



*Crime -
One Strike*

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20410-0001**

MEMORANDUM

FOR: Don Baer
Rahm Emanuel
Kitty Higgins
Bruce Reed ✓
FROM: Bruce Katz *B*
DATE: February 1, 1996
SUBJ: Presidential Event on "One Strike and You're Out"

I understand that you are in the process of finalizing the President's post-State of the Union schedule. I believe there are some tremendous opportunities for the President to publicly restate his commitment to crack down on crime in public housing.

As you know, we have been successful in advancing the President's challenge to get tough on gangs, drugs, and violence in public housing and to enforce "one strike and you're out" policies. Since the President's address, the Secretary has participated in a public housing crime event in Toledo, Ohio, placed opinion editorials in six major newspapers (e.g. Boston Globe, Cleveland Plain Dealer, Detroit Free Press), placed radio actualities in 40 stations, and appeared on CNBC's "Equal Time" on this issue. The Administration's call to "take back public housing" has clearly resonated among the media.

It would be valuable for the President to build upon this momentum and reinforce his "get tough" message. Therefore, I would like to suggest several possible venues for Presidential events:

- Meet with former gang members who have returned to their public housing communities to discourage kids from joining gangs and to raise awareness on drugs and crime -- announce "community safety" pledges with former gang members;
- Take back guns -- (1) announce a national gun collection day in public housing where residents trade in guns; or (2) visit a gun collection room to showcase the number of assault weapons that are confiscated in police raids or crime sweeps in major public housing projects;
- Host a "public housing peace treaty" signing ceremony between local police chiefs, gang members, and tenants;
- Safely escort public housing children on their way to school;

- Visit a training academy that prepares police for cracking down on gangs;
- Visit a successful public housing anti-crime effort; or
- Host a national meeting on crime in public housing with city police chiefs, housing authority directors, residents, to discuss tougher applicant screening and eviction policies, crime sweeps, assault weapons bans, and other security issues.

We are open to any other suggestions you may have and are eager to help organize any event you are interested in. Please call me at 708-2713 if you have any questions or additional thoughts.

I have also attached some press clips for your review.

Attachments

JAN 25 1996

FORWARD WIRETYPE

Daley Backs Clinton's Bid Vs. Public Housing Crime

By BASIL TALBOTT
SUN-TIMES WASHINGTON BUREAU 29

WASHINGTON—Mayor Daley endorsed President Clinton's "one strike and you are out" of public housing crime policy Wednesday, but urged some cautions in how it is applied.

Although some Illinois members of Congress were edgy about the president's approach, mayors attending the U.S. Conference of Mayors rushed to support Clinton. A couple of them went further than Daley.

Clinton challenged local housing authorities and tenant groups in

his State of the Union address Tuesday to make "the rule for residents who commit crimes and peddle drugs ... one strike and you are out."

"Peddling drugs is a major problem," Daley said in supporting the "principle" of the president's initiative. "We have to have a policy because people want it. Gang-bangers and drug dealers have taken over."

But Daley was more cautious than Boston Mayor Thomas Menino, who has proposed Massachusetts state legislation to permit evictions from public housing upon arrest or execution of a search warrant where illegal drugs or

weapons are found. Daley questioned whether evictions should take place without a conviction and whether entire families should be kicked out for the offenses of a minor member.

Rep. Jesse Jackson Jr. (D-Chicago) wasn't enthusiastic, but he said, "I could live with it." Rep. Cardis Collins (D-Chicago) was skeptical but said she awaits a specific proposal. Even more skeptical were Sen. Paul Simon (D-Makanda) and Rep. Sidney R. Yates (D-Chicago).

"I'm not enthusiastic about it," Yates said. "Someone could plant a drug, or there could be other

reasons for having a drug." Simon denounced drug peddling but said, "I don't want to see very arbitrary decisions made by local police who may try to shake some people down."

Evictions for drug and weapons violations appear to have been more frequent in Boston than in Chicago. The Boston Public Housing Authority said 50 of the authority's 12,000 families were evicted last year for illegal drugs or illegal weapons.

