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EVICITION POLICY

It is the policy of the Framingham Housing Authority that tenants shall be subject to eviction for the following reasons:

1. Nonpayment of Rent
2. Interfering with the rights of other tenants or FHA employees
3. Causing damage to the leased premises or common areas
4. Creation or maintenance of a serious threat to the health or safety of other tenants or FHA employees
5. Criminal activity, including drug related criminal activity committed by the tenant, household member or guest, whether on or off the property or whether arrested or convicted for the criminal activity.
6. Abuse of alcohol when such abuse interferes with the health or safety of other tenants or FHA employees, or right to the peaceful enjoyment of the premises.
7. Income in excess of the limits established for continued occupancy.
8. Material misrepresentation of any fact required to be submitted by the tenant at time of the application or recertification
9. Failure to complete and return to FHA a Continued Occupancy Form of Recertification form or failure to verify information on the form
10. Failure to notify the FHA of a change in family composition or an increase in income
11. Failure to execute a lease or lease addendum
12. Substantial violation of any term, condition or covenant of the lease with the FHA
13. Other good cause



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"One Strike and You're Out" Screening and Eviction Guidelines for Public Housing Authorities (HAs)

Directive Number: 96-16

U.S. Department of Housing and Urban Development
OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:

Notice PIH 96-16 (HA)

STATE AND AREA COORDINATORS
PUBLIC HOUSING DIRECTORS
PUBLIC HOUSING AGENCIES

Issued: April 12, 1996
Expires: April 30, 1997

Cross References:

Subject: "One Strike and You're Out" Screening and Eviction Guidelines for Public Housing Authorities (HAs)

1. PURPOSE: This Notice disseminates the attached guidelines to assist HAs in the development and enforcement of stricter Screening and eviction procedures.
2. BACKGROUND: On March 28, 1996, the President announced a "One Strike and You're Out" policy for public housing residents. This Notice outlines existing policies; makes reference to newly enacted laws and announced HUD policy; and provides guidance to enhance the ability and related efforts of public housing agencies to develop and enforce stricter screening and eviction as a part of their anti-drug, anti-crime initiatives.
3. IMPLEMENTATION: In addition to reiterating the existing screening and eviction authority of public housing agencies, the "One Strike" policy includes two new components.
 - A. The first is provided in the 1996 "Extender Act" and gives HAs new authority to deny occupancy on the basis of illegal drug-related activities and alcohol abuse when such abuse leads to behavior that threatens the health, safety or peaceful enjoyment of the premises by other residents. The specific language requirements also will be the subject of a separate notice.
 - B. The second is a revision to the Public Housing Management Assessment Program (PHMAP) system, to include a new evaluation component on security that measures HA performance in implementing effective screening and eviction policies and other anti-crime strategies. These revisions will be forthcoming in the Proposed Rule on PHMAP.

PR: Distribution: W-3-1, R-3-1(PIH), R-6, R-7, 138-2

For further information on public housing screening and eviction policies and procedures, and HUD's anti-drug, anti-crime strategies contact your local Field Office, Director, Office of Public Housing, Department of Housing and Urban Development.

Kevin Emanuel Marchman
Deputy Assistant Secretary
Office of Distressed and
Troubled Housing Recovery

Attachment

U.S. Department of Housing and Urban Development

"ONE STRIKE AND YOU'RE OUT"

Policy in Public Housing

March 1996

"ONE STRIKE AND YOU'RE OUT"

POLICY IN PUBLIC HOUSING

"I challenge local housing authorities and tenant associations: Criminal gang members and drug dealers are destroying the lives of decent tenants. From now on, the rule for residents who commit crime and peddle drugs should be one strike and you're out."

President Bill Clinton
State of the Union, January 23, 1996

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Background: How One Strike and You're Out Can Help Public Housing Communities

Public housing is a place to live, not a place to deal drugs or to terrorize neighbors. Yet today, some of Americans public housing communities are under siege by gangs, violent criminals and drug dealers who threaten the safety and welfare of decent, responsible tenants.

In the face of this community crisis, there has emerged a strong and committed consensus among residents, public housing agencies (PHAs) and HUD that decisive action must be taken to provide for the safety and well-being of families who live in public housing. Building on this concern, President Clinton has proposed implementation of a strict, straightforward One Strike policy: people in public housing who engage in drug and other criminal activity will face certain and swift eviction.

