



GRAND RONDE HOUSING DEPARTMENT

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DRUG & ALCOHOL POLICY

SECTION 1. PURPOSE

- A. 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 tenants and visitors. Though enforcement of drug laws is primarily the responsibility of law enforcement personnel and the courts, GRHD prohibits the use of illegal drugs on its properties, to promote safety and protect the welfare of all Tenants.
- B. Drug-Free Policy. It is the policy of GRHD to provide a drug-free environment for all residents. Tenants, home buyers, guests, and visitors, whether invited or not, are prohibited from possessing, buying, selling, distributing, using, or being “under the influence” of any non-prescription, controlled substance (illegal drug), or alcohol on any GRHD owned or leased properties, including individual housing units. This policy applies in all offices, houses, community buildings, playgrounds, maintenance and other buildings, walkways, and all common areas where GRHD has jurisdiction.
- C. Exception. The only exception to this Drug-Free Policy is the personal, legal, and responsible use of alcohol at residences, inside and outside, by persons legally old enough to do so and under the control of the tenants who reside in those residences. In this case, the tenant is 100% responsible for all personal, financial, and physical consequences of its use.
- D. Penalties for Violations of this Drug-Free Policy. Tenants who violate this policy are subject to an eviction.
- E. This policy is incorporated by reference into all Grand Ronde Housing Department leases.

SECTION 2. APPLICABILITY

This policy applies to all Grand Ronde Housing Departments rental units.

SECTION 3. DEFINITIONS

- A. “Drug-related criminal activity” means the illegal manufacture, sale, distribution, use, or possession of a controlled substance, whether on or off GRHD premises, and includes offenses for which only a civil penalty may be assessed. “Drug-related criminal activity” includes, but is not limited to, the illegal manufacture, sale, distribution, use, or possession of a controlled substance by a resident,

visitor, or guest on GRHD premises or such an individual being under the influence of a controlled substance while on GRHD premises.

- B. "Controlled substance" is a substance included in Schedules I, II, III, IV or V of the Controlled Substance Act, 21 U.S.C., 801, et seq. These controlled substances include but are not limited to marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). This policy relies on the then-current forms of the federal schedules of controlled substances. Any modifications to such schedules shall be automatically incorporated into this policy "GRHD premises" includes all housing units, all common areas, all administrative areas and all lands, buildings, and grounds owned by or leased to GRHD.
- C. "Medical Review Officer (MRO)" means a licensed physician responsible for receiving laboratory results generated by a drug testing program who has knowledge of substance abuse disorders, possesses a certification of completion or certification from an approved MRO program, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
- D. "Date of certification for admission" shall mean the date for certification on any application that is made for an available rental UNIT or homebuyer UNIT, whether or not constructed, and shall not include any period in which a person is on a waiting list for housing.
- E. "Reasonable cause" means a reasonable ground to suspect that a person has engaged in or is engaging in a certain activity. Reasonable cause amount to more than a bare suspicion, but less than evidence that would justify a conviction.

SECTION 4. INELIGIBILITY FOR ADMISSION

- A. Ineligibility for One Year: The following persons shall be ineligible for admission to, or occupancy of, a GRHD housing unit for a one (1) year period:
 - 1. *Failed GRHD Required Drug Test.* Any person with a positive test result for a controlled substance (other than a result from a legally prescribed medication). The one (1) year ineligibility period, under this subsection, shall begin on the date that the drug test was taken.
 - 2. *Refused Drug Test.* Any person who is required to take a drug test under this policy and who refuses or fails to take any such test or tests is ineligible for housing programs for one (1) year. It shall be considered a refused test if a person is scheduled to take a drug test and fails to appear. The ineligibility period, under this subsection, shall begin on the date that the drug test was refused.

3. *Prior Drug-Related Eviction or Rental Agreement Termination.* Any person who was evicted because of a drug-related activity. The one (1) year ineligibility period under this subsection shall begin on the date of the eviction or termination.

B. Ineligibility for 5 Years: The following persons shall be ineligible for admission to, or occupancy of, a GRHD housing unit for a five (5) year period:

Any person who has been an adult tenant in a unit contaminated with Methamphetamine. The five (5) year ineligibility period, under this subsection, shall begin on the date of Meth test results.

C. Current Drug-Related Criminal Activity or Alcohol Abuse or Drug Possession.

1. Persons whom the Grand Ronde Housing Department has reasonable cause to believe are engaged in drug-related criminal activity or possession are ineligible for admission to any Grand Ronde Housing Department program for a one year period beginning on the date of ineligibility determination.
2. Persons whom the Grand Ronde Housing Department has reasonable cause to believe are engaged in alcohol abuse which results in disorderly conduct or violent behavior are ineligible for admission to any Grand Ronde Housing Department program for a one year period beginning on the date of application for admission.