Conceding that the Chicago Housing Authority has been behind the curve, Executive Director Joseph Shuldiner estimated that only 15 or 20 of the CHA's 32,000

households were evicted last year in connection with illegal drugs or weapons.

To remedy that, the CHA has proposed a new lease that Shuldiner speculated would improve drug evictions. He also has approached Illinois state lawmakers to introduce legislation to target firearms in CHA units.

Legislation to toughen admission rules has passed the U.S. Senate and is expected to come up for a House vote in March. Also, the Housing and Urban Development Department wants \$2.5 million to finance a federal-local gang infiltration program and \$1 million for witness protection.

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DETROIT FREE PRESS

JAN 31 1986

Operation Safe Home Removing crime from public housing pays off

BY HENRY G. CHERNOG *A-1*

In his State of the Union address last week, President Jimmy Carter challenged the nation to take back our streets from the gangs and drug dealers threatening our children.

Nowhere is that effort needed more than in and around the nation's public housing developments, including the 5,000 units in Detroit. These neighborhoods are often ground zero for gang violence and drug trafficking.

If the nation is serious about reducing violent crime, we must begin here. Many crimes in public housing are committed by outsiders, thugs who target these developments because they believe there is a lower risk of being arrested and convicted.

By hitting gangs where they do business, by focusing on the operators of the crisis, we can do much to reduce the violent crime — and the fear it engenders — that threaten all of us.

The violence that plagues public housing residents — the majority of whom are women, children and senior citizens — is not random. In many cases, there is an organized gang presence that cannot be wiped out without coordinated undercover operations by the nation's law enforcement agencies.

Recognizing this reality, my department is spear-

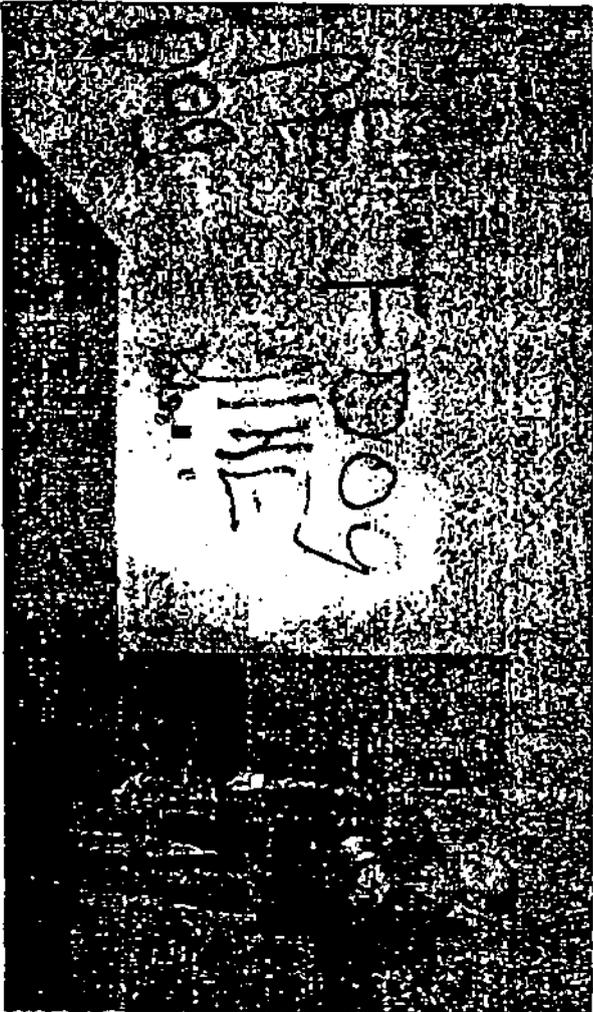


Photo by PATRICK BERRY/Orion Free Press
Taylor Police Cpl. Dale Tammen notes graffiti in a vacant unit in the Pine Ridge development.

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A Forum of Opinion & Ideas

THE PLAIN DEALER, MONDAY, JANUARY 29, 1996

Just one strikeout

U.S. housing secretary wants to help take back the streets

By Henry G. Cisneros

In his State of the Union address, President Bill Clinton challenged the nation to take back our streets from the gangs and drug dealers that threaten children. Nowhere is that effort needed more than in and around the nation's public and assisted housing developments — often ground zero for gang violence and drug trafficking in the United States.