By aggressively rooting out criminals, this One Strike policy will help to:

- o free public housing residents from daily threats to their personal and family safety;

- o build public housing communities that are safer and drug-free;
- o support parents in their efforts to instill the values of hard work, personal responsibility, and good citizenship in their families;
- o create an environment where young people, especially children, can live, learn, and grow up to be productive and responsible citizens;
- o ensure that public housing residents can pursue the work and educational opportunities necessary to lift themselves out of public housing and attain self-sufficiency; and
- o encourage businesses to invest in these distressed areas, bringing badly-needed jobs.

One Strike can make a real difference in communities. Already, housing agencies in cities like Toledo, Ohio, Greensboro, North Carolina and Macon, Georgia are seeing dramatic results from using tough but fair One Strike policies to screen and evict drug dealers and other criminals. Combined with crime prevention efforts, community policing, and aggressive law enforcement efforts like Operation Safe Home, One Strike can be a powerful and effective weapon in America's battle to turn crime and drug-infested public housing developments into safe, strong, and hopeful communities.

Guidance: One Strike and You're Out

I. Introduction

Today, there are over 3 million low-income people living in public housing. A majority of the nation's public housing developments are well-managed and provide safe, attractive, and quality homes for families and children. Most public housing residents are law-abiding citizens, sometimes holding several jobs, trying to guide their children and protect them from harm. But there is public housing in this country - even among good housing authorities in major cities or medium-sized communities - that is dominated by crime and failing its mission to provide decent and safe environments for families. Some housing agencies need additional tools to fight the gangs, drug trade and violent crime that pervade their communities. Others are experiencing new patterns and higher levels of crime and are unprepared to deal with such unexpected increases in crime activity.

To meet this challenge, the Clinton Administration has implemented the most far-reaching transformation of public housing since its inception to improve the safety and quality of life in public housing. HUD has enabled cities to demolish dozens of blighted vacant, high-rise projects and replace them with garden-style, economically integrated developments. HUD is changing the social dynamic in public housing by instilling positive incentives, rewarding working families, and setting tougher expectations on personal responsibility so that families can achieve self-sufficiency. We have initiated a national crackdown on gangs and violence called Operation Safe Home that has resulted in thousands of arrests and confiscation of assault weapons and drugs.

As one important step in this larger, comprehensive strategy

to improve the quality, safety and well-being of public housing communities, HUD recommends that PHAs design and implement "One Strike and You're Out" (One Strike) policies. To be truly effective, a One Strike policy must reflect a genuine community compact among residents, housing officials, local courts and law enforcement agencies to build safe, strong and inspiring communities for families and children.

Current law permits local housing agencies to adopt One Strike policies PHAs have broad authority to screen applicants and are required to state clearly in their leases that illegal drug use and other criminal activities that threaten the well-being of residents are grounds for eviction. A new law, the Housing Opportunity Program Extension Act of 1996 (Extension Act), also gives PHAs new authority and obligations to deny occupancy on the basis of illegal drug-related activity and alcohol abuse. HUD will issue guidance on this new legislation shortly.

While some PHAs take full advantage of their authority to use stringent screening and eviction procedures, there are many PHAs that do not. Moreover, PHAs, local police departments and courts do not always work together to promote community safety. These guidelines are intended to

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give local housing agencies a legal road map for adopting and implementing fair, effective and comprehensive One Strike policies that encompass both prevention through screening and enforcement by eviction. They also provide guidance in enlisting the cooperation of residents, police departments, and courts that is necessary to the success of One Strike programs.

a. Monitoring PHA Performance in Implementing One Strike Policies

HUD will provide incentives for PHAs to aggressively implement One Strike policies, through its Public Housing Management Assessment Program (PHMAP), HUD's management evaluation system for housing authorities.

PHMAP is a numerical grading system, based on a 100-point scale, that scores PHAs on their performance of such duties as: (1) maintaining a low number of vacancies; (2) maintaining the overall physical conditions of buildings; (3) collecting rents; (4) turning over vacant units for occupancy; and (5) working with residents to establish quality programs and opportunities. HUD will revise its PHMAP system, by amending existing regulations, to add an evaluation component that takes into consideration PHAs' performance of such activities as: tracking crime-related problems in their developments, cooperating with local law enforcement and local courts, adopting and implementing effective applicant screening and tenant eviction policies and procedures, and meeting stated goals under any HUD-funded drug prevention or crime reduction program. Under such a performance evaluation system, a high-scoring, high-performing PHA would receive less federal oversight and may be eligible to receive additional formula funds under HUD's FY 1997 budget request; a PHA with a failing PHMAP score would be ineligible for such additional funding and could ultimately face a HUD takeover of its management.

