

	Northwestern Band of the Shoshone Nation Housing Services	
	Policy & Procedures Manual Drug-Free Housing Policy	
	Revision Number & Date Revision Number 2 – 12 March 2024	Document Control Number NWBSN HS-PM-DFH-002

Drug-Free Housing Policy

1. Purpose

Though enforcement of drug laws are primarily the responsibility of law enforcement personnel and the courts, the Northwestern Band of the Shoshone Nation Housing Services Program is obligated to prohibit the use of illegal drugs in its units when such use disturbs or endangers other occupants in its project(s).

Therefore, it is the policy of the NWBSN Housing Services Program that narcotics and other illegal drugs shall not be used, possessed, sold or distributed in any of its units. The Housing Director or Housing Board of Commissioners may terminate the Lease, Occupancy Agreement, or Home Buyer Agreement of any individual family or guest and require the vacating of the unit based upon evidence or a reasonable belief that the individual, family, or guest has done or allowed any of these acts.

In terminating the occupancy in such a situation, Housing Services must comply with the terms of the Lease, Occupancy Agreement, or Home Buyer Agreement originally signed with the resident. Further, Housing Services shall provide a written notice of said termination delivered to the house or to the occupant, summarizing the reason for termination. This notice shall be in the form of a 3-Day Notice to Terminate Lease (or other similarly titled notice), which shall be made in triplicate. One document will be posted on the door of the residence or hand delivered to the tenant, a second copy will be mailed to the tenant and a third copy will be placed in the file of the tenant.

The individual to be terminated shall be given the opportunity to request an appearance before the Housing Services Board of Commissioners by filing a Grievance Complaint. Such a request must be made in writing to the Housing Services Director and the Tribal Executive Director within 48 hours. Unless the Housing Services Board of Commissioners repeals the prior order, Housing Services shall proceed to enforce the vacating of the unit with the assistance of the courts if necessary. Should a tenant not abide by the eviction notice, the matter shall be handed over to tribal legal counsel.

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This policy also prohibits the sale of alcoholic beverages from any of Housing Services units under Lease, Occupancy Agreement, or Home Buyer Agreement.

1. If ever convicted of a drug related crime involving sale, use, or possession, you are subject to Housing Board approval before being declared eligible for a unit.
2. If ever convicted while a tenant, tenant(s) are subject to immediate eviction.
3. If you have been convicted of drug trafficking, there is a lifetime eligibility ban from the Housing Services Program and other Housing Services benefits.
4. If ever evicted for a drug related issue of sale, use, or possession, whether convicted in a court or law or otherwise, applicant is subject to Housing Board of Commissioners approval before being declared eligible to apply for a Housing Services Program or benefit.
5. If a tenant's unit tests positive during random, scheduled or post-vacancy testing for Methamphetamine, and the unit tests above the limit legalized by the state's governing body, member will be barred from further participation in any Housing Services benefit programs. (See Methamphetamine Remediation Policy).
6. All members of a household over the age of 18 shall sign the Lease Addendum for Drug Free Housing at initial occupancy and all subsequent lease renewals, changes or updates as prescribed by Housing Services, Housing Services Board or Commissioners and/or Tribal Council. (See Lease Addendum for Drug-Free Housing)

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Lease Addendum for Drug Free Housing

In consideration of the execution or renewal of a Lease, Occupancy Agreement and/or Home Buyers Agreement, of the dwelling unit identified in the Lease, Northwestern Band of the Shoshone Nation Housing Services and Tenant agree as follows:

1. Tenant, any member of the tenant's household, or a guest or other person under the tenant's control shall not engage in criminal activity, including drug related criminal activity on or near project premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).
2. Tenant, any member of the tenant's household, or a guest or other person under tenant's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near project premises.
3. Tenant or member of the household will not permit the dwelling unit, property and/or outbuildings to be used for, or to facilitate, criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. Tenant, any member of the tenant's household or guest or other person under the tenant's control will not engage in the manufacture, sale, or distribution of illegal drugs at any location, whether on or near project premises or otherwise.
5. Tenant, any member of the tenant's household, or a guest or other person under the tenant's control shall not engage in acts of violence or threats of violence, including, but not limited to, the unlawful discharge of firearms, on or near project premises.
6. Tenant, any member of the tenant's household or guest or other person under the tenant's control, and in a location where the use of Medical Marijuana is legal, who are in possession of a valid, signed and non-expired Medical Marijuana Card agree to present the card upon request of the Housing Services or their agent. Additionally, as Housing Services units are smoke-free environments, Medical

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Marijuana used in the home may not be smoked or vaped and can only be used in Housing Services units or premises as prescribed by law by jurisdiction and with this exclusion.

