

Pawnee Nation Housing Authority

Drug Free, Smoke Free, and Weapon Free Housing

Policy



Revised on November 12, 2024; September 12, 2023;
April 11, 2023; and Approved February 19, 2013

DRUG FREE, SMOKE FREE AND WEAPON FREE HOUSING POLICY

PURPOSE:

The purpose of this policy is to support the Pawnee Nation Housing Authority (PNHA) to promote drug free, smoke free and weapon prevention for all residents in the PNHA Community. Further, it is an effort to prevent any physical wear and damage caused by smoke to the PNHA units and provide a safe living environment for our tenants and their families.

To ensure the quality of air and safety of the users of facilities owned and operated by the Pawnee Nation Housing Authority, the PNHA has declared its intention to transition its residential, other building, and common areas to become drug free and smoke free. Smoking and drug use, will not be permitted within the housing community. All tenants, employees, and guests within the housing community shall be subject to this policy and violators of this policy could be subject to pay for damages up to \$1,500.00, which is the amount of cost to remove the smoke residue from the unit/home and HVAC system.

SECTION I. DEFINITIONS:

- A. **Smoking** - The term “smoking” means inhaling, exhaling, breathing, burning, carrying, or possessing any lighted cigar, cigarette, pipe, other tobacco product, marijuana (medical or recreational), vaping, e-cigarettes, or similar lighted product in any manner or in any form.
- B. **Resident** - Means a person living in or staying in any PNHA unit.
- C. **Employee** - Means manager, representative or worker of the Pawnee Nation Housing Authority.
- D. **Drug-related criminal activity** - means the illegal manufacture, sell, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug, as defined in federal law.

SECTION II. SMOKING OUTDOORS:

Smoking outdoors in the vicinity of any occupied building or structure, except one’s own single-family dwelling or on the rear exterior deck, porch or patio of one’s own multi-family dwelling unit; the community park and playground, or other common use facility shall be permitted no closer than ten (10) feet to the facility, a sufficient distance so that secondhand smoke will not enter the building or area, nor will residents or guests have to walk through secondhand tobacco smoke to enter or leave the building, adjacent buildings or areas.

Persons smoking in these areas are asked to be considerate of others and increase the distance if wind or other natural conditions warrant. No smoking on the front porch of the unit or home. Smokers are responsible for not littering the grounds with cigarette butts, other tobacco products, or related debris. Smoking is specifically not permitted in the common areas of multi-family dwellings.

The designated smoking area for Eagle Chief Drive (Littlesun Addition) is located on the South East section of the edition.

RESERVED: The designated smoking area for the Elders Duplexes (3rd & Glenn Street) is located (to be defined).

SECTION III. MEDICAL MARIJUANA

The Pawnee Nation Housing Authority prohibits tenants, members of a tenant's household, or guests or others persons under a tenant's control or authority from engaging in any drug-related criminal activity. Marijuana is a schedule-1 drug (or controlled substance) under federal law. The change in Oklahoma law does not change the requirements that are in place by the PNHA (Drug Free and Smoke Free Housing Policy).

Violators of the policy are subject to the provisions within this policy and possible termination of the rental/lease agreement (see Section VI, Complaints and Violations).

SECTION IV. HOME GROWS (MEDICAL OR RECREATIONAL)

Oklahoma laws in association with the medical marijuana card, states that the patient in possession of the card may grow marijuana in the home with written permission of the real property owner. The Pawnee Nation Housing Authority will not give permission to its tenants to grow medical marijuana within the home or unit. All homes and units will follow with policies already in place for a drug free and smoke free home.

Violators of the policy are subject to the provisions within this policy and possible termination of the rental/lease agreement (see Section VI, Complaints and Violations).

SECTION V. WEAPONS

The PNHA prohibits all tenants from possessing a weapon of any kind on the PNHA property. Any act or verified complaint that threatens the health, safety, or right to peaceful enjoyment of the premises by any resident(s) is grounds for termination of the lease.

SECTION VI. COMPLAINTS AND VIOLATIONS:

Complaints: New tenants will be given a copy of this smoke-free policy as a part of the application process. This document will be signed by the tenant(s) and filed in the tenant's housing file.

In addition, any complaints from a tenant or staff person as to the infiltration of smoke into the facility will require smokers to relate to an area that avoids such complaints. Residents and guests are allowed to use the outdoor designated smoking area at any time, but must not infringe on any resident's right to health, safety, and quiet enjoyment of their rental unit.

Violations:

1st Violation: Written Warning and a \$100.00 violation fee

2nd Violation: 30-day notice to vacate without the option to remedy

SECTION VII. ADOPTION:

Upon adoption of this policy, notice shall be published and posted in a conspicuous place in the PNHA office. Residents will be given 30 days written notice by direct delivery or mailing. This notice shall constitute an amendment to the resident's agreement with PNHA. Residents accept this amendment by continued occupancy after the 30-day period.

SECTION VIII. AMENDMENTS AND IMPLEMENTATION:

The policies of the Pawnee Nation Housing Authority shall be amended as needed with the approval of at least three (3) Housing Commissioners at a Regular or Special Meeting which has been duly called and held **pursuant to Article III, Section 2 or Section 3 and the OKLAHOMA OPEN MEETING ACT**. But no such amendment shall be adopted unless at least three (3) days written notice thereof has been previously given to all Housing Authority Commissioners.

The implementation date of this policy, and any policy of the Pawnee Nation Housing Authority, shall be effective and enforced immediately after being approved by the PNHA Commissioners. Notice of policy will be sent to all staff and tenants within thirty (30) days of the effective date.