b. Guiding Principles of a One Strike Policy

As PHAs develop One Strike policies and crack down on criminals, gangs, drugs and violence in public housing, they should be mindful of the following overarching principles:

- o All individuals have the right to live in peace and be free from fear, intimidation, and abuse. Public housing residents have the same rights as all other Americans to live peacefully and decently. The elderly should not be afraid to go for walks in their own neighborhoods. Families should be able to raise their children in safe, promising communities where children can play, learn, and grow without persistent threat.
- o Because of the extraordinary demand for affordable rental housing, public and assisted housing should be awarded to responsible individuals. Some have expressed concerns about evicting criminals from public housing for fear that such

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individuals or their families will have nowhere to go. At a time when the shrinking supply of affordable housing is not keeping pace with the number of Americans who need it, it is reasonable to allocate scarce resources to those who play by the rules. There are many eligible, law-abiding families who are waiting to live in public and assisted housing and who would readily replace evicted tenants. By refusing to evict or screen out problem tenants, we are unjustly denying responsible and deserving low-income families access to housing and are jeopardizing the community and safety of existing residents who abide by the terms of their lease.

- o Applicants and current residents of public housing must be protected from discrimination and violation of their right to privacy. It is critical to the credibility and success of One Strike programs that PHAs comply with all civil rights, fair housing, and privacy laws, at both the screening and the eviction stages. Tenant selection and lease enforcement must not infringe upon an individual's right to privacy and must not discriminate based on race, color, nationality, religion, sex, familial status, disability or membership in other groups or categories protected under such laws.
- o Active community and governmental involvement in designing and implementing a One Strike policy is fundamental to its success. An effective One Strike policy is one that is tailored to local needs and circumstances and has the active support and participation of the community. PHAs should seek the cooperation of residents, law enforcement officials, and the courts in designing and carrying out their One Strike programs.

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II. Prevention Through Tougher Screening at Admissions

The first essential element of a One Strike policy is to ensure that those who engage in illegal drug use or other criminal activities that endanger the well-being of residents are not allowed to live in public housing. Today, some PHAs do not conduct adequate screenings for admission into public housing. PHAs should screen applicants thoroughly by taking the following steps:

1. Conduct comprehensive background checks that include screening for criminal activity.

PHAs should adopt uniform screening procedures designed to ensure that every newly admitted resident can be expected to comply with the basic rules of tenancy. Such screening should include, where warranted and consistent with legal standards, reviewing police and court records, credit or payment histories, and landlord references, and checking with probation officers, parole officers, and local social service providers. If possible, PHAs should also make home visits where appropriate.

Such screening should also be conducted on all appropriate members of the applicant household, rather than on just the applicant. Often, the persons with the criminal backgrounds are not the family heads but their adult children or grandchildren. To be more thorough, some PHAs, for instance, obtain police reports on all applicant household members 16 years of age or older to ascertain past drug or criminal activity.

2. Work with courts and law enforcement agencies to gain access to criminal records.

PHAs should enlist the cooperation of local, state, and federal law enforcement officials and courts to gain access to criminal records of potential tenants to the full extent permitted by law. In most jurisdictions, arrest and conviction records and other documentation showing a criminal history are public records. If state or local law is an obstacle to such screening, PHAs and their residents may want to consider efforts to bring the matter to the attention of appropriate legislative bodies. This has been done successfully in some states.

The recently-passed Extension Act also requires that the National Crime Information Center, police departments, and other law enforcement entities make their criminal conviction records available to PHAs for purposes of screening, lease enforcement, and eviction. In turn, PHAs are required to establish and implement systems of records management that ensure that records received are maintained confidentially, not misused or improperly disseminated, and destroyed once action is taken.

3. Develop criteria to screen for drug-related and other criminal activity.

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PHAs should consider evidence of criminal activity -- including violent crimes and any other crimes that would pose a threat to the life, health, safety, or peaceful enjoyment of residents -- in making informed assessments about applicants' suitability for tenancy. PHAs should consider applications for residence by persons with such criminal histories on a case-by-case basis, focusing on the concrete evidence of the seriousness and recency of criminal activity as the best predictors of tenant suitability. PHAs also

should take into account the extent of criminal activity and any additional factors that might suggest a likelihood of favorable conduct in the future, such as evidence of rehabilitation.