SECTION 5. WAIVER of INELIGIBILITY

A. The Grand Ronde Housing Grievance Board may waive the ineligibility period of any person who is ineligible for admission under this policy to a Grand Ronde housing Department program if:

1. The person demonstrates successful completion of a supervised drug or alcohol rehabilitation program, or
2. The person has otherwise been rehabilitated successfully, or
3. The circumstances leading to the ineligibility no longer exist. For example, the individual involved in drugs or alcohol use is no longer in the household.

B. Any person desiring to have his or her ineligibility waived shall have the burden of showing that the requirements for waiver have been met.

C. Nothing in this section shall require waiver of ineligibility under any circumstances.

SECTION 6: DRUG AND/OR ALCOHOL SCREENING

- A. New Resident Applicants. Drug screening is required of the following persons:
1. Every applicant for a GRHD rental housing unit;
 2. Every individual who is eighteen years of age or older who wishes to live with the new resident; and
 3. Every individual who is eighteen years of age or older and who wishes to join an established household living in a GRHD unit.
- B. Transfer Applicants. Transfer Applicants will be required to submit to the same Drug Screening as described above, upon filing a voluntary application for transfer to a different GRHD unit.
- C. Live-in Aid Applicants. Drug screening is required to determine eligibility of a Live-in Aid.
- D. Reasonable Cause. Any tenant or resident of a Grand Ronde Housing Department premises whom the Grand Ronde Housing Department has reasonable cause to believe has engaged in or is presently engaged in drug related activity on or off the Grand Ronde Housing Department premises may be required to take a drug test or other test specified by the Grand Ronde Housing Department.
- E. Testing Protocol. All drug testing of individuals will be in compliance with federal laws and confidentiality of drug testing and criminal records shall be strictly enforced.
1. Only qualified certified medical or laboratory trained personnel will conduct urine specimen collections and laboratory analyses. Specimens will be sealed in a container with both being sent to a SAMHSA certified laboratory for testing.
 2. If a specimen is discovered to be insufficient (amount) or diluted (specific gravity less than 1.003 and creatinine less than .2g/l), the tested individual will be required to remain at the collection site to give another sample within three (3) hours on that same day. The individual will be directed to refrain from consuming excessive amounts of fluids prior to taking the second test. If the sample is still diluted or insufficient or if the individual does not stay to provide another sample, the test will be considered a Refused Drug Test.

3. Urinalysis will be conducted to detect the presence of the following controlled substances Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP).
4. Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the Department of Transportation (DOT). An individual's confirmed positive test result will be evaluated by a MRO.
 - A. Refused Drug Test. Any person who refuses to take a drug test will be deemed to have failed. It shall be considered a refused test if a person is scheduled to take a drug test and fails to appear.
 - F. Other Requirements. Any applicant for Grand Ronde Housing Department housing and any other prospective resident shall be required to sign such release forms and to provide such other information as may be necessary to assure compliance with this section.

SECTION 7. METHAMPHETAMINE CLEANUP AND REMEDIATION

- A. Safety Standard. A methamphetamine concentration level of 1.5 ug/100cm² has been scientifically determined to present minimal risk to infants and therefore to all other groups potentially exposed.
 - a. Test results that come back with a reading of 1.5 ug/100cm² or less will be considered a "non-detect.
 - b. Units with test results that come back with a reading above 1.5 ug/100cm² will be considered positive and will require remediation.
- B. Testing of Occupied Units. GRHD may perform methamphetamine testing in any occupied unit if GRHD has Reasonable Cause to believe the tenant or their guests are engaged in Drug-related Criminal Activity, or when GRHD performs major maintenance on tenant's current unit.
- C. Testing at move out. Following tenant move out, all units will be tested for methamphetamine. If the unit tests positive and there is baseline documentation, the tenant is charged clean up and retest costs.
- D. Testing at Transfer. Following tenant Transfer, GRHD will perform methamphetamine testing.

E. Major Maintenance. Before GRHD performs required or requested major maintenance in an occupied unit, tenant will be required to complete GRHD's acknowledgement form prior to the test, and then GRHD staff will schedule the test and notify tenant of the time.

F. Adding Adult Tenants to a Household. Before GRHD will add an adult tenant to a unit, GRHD will require the new tenant to sign an acknowledgement form, that all household members are financially responsible any Methamphetamine contamination clean-up consistent with this policy.

