



# NORTHERN CIRCLE Indian Housing Authority

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694 Pinoleville Dr. • Ukiah, Calif. 95482 • 707-468-1336

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## **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE NORTHERN CIRCLE INDIAN HOUSING AUTHORITY ESTABLISHING POLICY ON THE USE OF ILLEGAL DRUGS WITHIN THE PROJECTS ADMINISTERED BY THE HOUSING AUTHORITY**

Whereas, the use, sale, possession or transfer of illegal drugs poses a unique and serious threat to the welfare of tenants and homebuyers within projects administered by Northern Circle Indian Housing Authority and to the maintenance and peaceful enjoyment of the housing communities; and

Whereas, the Board of Commissioners strongly condemns the use, possession, sale or transfer of illegal drugs; including but not limited to cocaine, ecstasy, heroin, LSD, PCP, methamphetamines and marijuana. This policy applies to all tenants and homebuyers and will be enforced regardless of the medical marijuana compassionate use stipulations.

Now, Therefore, the Board of Commissioners hereby resolves to establish the following policy with respect to illegal drugs; and

1. No tenant, homebuyer or their guest in any housing community managed by Northern Circle Indian Housing Authority shall possess, consume, use, sell, buy, transfer or allow the premises under their control to be used for the purpose of possessing, consuming, using, selling, buying or transferring any drug or substance which is illegal under state or federal law.
2. Any tenant or homebuyer who violates paragraph 1 of this policy shall be evicted and shall not be eligible to apply for the use of any home or apartment managed by Northern Circle Indian Housing Authority for a period of two years from the date said tenant vacates the premises. At the expiration of the two year period an evicted tenant may apply for housing through Northern Circle Indian Housing Authority, if other wise eligible. However, before Northern Circle Indian Housing Authority will consider the application, the evicted tenant must produce evidence satisfactory to the Board of Commissioners that he or she has been sufficiently rehabilitated so as not to pose a risk to the housing community or its inhabitants. Evidence of

rehabilitation may include but is not limited to: participation in a Drug Rehabilitation Program, participation in on-going self-help groups (NA, AA, 12-step Program). Exhibiting a clean and sober lifestyle by maintaining employment, associating with clean and sober families and meeting basic family needs such as shelter and sustenance.

3. Any tenant or homebuyer arrested and convicted (including sentence plea bargaining and no lo contendo) of violating any law relating to the possession, consumption, use, sale, purchase or transfer of illegal drugs by a final non-appeal able judgment of any state or federal court shall be evicted.
4. Tenants and Homebuyers convicted of a drug offense outside of the leased premises (off Reservation) shall be deemed in violation of their respective Lease Agreement as "Engaged in Criminal Activity", also sufficient grounds for eviction. Depending on the circumstances the drug conviction may also be a violation of this policy and will be evaluated on a case-by-case basis.
5. Evictions initiated through violation of this policy shall be accomplished by using the expedited, non-curable eviction procedures. Those procedures are thoroughly outlined in Northern Circle's Collection and Eviction Policy.

This is to certify that the foregoing policy was adopted by the Northern Circle Indian Housing Authority Board of Commissioners at a duly called meeting held June 14, 2008 at which a quorum was present by a vote of 8 ayes, 0 nays, and 0 abstaining.

Signed:

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Brian Yepez, Chairperson  
Northern Circle Indian Housing Authority

ATTEST: \_\_\_\_\_  
Delores Pady, Secretary

Revised 6/14/08



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## **NORTHERN CIRCLE INDIAN HOUSING AUTHORITY POLICY PROHIBITING MARIJUANA CULTIVATION ON NCIHA LEASED PREMISES**

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Northern Circle Indian Housing Authority expressly prohibits cultivation of marijuana for any purpose on the leased property managed by NCIHA.

This policy applies to all tenants and homebuyers and will be enforced regardless of the medical marijuana compassionate use stipulations.

Residents that are known to be cultivating marijuana will be subject to the following actions:

1. Law Enforcement will be immediately notified
2. Resident will receive a "5-day Notice to Remove Marijuana Plants"
3. Failure to remove plants within the 5-day Period will result in Termination of the Rental Lease/MHOA.

This Policy will be strictly enforced by the Northern Circle Staff and Board of Commissioners.



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### **METHAMPHETAMINE USE/MANUFACTURING INSPECTION AND TESTING POLICY**

#### PURPOSE

Northern Circle has experienced significant costs related to abatement of hazardous waste as a result of the manufacturing of Methamphetamine by residents and/or their guests.

The Board of Commissioners has declared that this problem is detrimental to both the Tribal Communities and the Tribal Housing Program and that potential danger of Methamphetamine labs is enormous and should be prevented in any way possible.

Therefore the Northern Circle Indian Housing Board of Commissioners has created this policy to address suspected Methamphetamine use and manufacture.

#### PROCEDURE

##### 1. Identification

Northern Circle may identify suspected drug manufacturing through several information sources, which include but are not limited to:

- a. Tribal Council
- b. NCIHA Housing Commissioners
- c. Neighboring Residents
- d. Staff Inspection
- e. Local Sheriff Department/Drug Task Force
- f. Household/Family Members

It is preferred but not required that information regarding identification of suspected drug manufacturing be in written form and submitted to the Northern Circle Staff.

“Reasonable suspicion” means a suspicion that is based on specific personal observations by tribal or housing authority personnel such as suspicious odors coming from the premises, unusual amounts of pedestrian or vehicular traffic coming and going from the premises, frequenting of the premises by persons known to be involved in the manufacture, sale or use of Methamphetamine; information provided to management by (1) a reliable informant (someone who has information based on personal observation that would lead to a reasonable person to suspect that drugs are being made, sold or used on the premises), (2) law enforcement officials, (3) a security service, or (4) other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

## 2. Inspection

Residents that have been identified and are suspected of drug manufacturing will be subject to an Inspection immediately upon identification. The Northern Circle Staff will visit the home unannounced and exercise their right to Inspect according to Section 9 of the Tenant Rental Lease:

“without prior notice when there is reasonable cause to believe that an emergency exists”

and Section 4.2(f) of the Mutual Help and Occupancy Agreement:

“the Homebuyer agrees to permit the IHA to inspect his Home at reasonable hours and intervals during the lease term in accordance with rules established by the IHA”

The Resident will be notified in writing at the time of entry, the date, time and purpose of the entry.

## 3. Testing

If the Inspection made by the NCIHA Staff concludes that there is a reasonable suspicion that drug manufacturing has occurred in the home the following actions will commence:

- a. Testing by a Certified Analytical Laboratory will be ordered immediately.
- b. The Appropriate Drug Enforcement Agency will be notified of the potential Methamphetamine manufacturing and testing procedures.

## ACTION

Residents found to be manufacturing Methamphetamine through acceptable testing procedures will be subject to a non-curable Termination of Lease/MHOA utilizing accelerated termination procedures.

Residents Evicted under this Policy will be considered in Violation of the Northern Circle Illegal Drug Policy and subject to all provisions of the Policy.