Under the Extension Act, PHAs must also screen applicants for involvement in certain illegal drug-related activities. Specifically, PHAs must deny occupancy to applicants who have been evicted from public housing within the past three years because of drug-related criminal activity, unless the applicants have completed rehabilitation programs. PHAs must also develop standards that deny occupancy to persons illegally using controlled substances and to persons who a PHA has reasonable cause to believe, based on illegal use or a pattern of illegal use of controlled substances, may interfere with the health, safety or right to peaceful enjoyment of the premises by other tenants. PHAs may consider evidence of rehabilitation in making the "reasonable cause" determination.

4. Protect applicants' due process rights.

PHAs must adopt written policies and procedures governing admissions that describe the criteria and standards to be applied. PHAs must post their policies in the offices where applications are received and make copies of those policies available to applicants upon request. When a PHA deems an applicant ineligible for admission, it must promptly notify the applicant of the basis for its decision, and provide the applicant with an opportunity for an informal hearing on the determination. The Extension Act also requires that where denial of occupancy is based on a criminal record, the PHA must provide the applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

5. Consult with attorneys who are familiar with local laws.

PHAs should have attorneys experienced in local landlord-tenant law review their screening policies and procedures to ensure compliance with any applicable state or local laws.

6. Consider involving current residents in the tenant selection process.

Because they have a clear and immediate stake in the outcome of tenant selections, current public housing residents sometimes are the toughest screeners of new admissions. Some PHAs have successfully used resident screening advisory committees. These committees may advise PHAs, but PHAs must remain responsible for the final decision to admit or decline a potential tenant. PHAs also must ensure that advisory committees comply with privacy laws and other legal standards.

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III. Enforcement by Eviction

The second key component of a One Strike policy is to have clear lease provisions that bar drug-related and other criminal activity and to encourage stricter enforcement of those provisions.

Current law requires all PHAs to use leases that expressly state that (1) any criminal activity is grounds for eviction if it threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants, and (2) all drug-related criminal activity occurring on or off the premises is cause for

eviction. Under the required lease terms, a tenancy can be terminated and the household evicted when the tenant, any member of the tenant's household, or a guest engages in the prohibited criminal activity. In addition, the Extension Act requires PHAs to establish standards for occupancy that allow PHAs to evict any person who the PHA determines is illegally using a controlled substance, or whose illegal use of a controlled substance is determined by the PHA to interfere with the rights of other tenants.

Even when lease terms are clearly stated, PHAs may encounter problems in the actual enforcement of those terms prohibiting drug-related or other criminal activity. The following guidance is intended to provide PHAs with the information they need to develop and enforce One Strike eviction policies.

1. Put the policy in the lease.

PHAs must make their eviction policies clear in every lease. At a minimum, this means including the HUD-required language obligating tenants to assure that neither they nor any household member or guest, or other person under their control, will engage in the prohibited drug-related or other criminal activities, and providing that failure to abide by this lease term is grounds for eviction. It is highly recommended that the lease also contain language expressly stating that any drug-related or criminal activity in violation of this term will be treated as "a serious violation of the material terms of the lease." Finally, PHAs should consider additional language specifying that the PHA has a One Strike or "zero tolerance" policy with respect to violations of lease terms regarding criminal activity. To ensure that their leases are sufficiently explicit, PHAs should have them reviewed by experienced attorneys in their jurisdictions.

Under the Extension Act, alcohol abuse is grounds for termination of tenancy if a PHA determines that such abuse interferes with the health, safety, or right to peaceful enjoyment of the premises by other tenants. To make this policy clear, PHAs should include a lease term allowing for eviction under these circumstances.

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2. Specify that arrest and conviction are not necessary to trigger eviction.

Evictions are civil, not criminal, matters. In order to terminate a lease and evict a tenant, a criminal conviction or arrest is not necessary, and PHAs need not meet the criminal standard of "proof beyond a reasonable doubt" in eviction proceedings. PHAs should specify in their leases that criminal activity is cause for eviction even in the absence of conviction or arrest. Any provisions in state laws that require conviction in order to evict tenants are preempted by federal law.

This does not mean that tenants can be evicted only on the basis of a suspicion that they have engaged in prohibited activity. Plainly, PHAs must be prepared to prove in court that a tenant has violated his or her lease.

3. Ensure sufficiency of the evidence before proceeding with eviction.

Both to be fair to tenants and to bring success in court, it is important that PHAs review all potential cases to ensure that

the evidence is strong enough to warrant an eviction action. Inadequately supported cases can lead to well-publicized defeats that could set back PHAs' efforts to implement One Strike programs and other initiatives to fight crime in public housing. PHAs are well advised to bring no case to court without strong evidence that the lease has been violated.

