

Section 3 – Definitions

A. “Drugs-Related Criminal Activity” means the illegal possession, manufacture, sales, distribution, or use of a controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802) or fraudulently obtaining or attempting to obtain a controlled substance, that occurs on or off properties under the management of the Pueblo de Cochiti Housing Authority. The standard of proof used to determine “drug related criminal activity” has occurred is a preponderance of the evidence that the activity has occurred. A specific criminal conviction is not required.

B. “Criminal Possession of Drug Paraphernalia” means the unlawful use or possession with the intent to use drug paraphernalia that occurs on or off properties under the management of the Housing Authority.

This will include all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug, that occurs on or off properties under the management of the Housing Authority. The standard of proof used to determine “possession of drug paraphernalia” is the preponderance of the evidence. A specific criminal conviction is not required.

C. “Criminal Activity” means activity that threatens/threatened the health, safety, or right to peaceful enjoyment of others, including Housing Authority employees, including but not limited to the following activities:

Criminal Activity that occurs on or off Pueblo de Cochiti Housing Authority premises is as follows: Homicide, aggravated assault, stalking, indecent exposure, elder/child abuse, kidnapping, aggravated kidnapping, terrorism, sexual assault and sexual assault abuse of a child(ren), obstructing a law enforcement officer, obstruction of justice, weapons offense.

Criminal Activity that occurs on properties under the management of Pueblo de Cochiti Housing Authority as follows: Assault, intimidation, domestic situations, robbery/burglary, unlawful restraint, contributing to the delinquency of an underage person, arson, trespass, harboring runaway(s), custodial interference, verified stolen property, driving under the influence or other crimes against persons or personal property, to include BB guns, air rifles, sling shots and paint guns.

**POLICY APPROVED BY THE BOARD
OF COMMISSIONERS OF THE PUEBLO
de COCHITI HOUSING AUTHORITY
ON SEPTEMBER 15th, 2008.**

DRUG & CRIMINAL ACTIVITY POLICY

APPLYING FOR SERVICES

TERMINATION OF SERVICES

DEFINITIONS



Pueblo de Cochiti Housing Authority

PO Box 98

Cochiti, NM 87072

Telephone: 505-465-0264

The Pueblo de Cochiti Housing Authority is governed by the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996. The Act states in Public Law 104-330 October 26, 1996, 25 USC 4137, Section 207 LEASE REQUIREMENTS AND TENANT SELECTIONS (a) (6) (C) is criminal activity (including drug-related criminal activity) on or off premises.

Section 1 –

Applying for Pueblo de Cochiti Housing Authority Services

When an application is received for housing or any other assistance program with the Pueblo de Cochiti Housing Authority and the head of household or a member of the family composition that has been engaged in Drug-Related Criminal Activity, as defined below under section 3 – Definitions, Criminal Possession of Drug Paraphernalia, as defined below under Section 3 – Definitions, or other Criminal Activity as defined below under (see section 3- Definitions) then following policies shall apply:

Drug- Related Criminal Activity or Criminal Possession of Drug Paraphernalia

If the Housing Authority has a preponderance of evidence documentation that the applicant or a member of the applicant’s household composition is/was engaged in drug-related criminal activity or criminal possession of drug paraphernalia, that the applicant cannot apply

for services with the Authority. A background check is part of the application process.

Criminal Activity

If the Authority has a preponderance of evidence documentation that the applicant of a member of the applicant’s family composition is/was engaged in criminal activity the applicant must provide a court order or written documentation from his/her probation officer or professional counselor listing all person(s) on the application who were involved in the criminal activity.

Section 2

Termination of Pueblo de Cochiti Housing Authority Services

A. Thirty-Day (30) Notice of Termination

The Authority may terminate service by providing a termination notice not to exceed thirty (30)-days, if the Authority has a preponderance of evidence that a tenant/homebuyer household, or a guest or other person under the tenant/homebuyer’s control has engaged in criminal activity as defined below under Section 3, Definitions, that:

1. Threatens the right to peaceful enjoyment by other tenants/homebuyers or employees of the Housing Authority.
2. Threatens the peaceful enjoyment of their premises by person(s) residing in the immediate vicinity of the Authority’s premises.

B. Three-Day (3) Eviction

The Authority may terminate services by providing a three-day (3) termination notice if the Authority has a preponderance of evidence that a tenant/homebuyer, any member of the tenant/homebuyer’s household, or a guest or other person(s) under the tenant/homebuyer’s control was involved in the following:

1. Drug-related criminal activity, as defined below under Section 3, Definitions;
2. Criminal Possession of Drug Paraphernalia, as defined below under Section 3, Definitions; or
3. Threatens the health or safety to other tenant/homebuyer or employees of the Authority; or
4. Threatens the health or safety of person(s) residing in the immediate vicinity of the Authorities premises;
 - a. Tenant/homebuyer is in violation of the criminal and Drug-Related activity policy whether or not the tenant/homebuyer has knowledge of the illegal activity.