit when the violation occurred and will state the evidence (for example, a copy of a police report) used to determine that the violation occurred. The Notice of Non-Compliance must be sent by certified mail or personally served on the tenant. The Notice must state that this is the first phase of the penalty process for violations of this policy and further violations will result in eviction from the unit and termination of the tenant’s Low Rent Lease Agreement. A copy of this certified letter will become an addition to the permanent Tenant file.

2. Eviction (Notice of Termination). Following the issuance of a Notice of Non-Compliance should any further violations occur, there will be an Eviction of the tenant. The Termination Notice will be personally served on the tenant and will include the date, time and nature of the violation and persons present when the violation occurred and will state the evidence (for example, a copy of a police report) used to determine that a violation occurred. The tenant must be given no less than 15 days to vacate the unit. The Termination Notice will state the date the tenant must vacate the unit, and that if the tenant is not out of the unit by the date specified, lock outs will be place on the doors and any personal belongings left in the unit will be place in storage at the tenants’ expense. The Eviction Notice must be signed by the Executive Director of the Tribal Chairman in absence of the director. The Eviction Notice is the final phase of the penalty process.

Standards of Proof for Violations:

WRHD may send Notices of Non-Compliance and Eviction Notices based upon the activities or circumstances set forth above based upon a preponderance of the evidence. “Preponderance of evidence” is evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be established is more probable than not probable.

WRHD is not required to prove criminal liability but only to establish by a preponderance of the evidence that the acts or disturbances occurred or took place. Police reports and court records may be considered credible evidence.

Definitions: “**Alcohol Related Disturbance**” is described as a “disturbance” or “disturbing the peace” incident as reported by the Walker River Tribal Police Department with the presence of alcoholic beverages as a contributory factor on the premises of any unit or grounds of any Low Rent unit managed by the WRHD.

“**Drug Related Criminal Activity**” is the manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance or narcotic and/or a prescription drug not prescribed to the user (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)) by any tenant whether on or off the premises of any unit under the management of WRHD, as reported and substantiated by the Walker River Tribal Police Department of other legal entities. This activity is not limited to on or near the Low Rent premises, but if the Tenant is convicted with this type of activity this policy will be in effect.

“**Tenant**” means any person who is occupying the premises of a Low Rent unit either as Head of Household or a person listed on the family composition for a specified unit under the management of WRHD.

“Covered Person” means a tenant in the Low Rent Program administered by WRHD and also includes any member of the household of the tenant, a guest or other person under the tenant’s control.

“Criminal Activity” includes violent criminal activity and any other criminal activity that would threaten the health, safety or right to peaceful enjoyment of any unit or premises under the management of WRHD by other residents or tenants or any WRHD employee, contractor, subcontractor or agent.

“Illegal Drug” means controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

“Guest” means a person temporarily staying or visiting in the unit with the consent of a tenant or other member of the tenant’s household who has the express or implied authority to so consent on behalf of the tenant.

“Household” means the family, others residing with the family and any WRHD approved aired residing in the premises. **“Other Person Under the Tenant’s Control”** for the purposes of the definition of “Covered Person” means that the person, although not staying as a guest, as defined above, in the premises is or was at the time of the activity in question, on the premises because of an invitation of the tenant or other member of household who has express or implied authority to so consent on behalf of the tenant.

“Premises” means any building, house, complex, or development in which the WRHD dwelling unit is located, including common areas, sidewalks, driveways and grounds.

“Violent Criminal Activity” means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause or be reasonable likely to cause serious bodily injury or property damage.

Approved by Walker River Paiute Tribal Council on June 25, 2008
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