4. Educate applicants and tenants on lease terms.

As extra assurance that tenants have full notice of anti-crime policies, PHAs should thoroughly educate applicants, new tenants and current residents about lease terms related to criminal activity and the consequences of single violations of those terms. Briefings should occur before leases are signed or renewed. To the extent practicable, PHAs should include all appropriate members of households in these briefings, not just the heads of households.

5. Make tenants responsible for the conduct of everyone in their households.

The lease language mandated by federal law imposes on tenants an affirmative obligation to assure that neither they nor any member of their household or guest or other person under their control will engage in prohibited drug-related or other criminal activities. PHAs can generally enforce this obligation by terminating leases and evicting entire households when a household member or guest commits a crime in violation of lease provisions. A promise is a promise. Where the tenant has promised in a lease to ensure a crime-free household, the tenant is responsible for the household, regardless of whether he or she was personally engaged in the prohibited drug or other criminal activity.

PHAs retain the flexibility to handle these cases on an individualized basis, and they should exercise reasonable discretion in light of all of the relevant circumstances. In particular, when a tenant has taken all

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reasonable steps to prevent the criminal activity, eviction may not always be warranted or proper. To ensure both humane results and success in court, PHAs should undertake a case-by-case analysis before proceeding with eviction. If they do seek eviction, PHAs should be prepared to persuade a court that eviction is justified.

In some instances, eviction of an entire household may be appropriate as a means of protecting the health, safety and welfare of the public housing community. In others, alternative approaches may be appropriate, such as allowing a household to remain in occupancy on the condition that the offending member move and agree not to return. This latter approach does not always lead to effective long-term removal of the offending individual. PHAs, therefore, should consider the likelihood of success in each particular case and their ability under local law to take action if an agreement is violated. In some cases, trespass laws and restraining orders may also help to keep former residents away from remaining household members.

6. Treat tenants evenhandedly.

PHAs should implement their One Strike policies uniformly: the same lease should be provided to all tenants, and the PHA

must enforce its provisions against all violators in a fair, evenhanded manner. Similar lease violations should result in similar sanctions.

7. Protect the due process rights of tenants.

Lease terminations and evictions based on criminal activity must be preceded by notice and an opportunity for a hearing. Prior to the hearing, PHAs must provide the tenant with a chance to examine any relevant documents, records, or regulations directly related to the termination or eviction. Under the Extension Act, this includes criminal conviction records that are the bases for terminations or evictions.

In most states, PHAs need not handle these evictions through their ordinary administrative grievance procedures. In 47 states, HUD has determined that the state landlord-tenant process provides the necessary pre-eviction hearing and other basic elements of due process, so that PHAs can exclude criminal activity evictions from their grievance procedures and proceed entirely through the state court system.

In the three remaining states (Hawaii, Nevada, and North Carolina), HUD regulations permit PHAs to expedite their normal grievance procedures in cases involving criminal activity.

State or local law governing eviction procedures may give tenants procedural rights in addition to those provided by federal law. Tenants may rely on those state or local laws so long as they have not been preempted by federal law.

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8. Involve attorneys trained in local landlord-tenant law.

Because eviction procedures vary from state to state, it is important that attorneys trained and experienced in local law participate in designing and implementing a One Strike eviction policy. It is obvious but critical that eviction cases must be done right; eviction cases often are promptly thrown out of court on technical errors, which may damage a PHA's credibility with both residents and the courts.

9. Obtain full cooperation from state and local police departments.

The cooperation of local police is key to the successful implementation of a One Strike policy. Ideally, police should supply additional patrols for public housing communities with special needs. At a minimum, PHAs should request that police: (1) promptly provide housing managers with relevant incident reports for timely eviction processing; (2) help PHAs expedite drug identification in serious cases; and (3) prepare for cases as needed with PHA attorneys.

PHA executive directors or staff should educate police personnel regarding public housing needs and problems, and work out administrative arrangements so that full and expeditious cooperation occurs. The police must know exactly what criminal activities are grounds for lease termination so they can keep the PHA informed when such behavior occurs. Likewise, the PHA may receive information that would be helpful to the police if relayed promptly, discreetly and in accordance with any applicable laws.

In addition, police are often the best witnesses at eviction hearings involving criminal activity. Police testimony typically will be important to obtaining a drug-related eviction, where the police have made an arrest and seized drugs in the unit. PHAs should encourage police departments to view providing testimony as, an important part of the police department's mission and should use subpoenas where appropriate to facilitate police testimony.