7. VIOLATIONS OF THE ABOVE PROVISION SHALL BE A MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF TENANCY. A single violation of any of the provisions of this addendum shall be deemed a serious violation and a material non-compliance with the lease. It is understood and agreed that a single violation shall be worthy cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

8. In case of conflict between the provisions of this addendum and any other provision of the Lease, Occupancy Agreement or Home Buyer Agreement, the provisions of the addendum shall govern.

9. This Lease Addendum is incorporated into the lease, executed, or renewed this day between the Northwestern Band of the Shoshone Nation Housing Services and the Tenant.

 Northwestern Band of the Shoshone Nation
 Housing Services Representative Signature

 Tenant Signature

 Date

 Date

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	Revision Number & Date Revision Number 2 – 12 March 2024	Document Control Number NWBSN HS-PM-DFH-002

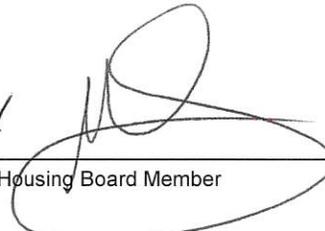
REVISION HISTORY

The Drug-Free Housing Policy was **adopted** by the Northwestern Band of the Shoshone Nation Housing Authority Board of Commissioners on **29 November 1997**. Motion was made by **Jon Warner** and seconded by **Lila Jones**.

- Motion carried by 3 YES and 0 NO, and 2 ABSTENTIONS (ABSENT).

The Drug-Free Housing Policy was **updated** by the Northwestern Band of the Shoshone Nation Housing Services Board of Commissioners on **12 March 2024**. Motion was made by **Tara Hawks** and seconded by **Riley Bramwell**.

- Motion carried by 4 YES and 0 NO, and 0 ABSTENTION 1 ABSENT.

 Director – Housing Services	3/12/2024 Date	 Housing Board Member	3/12/24 Date
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The **Drug Free Housing Policy** was further formalized by Resolution **3-22-2024-03** of the Northwestern Band of the Shoshone Nation Tribal Council on **22 March 2024**. Motion was made by **Shane Warner** and seconded by **Cale Worley**.

- Motion carried by 7 YES, and 0 NO, and 0 ABSTENTION and 0 ABSENT.



Dennis A. Alex
Chairman

Bradley J. Parry
Vice Chairman

NORTHWESTERN BAND OF THE SHOSHONE NATION
2575 Commerce Way
Ogden, Utah 84401

**RESOLUTION OF
THE NORTHWESTERN BAND OF THE SHOSHONE NATION
HOUSING SERVICES**

Resolution Number 03-22-2024-03

Approving a Drug-Free Housing Policy UPDATE for the NWBSN Housing Services.

At a duly called meeting of the Tribal Council of the Northwestern Band of the Shoshone Nation on 22 March 2024, the following resolution was presented:

WHEREAS: The Tribal Council is the governing body of the NWBSNHS with the authority to adopt laws and rules to govern Housing Services; and

WHEREAS: The NWBSN Housing Services is a Tribal Program authorized to manage homeownership and rental housing programs and such management requires the adherence to Policies and Procedures set forth by The Department of Housing and Urban Development; and

WHEREAS: The Housing Services Board of Commissioners has received and reviewed an updated Drug-Free Housing Policy at a duly called meeting on 12 March 2024 as prepared by the Housing Services Director and has been approved by vote of a quorum of the Housing Services Board of Commissioners.

Vote of 4 in favor, 0 opposed, 0 abstentions and 1 absent on 12 March 2024

NOW THEREFORE, BE IT RESOLVED that the NWBSN Tribal Council hereby approves the Drug-Free Housing Policy as reviewed and corrected. (See Attached)



Dennis A. Alex
Chairman

Bradley J. Parry
Vice Chairman

NORTHWESTERN BAND OF THE SHOSHONE NATION
2575 Commerce Way
Ogden, Utah 84401

Authority for this resolution was duly adopted by the Tribal Council of the Northwestern Band of the Shoshone Nation at a duly called meeting on **22 March 2024**, by a vote of 7 in favor (DA, BP, AM, KH, JW, SW, CW), 0 Opposed, 0 Absent, 0 Abstain; pursuant to the authority contained under Article VI, Section 1 & 2 and Article XI, Section 2 of the Tribal Constitution and By-laws approved August 24, 1987; Tribal Housing Ordinance, ORD-95-001, Amended 09 April 1996.

DATED: 22 March 2024



DENNIS A. ALEX, CHAIRMAN
CERTIFICATION:

I HEREBY CERTIFY that the foregoing resolution was passed while a quorum of the Tribal Council was present by a vote of # in favor, # opposed, # abstentions on the date this bears.



Alicia Martinez, Secretary

