

San Pasqual Band of Mission Indians
San Pasqual Housing & Community Development
Private Home Ownership Program Policies and Procedures Manual

Drug-Free Policy

I. Purpose

- A. 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 and the over use of alcohol by residents of San Pasqual Band of Mission Indians (SPH&CD) housing units, and their guests.
- B. Though enforcement of drug laws is primarily the responsibility of law enforcement personnel and the courts, Federal regulations and SPH&CD policy prohibit the use of illegal drugs on SPH&CD properties.

II. Drug-Free Policy

- A. It is the policy of this SPH&CD to provide drug-free living areas for all residents. Tenants, homebuyers, guests and visitors, whether invited or not, are prohibited from manufacturing, producing, possessing, buying, selling, distributing, using or being "under the influence" of any non-prescription, controlled substance (illegal drug). This policy applies everywhere.
- B. Being "under the influence" of alcohol is prohibited on any SPH&CD owned streets or common areas.
- C. All residents share full and equal responsibility for carrying out this policy. They are to notify both the police and SPH&CD when violations of drug laws are suspected and to notify the SPH&CD when someone is "under the influence" of drugs on any SPH&CD owned or leased properties, including their own residence. The same responsibility applies to alcohol consumption or being "under the influence" of alcohol on any SPH&CD roads or common properties.

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- D. The only exception to this "drug-free" policy is the legal and responsible use of alcohol at SPH&CD 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% 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 drank at their residences or off SPH&CD properties.
- E. Driving on SPH&CD roads or properties while "under the influence" is considered a serious breach of the lease/CSA due to the danger to other residents.

III. Penalties for Violation of this Drug-Free Policy

- A. Residents who violate this policy, based upon evidence or a reasonable belief that they have illegally bought, sold, distributed or possessed a controlled substance on SPH&CD owned or leased dwelling, or at any official SPH&CD function elsewhere, are subject to immediate eviction or termination.
- B. Enforcement procedures to be followed are within the Lease, and the SPH&CD'S "PHOP Collections and Evictions Policy." If, in the opinion of the 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.
- C. All reports of violations will be held in strictest confidence and will be investigated by SPH&CD staff or the police, as appropriate. All actions taken by the SPH&CD will be directed by the Executive Director and also will be held in strictest confidence.
- D. Depending on the seriousness of the violation and upon the first violation only, the Executive Director has the authority to limit the penalty to requiring the violator to attend counseling or treatment, as follows:

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1. Only in the case of "use" or being "under the influence", a resident must enroll in a treatment program within 5 days. If the violator refuses, eviction will immediately result.
 2. A second "use" or being "under the influence" violation will automatically result in an immediate eviction.
- E. Due to Federal drug-free requirements, the SPH&CD is not subject to any outside leniency policy, whether enacted by Tribal ordinance, or Local or State law.
- F. 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 SPH&CD'S "PHOP Collections and Evictions Policy."

IV. Notices

- A. 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 the time of selection. A copy of this policy will also be posted in a prominent place in the office reception area. All will be held fully accountable for knowing and abiding by its requirements.
- B. Official notices of violations will be delivered in person by SPH&CD staff to any adult member of the household or sent by certified mail, return receipt requested.