10. Obtain full cooperation from local judges.

There are some local judges who are hesitant to evict problem residents for fear that these residents have nowhere else to live. In fact, there are thousands of deserving and law-abiding families that are waiting to move into rental units. At a time when the nation is facing a shortage of affordable housing, responsible, hard-working families and individuals should not be denied public housing so that disruptive households can remain. Although PHA directors may not talk to judges about particular pending cases, they may arrange general meetings with groups of local judges to discuss these issues and the need for evictions where the evidence shows serious lease violations. Residents also should be involved in meetings with judges, because nobody can make the case for One Strike policies better than they.

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11. Assist civilian witnesses in eviction proceedings.

PHAs should be sensitive to the needs of civilian (non-police) witnesses who have agreed to testify in eviction proceedings. PHAs should help witnesses prepare for court and provide them with any other support they may need. Public housing residents themselves often will make effective witnesses to drug-related or other crime. For this reason, it is critical that PHAs have the support and participation of residents when they initially design One Strike policies; residents are more likely to testify if they understand that the program will benefit them and if they have been involved from the beginning.

12. Provide resident witnesses the opportunity to relocate to another home, if necessary to ensure their safety.

Residents who witness violent crime often are reluctant to risk their lives or the safety of their families by coming forward to testify. Witnesses may be more apt to testify if PHAs can help minimize their sense of personal danger and help them move to a new home. HUD has pursued and obtained several legislative provisions that will enable local housing agencies to provide relocation assistance to resident witnesses. In FY 1996, at HUD's urging, Congress has made witness relocation one of the eligible activities under the Section 8 rental certificates program so that PHAs can assist families to move to privately-owned apartments. Congress has also eliminated mandatory federal preferences governing who can be given priority to live in public or assisted housing, thus giving PHAs more flexibility to put resident witnesses at the top of local waiting lists. In providing relocation assistance, PHAs, of course, should ensure that resident testimony is in good faith and relevant to the particular case at issue.

IV. Other Considerations

a. Protecting Existing Residents from Nonresidents

It is important to recognize that even the most effective One Strike policies can be undermined if housing agencies do not also have security measures in place to protect against criminal activities committed by nonresidents. In many public housing communities, criminal and disruptive activities are undertaken by those who do not live in the respective community. These nonresidents, of course, are not subject to eviction.

Crime committed by nonresidents is a difficult problem that is best addressed through close cooperation between PHAs and state and local law enforcement. Some public housing communities have had their states declare them "drug-free zones," so that greater penalties may be imposed for committing drug-related crimes on or near the development. In some localities nonresidents can be prosecuted for criminal trespassing. At minimum, such a remedy typically requires PHAs to post warnings on

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properties so that violators have sufficient notice. Some PHAs have issued resident identification cards to better enforce trespassing laws. The criminal trespass tool can be ineffective, however when the nonresident can argue that he or she is an expected guest of a resident. If the presence of some nonresidents can be linked to specific residents, the disruptive activities of these guests can be grounds for eviction of the entire host household. Sometimes simply providing warnings of the possibility of such eviction actions can be effective.

Finally, where a PHA settles an eviction case on the condition that a disruptive household member moves away, to the extent allowed in the jurisdiction, the agreement should provide that (1) the individual thereafter will be a trespasser at the development and (2) the household can be subject to eviction if the individual comes back.

b. Protecting Residents from the Effects of Alcohol Abuse

The main focus of a One Strike policy should be illegal drug-related activity and other criminal activity that threatens the well-being of the public housing community. To protect the safety and security of public housing, however, PHA also should consider the effects of alcohol abuse by residents on the public housing community. Specifically, the Extension Act requires that PHAs establish standards that prohibit occupancy by a person if the PHA determines that it has reasonable cause to believe that the person's abuse or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. In making that determination, PHAs may consider evidence of rehabilitation. PHAs also must establish standards allowing for termination of tenancy when the PHA determines that a person's abuse of alcohol is interfering with the rights of residents. Again, HUD will issue additional guidance on these new statutory provisions in the near future.

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Appendix

Models of Success in Fighting Public Housing Crime

A. One Strike and You're Out Policies

Some housing authorities are already effectively screening and evicting drug dealers and other criminals from public

housing.

() Lucas Metropolitan Housing Authority (LMHA), Toledo, OH

- o Actions: In just three short years, the LMHA has been transformed from a troubled agency to one of the nation's best-managed housing providers. Part of LMHA's success can be attributed to its comprehensive anti-crime strategy, which includes an effective One Strike policy.

