

# Addressing Methamphetamine Issues in Tribal Housing

## Group Exercise Two “Enforcement”

### **ASSUMPTION applicable to all exercises:**

Your TDHE policy is the sample Wagenlander & Heisterkamp LLC meth policy:

- Your policy states that your TDHE **shall** evict when a Unit is contaminated at or above 2.0  $\mu\text{g}/100\text{ cm}^2$
- Your policy states that your TDHE **may** evict a tenant for positive levels between .01 and 1.9  $\mu\text{g}/100\text{ cm}^2$  if there has been other noncompliance at the Unit.

For each scenario discuss how the policy requirements relate to the situation, and how the TDHE should proceed (evict, work with, do nothing, etc.)

1. Cheryl Dasani’s Unit has tested positive for meth. The Unit was tested during a routine annual inspection. The tester had to make two trips to the Unit for testing because on the first day the basement was not accessible due to a padlock. Ms. Dasani said she did not have the key and could not unlock the basement until the next day. On the second day the basement was unlocked, but there was a faint hint of bleach. The test results returned 1.4  $\mu\text{g}/100\text{ cm}^2$  in the dining room and 1.9  $\mu\text{g}/100\text{ cm}^2$  in the padlocked basement. Ms. Dasani has failed to recertify since 2016. When she learned that the Unit tested positive for meth, she asserted that it must have been some furniture that she agreed to store for one of her cousins. Ms. Dasani has also visited with the Tribal Council Member from her community. He has called your TDHE to advocate on her behalf.

2. Unit #92 is rented by Victor Big Red. He grew up in this Unit, and his Mother was the prior Head of Household prior to her passing in 2015. Victor’s girlfriend is Rose Orange Crush. Rose has been living at #92 and helping Victor pay the rent. However, she has not been added to the occupancy list yet. Rose has requested that your TDHE test the Unit because she is concerned that Victor’s friends may be doing meth in the home. Despite the fact that she is not an official member of the household, the Unit is tested when Victor is not home, and meth is found in the Unit at

2.2  $\mu\text{g}/100\text{ cm}^2$  in the kitchen in the hood of the stove and at .04  $\mu\text{g}/100\text{ cm}^2$  in a bathroom. When Victor is notified of the test result he is furious that he was not notified of the testing. After receiving news about the contamination, he kicks Rose out of the house and threatens to fight any eviction action of the TDHE. Rose is also upset that your TDHE might evict Victor after she requested the test.

3. After finding drug paraphernalia in the Unit, Sue Makes the Best Frybread's unit is tested for methamphetamine. Test results return positive in two locations in the Unit: .09  $\mu\text{g}/100\text{ cm}^2$  in the bathroom and 1.4  $\mu\text{g}/100\text{ cm}^2$  in a bedroom. Ms. Makes the Best Frybread asserts that she does not know how meth got into her Unit. There are currently 3 people, all under the age of 21, listed as members of her household, but many members of her large extended family come and go from her home. After receiving a notification of the contamination, Ms. Makes the Best Frybread requests a meeting with your TDHE. In addition to the meth contamination, she also has a rent delinquency of \$550.00. She brings five family members with her to the meeting. During the meeting, her grandson Phillip, who is not a member of the household, admits to using meth in the Unit.

4. You have taken Joe Green to Court for eviction due to meth contamination in his Unit. Although there were high meth levels in the Unit, your TDHE lost the eviction case because there was not enough evidence to persuade the Judge that he was responsible for the meth contamination. After the Unit has been decontaminated, your jurisdiction requires your TDHE to test Mr. Green's possessions before they can be moved back into the home. The possessions test positive for meth at similar levels to the Unit. What options does your TDHE have?