If the nation is serious about reducing violent crime, we must begin here. In some cities, murder rates are three times higher in public housing than they are for those cities as a whole. Even in the nation's capital, the majority of violent crime occurs within six blocks of HUD-assisted housing.

Many of these crimes are committed by outsiders, by thugs who target these developments because they believe there is a lower risk of being arrested and convicted. By hitting gangs where they do business, by focusing on the epicenters of the crisis, we can do much to reduce the violent crime — and the fear it spawns — that threatens all of us.

The violence that plagues public housing residents — the majority of whom are women, children and senior citizens — is not random. In many cases, there is an organized gang presence that cannot be wiped out without coordinated undercover operations by the nation's law-enforcement agencies.

Recognizing this reality, the Department of Housing and Urban Development is spearheading a new federal initiative called Operation Safe Home to give residents new allies: HUD, FBI, DEA and ATF agents, the Secret Service, U.S. marshals and U.S. attorneys. By combining the capabilities of federal agencies with state and local law enforcement, we are pooling existing re-

sources to remove gangs, guns and drugs from housing that HUD helps fund.

Federal agents work with housing authorities to rid developments of residents who violate their leases. Working undercover, they set up "buy and bust" operations, use electronic surveillance to track mid-level cocaine and heroin distributors and conduct raids to arrest violent criminals, fugitives and drug traffickers. By relocating residents who are willing to testify against these criminals, we have helped prosecutors secure convictions for homicides that were previously unsolvable, restoring order to developments that previously were ungovernable.

In Cleveland, through the use of computers, outstanding felony arrest warrants were matched against public and assisted housing residents and lists of others receiving government-funded benefits. Out of 11,000 outstanding warrants, 138 people were targeted as wanted felons living in public housing. Of those targeted, 28 were arrested in a cooperative effort by HUD's inspector general, the Cuyahoga Housing Police Department, the County Sheriff's Office, and the Ohio State Auditor's Office.

Search and arrest warrants were executed simultaneously in Lima, Ohio, and Detroit, Mich., for members of a gang believed to be responsible for drug trafficking at Lima public housing and at least 10 drive-by shootings, assaults and three murders.

More than 100 HUD agents, working on 129 task forces throughout the United States, are achieving impressive results. Since we created Operation Safe Home, these task forces have made more than 6,800 arrests, confiscated more than 350 weapons and seized roughly \$1 million in cash and nearly \$3 million worth of drugs. With more funding and additional support at the local level, Operation Safe Home can continue to turn back the tide.

Yet, law-enforcement strategies, however successful, are not enough. The long-term solution to the crime problem in these places rests in changing the conditions — and the culture — within the most troubled public housing developments.

First, we need to make a major shift architecturally. No longer can we build immense towers to the sky and essentially warehouse the people who live inside. New developments must be smaller scale and more respectful of the people who live there. By using physical space more intelligently, we can also improve safety and security.

Second, we need to integrate human services directly into the developments. We need greater coordination among federal agencies on the social service side of the equation. We need to empower residents, encouraging security patrols to deal with drugs, gangs and guns; we need youth, training and child-care programs that give people something to say "yes" to — activities that give people a stake in their communities and help reduce crime.

Third, and perhaps most importantly, we need to change the incentives that govern public housing by striking a balance between rights and responsibilities. We need to change the rules so that unemployed residents who find work are not penalized by a dramatic hike in their rent.

While public-housing authorities need more power to reward and attract working families, they should be allowed to reject applicants with criminal records. While we should reward exemplary residents by giving them more housing choices, we should adopt a "one strike and you're out" eviction policy for those who break the rules. People who want to lift themselves out of public housing should not be held back by criminals who threaten their safety, or by a system that discourages self-reliance.

As a nation, we will be a lot safer when public housing is transformed into what it once was: a platform from which people can build a better life, instead of a haven for drug traffickers and gang leaders who prey on residents, and whose threat to the rest of society grows greater the longer it is ignored.