G. Baseline.

(a) A unit is considered to have a baseline, if the unit has a test on file, and the tested was conducted less than 60 days prior to the current tenant's move-in date.

(b) Any unit that has no test on file will be tested in conjunction with the next annual inspection for that unit.

H. Positive Results. Any unit with positive results under Section 7.B is in violation of the Drug Free Policy. All tenants will be required to comply with the following provisions:

1. Tenant will be required to relocate so the unit can be remediated. GRHD will offer temporary accommodation up to 7 days during the remediation. If tenant refuses or if the remediation is more than 7 days, it is tenant's responsibility to find and pay for alternative accommodations.

2. If the unit has baseline documentation, the tenant is charged clean up and retest costs.

3. The tenant will be required to enter into a Last Chance agreement in accordance with Section 9 to address circumstances leading to the positive test result.

4. Failure or refusal to comply with this section will result in a Notice to Quit.

I. Elders. If an elder's unit tests positive, the Elder is subject to all sections of this policy, except that out of respect for our elders, the tenant will be provided with an opportunity to demonstrate that the contamination is due to someone else, and they are willing to take responsibility (in writing) for the clean-up costs.

J. Action to Collect Debts. All clean-up and testing costs charged under this policy will be subject to the Payment and Collections Policy.

SECTION 8: EVICTION

A. Eviction.

1. Any tenant who has engaged in drug-related criminal activity during the term of the tenancy, whether on or off Grand Ronde Housing Department premises, or who has a resident of his or her household who has engaged in such activity on or off Grand Ronde Housing Department premises, or who has had a visitor or guest who has engaged in such activity on Grand Ronde Housing Department premises or who has been under the influence of a controlled substance while on Grand Ronde Housing Department premises, shall be evicted. Such drug-related criminal activity shall be evidence by any law enforcement action.
2. Any tenant who has illegally used or possessed alcohol on Grand Ronde Housing Department premises or who has been inebriated on Grand Ronde Housing Department premises during the term of the tenancy or who has a resident of his or her household or has had a visitor or guest who has engaged in such activity on Grand Ronde housing Department premises shall be evicted. Such illegal use or possession of alcohol or inebriation shall be evidence by any law enforcement action.
3. There shall be no right to a hearing other than a court hearing in the case of any eviction regarding the manufacture, sale or distribution of a controlled substance on Grand Ronde Housing Department premises.

- B. Removal of Resident, Visitor, or Guest. In evictions involving behavior of a household resident or visitor or guest, tenant may enter into a last chance agreement as described Section 9, and agree to promptly secure the removal, other than the temporary removal, of the offending resident, visitor or guest from the premises.

SECTION 9: LAST CHANCE AGREEMENTS

1. Tenant's may enter into a last chance agreement and agree to a specific plan, approved by GRHD, to address circumstances leading to a violations of this policy.
2. If the Last Chance agreement is to address the circumstances leading to an eviction action, GRHD will hold the implementation of the eviction as long as the Tenant strictly adheres to the agreement.
3. The Grievance Board shall have no authority to modify a last chance agreement, and all grievances arising out of a last chance agreement shall be limited to the question of whether or not the grievant did in deed violate the Agreement.

4. If GRHD determines that a Tenant has not adhered to a last chance agreement, GRHD will issue a Notice To Quit. Tenant shall have the burden of showing that the requirements in the agreement have been met.
5. Nothing in this section shall require a last chance agreement under any circumstances.

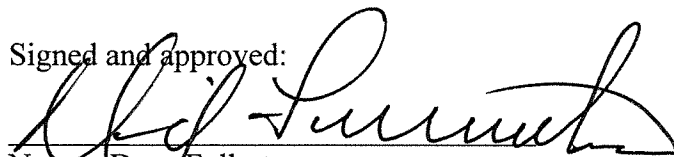
SECTION 10. GRIEVANCES

- A. Grievance Board. Except as specified in the above paragraph, any grievance arising under this policy shall be resolved in accordance with the Grievance Policy Procedure of the Grand Ronde Housing Department.

SECTION 11. MISCELLANEOUS PROVISIONS

- A. No Requirement for Criminal Conviction or Civil Penalty. In no instance shall a criminal conviction be required to have been entered or a civil penalty be required to have been assessed in order for a person to be ineligible for admission to Grand Ronde Housing Department programs or be subject to eviction.
- B. Retest. Any person may request that a required test under this policy be requested and performed a second time at the person's own cost.
- C. GRHD may seek Trespass from the General Manager for any serious drug related criminal activity. As serious drug related criminal activity has been determined to be a risk to the health and safety of the community.

Signed and approved:



Name: Dave Fullerton

Title: General Manager

Date: 4/12/2022