

# **MILLE LACS BAND OF OJIBWE HOUSING DEPARTMENT DRUG POLICY**

## **I. OBJECTIVES**

The purpose of this policy is to ensure the health, safety and welfare of the Mille Lacs Band of Ojibwe (the “Band”) and all peoples residing within its jurisdiction. The use, possession, distribution, and manufacturing of illegal drugs<sup>1</sup> on the reservation is a clear and present danger to the Band, our people, extended families, schools, and communities.

As the Band’s Housing Department owns and maintains in excess of 500 rental units within its reservation boundaries, it is in the best interest of the Housing Department to protect its rental properties from destruction or damage caused by tenants, family members, or invitees who choose to use, possess, distribute, or manufacture illegal drugs.

The Band also finds it is necessary to protect the people, families, schools and communities from the dangers often associated with illegal drug activity and hereby adopts this zero-tolerance Drug Policy that is applicable to tenants, family members and invitees living in Band owned rental units and prohibits them from engaging in any illegal drug activity regardless of whether the illegal drug activity occurs on or off the rental property.

As provided in the Housing Department’s Occupancy Policy, once a tenant moves into a unit owned or managed by the Housing Department, tenants, family members and invitees are expected and required to follow and comply with all lease terms and policies established by the Housing Department, HUD and NAHASDA. The failure to adhere to these policies and the provisions in the lease may result in the termination of lease and eviction. This document will provide a consistent and uniform basis for decision-making on behalf of the Housing Department in matters involving illegal drug activity on or off Band owned rental properties.

## **II. PROHIBITION AGAINST ILLEGAL DRUGS ON AND OFF PREMISES AND CURTILAGE**

1. The Housing Department has adopted a zero-tolerance Drug Policy. All tenants, family members and invitees are hereby prohibited from using, possessing, distributing, or manufacturing illegal drugs in any Band rental unit and the property surrounding the rental unit (the “curtilage”). Any violation of this zero-tolerance Drug Policy is sufficient grounds for immediate eviction.

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<sup>1</sup> The term “illegal drugs” is defined pursuant to the Controlled Substances Act [21 U.S.C. 801 et seq.]. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

2. A conviction of a drug-related offense is not required. A police report or Resident Services statement indicating that illegal drug use, possession, distribution, or manufacturing more than likely occurred within a Band rental unit or on the curtilage will be grounds for immediate eviction. A Resident Services statement, but not a police report, must include pictures and a positive field-test result of any illegal drug or drug paraphernalia found in a rental unit or on the curtilage. A tenant can be held in breach of this Drug Policy for the actions of others. However, a tenant will not be held responsible for illegal drug activity that was (a) clearly beyond the tenant's control or (b) when the tenant did not reasonably know about the illegal drug activity.

3. Tenants and family members living in the rental unit are required to remain law abiding. Therefore, any illegal drug activity or use of illegal drugs occurring on or off the rental unit property is also sufficient grounds for immediate eviction.

Every tenant shall receive a copy of this Drug Policy and execute proof of receipt prior to moving into any rental unit.



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**  
*Legislative Branch of Tribal Government*

**RESOLUTION 19-03-43-21**

**A RESOLUTION APPROVING REVISIONS TO THE MILLE LACS  
BAND OF OJIBWE HOUSING DEPARTMENT DRUG POLICY**

- WHEREAS, the Mille Lacs Band Assembly (“Band Assembly”) is the duly elected legislative body of the Mille Lacs Band of Ojibwe (“Band”) a federally-recognized Indian Tribe; and
- WHEREAS, according to 3 MLBS § 2(a), the Band Assembly is empowered to “enact laws which promote the general welfare of the people[;]” and
- WHEREAS, according to 3 MLBS § 2(d), the Band Assembly is empowered to adopt resolutions; and
- WHEREAS, pursuant to 12 MLBS § 5(b)(8), the Band’s Housing Advisory Board is empowered to “approve new Housing programs and Housing Policies developed by the Housing Department with ratification by the Band Assembly[;]” and
- WHEREAS, on December 20, 2020, the Band’s Housing Advisory Board approved the Mille Lacs Band of Ojibwe Housing Department Drug Policy (“Drug Policy”), a copy of which is attached hereto; and
- WHEREAS, on January 12, 2021, the Band Assembly met at a regular session and offered verbal approval of the attached version of the Drug Policy, effective immediately;
- NOW, THEREFORE, BE IT RESOLVED that the Band Assembly does hereby authorize, approve, and ratify the attached version of the Drug Policy with an effective date of January 12, 2021.

WE DO HEREBY CERTIFY that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present, held on the 20<sup>th</sup> day of January, 2021, at Nayahshing, Minnesota, by a vote of 2 FOR, 1 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly, hereunto cause to have set the signature of the Speaker of the Assembly.

**OFFICIAL SEAL OF THE BAND**

  
Sheldon Boyd, Speaker of Assembly

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