Two years ago, the LMHA instituted a tougher lease and lease enforcement policy. Its One Strike policy has been effective for several reasons. First, the LMHA has established a good working relationship with local law enforcement officials and judges. The Law Enforcement Access Data System, which maintains local criminal records, is available on-site in the city's public housing developments at the police and sheriff substations to provide prompt responses to disturbances as they occur. Also, local law enforcement officials and judges are often invited to and participate in LMHA open-houses for such openings as new police substations or child care centers. These and other visits to public housing developments give these local partners a real sense of the LMHA's commitment to providing quality housing for hard-working, responsible tenants. Today, these partners have a vested interest in upholding One Strike policies and ensuring safe and quality homes for Toledo families.

() Second, the LMHA has elicited strong resident support and involvement in all aspects of its crime prevention strategy. Residents participate in a grievance panel for hearing eviction cases, and the resident council has been and will continue to be deeply involved in designing and implementing tougher screening and lease enforcement policies and procedures.

- o Results: LMHA has maintained an impressive rating of 94 out of a possible 100 on HUD's management assessment system in the last two years. Six police substations are currently located on public housing sites. Forty-one tenants have been evicted for drug or other criminal activities in the last 12 months. Over 330 applicants out of a total of 2,300 applicants taken were rejected for criminal history or unfavorable landlord references in the last 12 months. Overall incidents of drug-related crime dropped from 227 in 1993 to 173 in 1994 and continued to fall in 1995.

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The overall level of other crime (murder, rape, assault, etc.) in the public housing community also dropped from 579 incidents in 1993 to 186 incidents in 1994. In addition, a recent resident survey indicated that over 75% reported feeling safe living in LMHA properties, an increase of 22 percentage points in less than two years.

() Greensboro Housing Authority, Greensboro, NC

- o Actions: GHA carefully screens applicants for past drug and criminal activity and requires a police report from

each applicant on all household members 16 years of age or older before determining eligibility. Applicants with a record of criminal activity are ineligible for admission to GHA's communities. In the application interview GHA makes certain that potential residents understand GHA's tough stance on drug use by anyone in the resident's apartment or under the resident's control. The Greensboro Police Department is actively involved in Greensboro's one strike program through the Police Neighborhood Resource Center (PNRC). In addition to providing community policing, the PNRC supports GHAs efforts by providing a daily listing of any residents or household members arrested for drug-related offenses on GHA premises. An incident form, developed jointly by GHA and the police department, provides GHA housing managers with complete information regarding the nature of the incident, witnesses, and all residents involved in the alleged criminal activity. This form triggers an eviction investigation. The police will also testify in court during eviction proceedings. Finally, since many of those involved in, and arrested for, criminal activity at public housing developments are not residents, one of the conditions of parole of persons convicted of drug-related crime in public housing is that they not trespass on GHA property. GHA has a list of 750 persons barred from GHA properties because of prior criminal activity at the public housing sites.

- o Results: Drug offenses in GHA communities have dropped significantly since the implementation of the PNRC. In 1993, GHA rejected 92 applicants for criminal history, 120 in 1994 and 96 in 1995. Drug-related evictions went from 28 in 1990 to 22 in 1993 and only 11 in 1994. At the same time drug arrests dropped from 576 in 1990 to 231 in 1994.

Macon Housing Authority, Macon, Georgia (MHA)

- o Actions: The Macon Housing Authority considers applicant selection and screening half the battle in its comprehensive anti-drug program. Applicants' police, credit and prior landlord references are checked before the resident signs a lease that contains a strict provision for drug and criminal activity - eviction. Macon ensures that the resident understands this lease

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provision and its consequences during the rental interview process. Macon developed a systematic method of enforcing these lease provisions: public arrest records are scanned daily and resident complaints are investigated within 24 hours. Residents who violate the anti-crime lease provisions are given the option of moving out or being evicted.

- o Results: The message these evictions sends is telling: there were 21 drug eviction cases in 1992, but only 10 in 1993, 8 in 1994 and 8 in 1995. The fear of crime and drugs had led to a vacancy rate of 9% in MHA units in 1989. After the evictions, screening and other comprehensive community policing took hold, MHA boasted of a 1.1% vacancy rate in 1994, which it attributes to

the improved sense of safety at MHA properties.

() B. Operation Safe Home

Operation Safe Home brings together a coalition of forces to combat criminal and gang activity in public housing. Residents, managers and various federal and local law enforcement agencies work together to find, fight, and rid the community of crime. Before Operation Safe Home was started in early 1994, the lack of coordination among these groups undermined effective crime prevention.

Nationwide results: By September 1995, Operation Safe Home had shown dramatic nationwide results.

