



# COQUILLE INDIAN HOUSING AUTHORITY

## DRUG-FREE POLICY

### PURPOSE

The purpose of this policy is to reduce the problem behavior and undesirable consequences that result from the illegal and destructive use of controlled substances (illegal drugs) and the over use of alcohol by residents of Coquille Indian Housing Authority (hereinafter “CIHA”) housing, and their guests. Though enforcement of drug laws is primarily the responsibility of law enforcement personnel and the courts, ~~Federal~~federal regulations and CIHA policy prohibit the use of illegal drugs on CIHA properties.

### DRUG-FREE POLICY

It is the policy of CIHA to provide drug-free living areas and a drug-free workplace for all residents and employees. CIHA policies and operations are subject to federal and Tribal law, which may differ significantly from State or local law. Therefore, tenants, homebuyers, guests and visitors, invited or not, are prohibited from possessing, buying, selling, distributing, using, or being under the influence of any amount of any non-prescription federally- or Tribally-listed controlled substance (illegal drug) ~~—including but not limited to medical marijuana,~~ or medications not prescribed to a person or used in manners other than prescribed. ~~Since Coquille Tribal Lands are federal lands held in trust for the Tribe, marijuana (for medical use or not) is included as a prohibited controlled substance. For current information regarding federally- and Tribally-listed controlled substances, please contact CIHA.~~

This policy applies in all offices, houses, community buildings, playgrounds, maintenance and other buildings, walkways and all common areas where CIHA ~~or the Coquille Indian Tribe~~ has jurisdiction, as well as all other locations in the vicinity of CIHA housing or CIHA property.

~~Being under the influence of alcohol is prohibited on any streets or common areas under the jurisdiction of CIHA or the Coquille Indian Tribe.~~

All employees and residents share full and equal responsibility for carrying out this policy. They are to notify both the police and CIHA when violations of drug laws are suspected and ~~to notify CIHA~~ when someone is under the influence of drugs on any CIHA owned or leased properties, including their own residence. The same responsibility applies to alcohol consumption or being under the influence of alcohol on any CIHA ~~roads or~~ common properties or roads.

The only exception to this drug-free policy is the legal and responsible use of alcohol at CIHA homes by persons legally old enough to do so and under the control of the tenants ~~and/or~~ homebuyers who reside in those residences. In this case, the tenant ~~and/or~~ homebuyer is 100% fully and solely responsible for all personal, financial, and physical consequences of its use.

Alcohol use is not allowed on streets or common areas under any circumstances nor are any individuals who are under the influence, whether they consumed alcohol at their ~~residences, or~~

**COQUILLE INDIAN HOUSING AUTHORITY**  
**DRUG-FREE POLICY**

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~~off CIHA properties, residence or elsewhere.~~ Driving on CIHA roads or properties while under the influence is considered a serious breach of the Rental Lease or Homebuyer Agreement due to the danger to other residents.

**PENALTIES FOR VIOLATION OF THIS DRUG-FREE POLICY**

Upon determination by CIHA, through evidence or other information creating a reasonable belief, that a Resident or Residents have violated any provision of this Drug-Free Policy, such Resident or Residents are subject to immediate eviction and termination of any lease or other housing agreement with CIHA.

Enforcement procedures ~~to be followed~~ are within controlled by the ~~Rental Lease, Mutual Help and Occupancy Agreement~~ rental lease, Home Grant and Occupancy Agreement, or other agreement, CIHA policy, and CIHA's Eviction and Grievance procedure ~~Tribal law applicable to evictions~~. If, in the opinion of the CIHA Executive Director, the community would be disrupted by a violator remaining in occupancy during the time necessary to complete the eviction procedure, the violator may be locked out except to remove his/her personal effects from the ~~house—residence~~.

Depending on the seriousness of the violation and upon the first violation only, the CIHA Executive Director has the authority to limit the penalty to requiring the violator to attend counseling or treatment, as follows:

Only in the case of use or being under the influence, a of alcohol or a controlled substance, or possession of less than one ounce of cannabis, resident must enroll in a treatment program within 5 days. If the violator refuses, eviction or termination will immediately result. A second ~~use or being under the influence~~ violation will automatically result in ~~an~~ immediate eviction or termination.

~~Due to Federal drug-free requirements, CIHA lacks discretion to grant any leniency or make exceptions to this Policy, even where such leniency is a policy enacted by Tribal ordinance, or Local or State law.—~~

Whatever penalties are imposed, individual violators will be referred to counseling or treatment agencies and ~~will also be immediately~~ advised of their right to a hearing through the Housing Authority's Adverse Action Appeals Policy.

If permitted by Tribal law, the CIHA Executive Director may approve temporary, alternate conditions of residency in lieu of eviction for the use of cannabis to assist with the treatment of cancer, palliative treatment of terminal illness, or similar serious medical circumstance. All requests for consideration under this provision must be made in writing, in advance, and supported by written documentation provided directly to CIHA by the physician administering

**COQUILLE INDIAN HOUSING AUTHORITY  
DRUG-FREE POLICY**

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care. No possession or use of cannabis may otherwise occur for this or any purpose without the express written consent of CIHA unless permitted by Tribal law.

**NOTICES**

All current residents will be given a copy of this policy when it is adopted. New residents will be given a copy of this policy at Orientation. A copy of this policy will also be available in the CIHA office. ~~Everyone will be held fully accountable for knowing and abiding by its requirements.~~

Official ~~notices~~notice of ~~violations will~~violation may be delivered in person ~~by CIHA staff~~ to any adult member of ~~the~~a household ~~or sent, by posting in a sealed envelope affixed to the front entry of the residence, or~~ by certified mail, return receipt requested. If delivered by personal service or posting at the residence, delivery shall be documented by written affidavit. If delivered by certified mail, notice shall be deemed delivered on the third day from the date of mailing.

**ACKNOWLEDGEMENT**

I understand and will abide by the CIHA Drug-Free Policy as indicated above.

\_\_\_\_\_  
Head of Household

\_\_\_\_\_  
Date

\_\_\_\_\_  
Co-Head or Other Adult Resident

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Adult Resident

\_\_\_\_\_  
Date