- o 6,826 arrests
- o 737 search warrants served
- o seizure of 558 weapons, over \$ 1 million in cash, and drugs with street value of nearly \$2.9 million
- o relocation of 183 families who witnessed violent crime and were willing to testify in court

Some specific examples of Operation Safe Home successes:

Boston, MA

- o Actions: A coordinated effort by law enforcement authorities to reclaim an area that had become an "open-air" drug market, terrorizing residents of the Boston Housing Authority's Mission Hill Development. Participating authorities included: special agents of HUD's Office of Inspector General, DEA and ATF, along with Massachusetts State Police, Boston Police and Boston Housing Police.
- o Results: Over 100 arrests were made, followed by community policing to maintain a high profile for law enforcement in the area. At the same time, the housing authority launched a campaign to reform and reclaim the neighborhood.

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New York, NY

- o Actions: Investigation by a task force, comprised of HUD's Office of Inspector General, ATF and the New York City Housing Police.
- o Results: The investigation dismantled a violent drug organization that controlled narcotics trade in and around the New York City Housing Authority's Baisley Houses development and terrorized its residents. The gang was believed responsible for 17 murders. Seized during the arrests: \$10,000 in cash, 300 vials of cocaine, quantities of heroin and marijuana, and an AK-47 assault rifle.

Chicago, IL

- o Actions: A coordinated investigation by multiple federal, state and local law enforcement authorities into murder and drug-related crimes at several Chicago Housing Authority developments.

- o Results: The investigation led to the indictments of 38 members - virtually the entire command structure of a violent street gang.

C. Drug Elimination Grant Program

The Public Housing Drug Elimination Program (PHDEP) provides a range of prevention and education programs to encourage residents to join together to fight crime and foster a safe environment for public housing youth. These initiatives range from employing security guards and supporting resident patrols to creating alternatives to gang involvement for youths. The Drug Elimination program also provides the primary source of funds to support effective screening and lease enforcement procedures (other than legal fees).

The Drug Elimination Program is working. In a recent evaluation of participating public housing agencies, 25 of the 28 evaluated reported significant strides in the fight against drug-related crime.

Providence, RI

- o Actions: This PHAs comprehensive plan to eliminate drug use involves five initiatives: drug prevention through the Pride Program of family services, youth activities and economic opportunities; resident screening procedures; resident involvement; enhanced security with resident crime watches and a partnership with local police; and modernization and maintenance.
- o Results: Overall law enforcement activity has shown a marked increase in the vicinity of the PHA and its residential developments. In FY 1995 police responses have increased 37% over FY 1994. Total arrests on public housing properties have increased more than 85% over arrests made during FY 1994,

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reflecting the stepped up level of law enforcement and resident involvement in the community. Between FY 1994 and 1995, property crimes decreased by 15%.

Denver, CO

- o Actions: Project Storefront has effectively brought together public housing residents, the Denver Police Department, and community-based organizations and private/public entities to eliminate drug activity in public housing communities. The Storefront centers provide a visible, yet non-threatening, activity center for resident and community outreach, communication, and program activity. Each Storefront houses a resident Community Resource Specialist and a Denver Police Community Resource Officer. During high-crime periods, a foot patrol team also works out of the Storefronts to reduce crime and improve the quality of life for public housing residents.
- o Results: Between 1993 and 1994, there was a 26% reduction in the number of crimes reported within Denver's public housing communities. In addition, the housing authority was successful in evicting 255

persons during the 1993-94 year. Thirteen (13%) percent of the evictions were drug-related.

Flint, MI

- o Actions: With the support of federal drug elimination funds since 1991, the Flint Housing Commission has hired police/security officers and implemented a community policing program in partnership with the Flint Police Special Projects Unit. In 1994, the Housing Commission hired a private security firm to provide greater police visibility and coverage to their developments via foot and car patrols. The private security firm is also responsible for responding to emergency calls from the public housing developments as opposed to responding to city-at large calls.

For additional information on these and other model anticrime strategies in public housing and copies of model leases, please call the U.S. Department of Housing and Urban Development's Drug Information and Strategy Clearinghouse at 1-800-578-3472.

- o Results: In 1991, the Flint police officers, through new community policing efforts, were able to reduce the crime rate in one development by half. Drug arrests have dropped considerably since the City implemented a more aggressive anti-crime effort in the four developments. During 1991, 1992, and through March 1993, the Flint Police Special Operations Bureau made over 3,800 drug-related arrests. Only 28 of these arrests involved residents of public housing. From April 1993 to June 1994, only 12 drug arrests were made in the four developments.

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