Cisneros is secretary of the U.S. Department of Housing and Urban Development.

Saturday, January 27, 1996

The Dallas Morning News

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SAFE HOMES

Public housing turning back crime



HENRY CISNEROS

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needed more than in and around the nation's public and assisted housing developments.

If we are serious about reducing violent crime, we must begin there. In some cities, murder rates are three times higher in public housing than they are for those cities as a whole. Many of the crimes are committed by outsiders who target those developments because they believe there is a lower risk of being arrested and convicted.

The violence that plagues public housing residents — most of whom are women, children and senior citizens — isn't random. In many cases, there is an organized gang presence that can't be wiped out without coordinated undercover operations by law enforcement agencies.

Recognizing that, the federal Department of Housing and Urban Development is spearheading a new initiative called Operation Safe Home to give residents some new allies. By combining the capabilities of federal agencies with state and local law enforcement, we are pooling existing resources to remove gangs, guns and drugs from housing that HUD helps fund.

Federal agents are working with housing authorities to rid developments of residents who violate their leases. Working undercover, they are setting up "buy and bust" operations, using electronic surveillance to track midlevel cocaine and heroine distributors and conducting raids to

arrest violent criminals, fugitives and drug traffickers. By relocating residents who are willing to testify against criminals, we have helped prosecutors secure convictions for homicides that previously were unsolvable.

In Dallas, crack dealers operating out of vacant public housing units victimized residents with gang-related violence. HUD's inspector general — working with the Dallas police and the federal Bureau of Alcohol, Tobacco and Firearms — arrested 58 people for drug and gang-related crimes in public housing developments throughout the city.

More than 100 HUD agents, working on 129 task forces throughout the United States, are achieving impressive results. Since we created Operation Safe Home, the task forces have made more than 6,800 arrests, confiscated more than 550 weapons and seized roughly \$1 million in cash and nearly \$3 million worth of drugs.

With more funding and additional support at the local level, Operation Safe Home can continue to turn back the crime tide. Yet law enforcement agencies, however successful, aren't enough. The long-term solution is to change the conditions — and the culture — within the most troubled public housing developments:

• *First, we need to make a major shift architecturally.* No longer can we build immense towers to the sky and essentially warehouse people. New developments must be smaller and more respectful of the people who live there.

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Margaret Scott

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• *Third, and perhaps most important, we need to change the incentives that govern public housing by striking a balance between rights and responsibilities.* We need to change the rules so that unemployed residents who find work aren't penalized by a dramatic hike in their rent. But public housing authorities also should be allowed to reject applicants with criminal records. And while we should reward exemplary residents by giving them more housing choices, we should adopt a "one strike, you're out" eviction policy for those who break the rules.

People who want to lift themselves out of public housing shouldn't be held back by criminals who threaten their safety or by a system that discourages self-reliance. As a nation, we will be a lot safer when public housing is transformed into what it once was: a platform from which people can build a better life instead of a haven for drug traffickers and gang leaders who prey on residents.

Henry G. Cisneros is the secretary of housing and urban development.

ONE STRIKE POLICY IN PUBLIC HOUSING

DRAFT

"...Criminal gang members and drug dealers are destroying the lives of decent tenants. From now on, the rule for residents who commit crime and pedal drugs should be one strike and you're out."

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

*Crime -
One Strike
- you're out*

I. One Strike and You're Out: How It Can Help Our Public Housing Communities

Public housing is a place to live, not a place to deal drugs or terrorize your neighbors. Yet today, many of America's 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 residents who engage in criminal activity on or near public housing complexes must be evicted.

Building on this concern -- and aiming to address this need directly and effectively to ensure the safety and health of public housing communities -- President Clinton has proposed a straightforward "One Strike" policy: people who engage in drug and criminal activity will be rejected for admission; those in public housing who engage in such behavior will face certain and swift eviction.

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

- free public housing residents from daily threats to their personal and family safety;
- build public housing communities that are safer and drug-free;
- support parents in their efforts to instill the values of hard work, personal responsibility, and good citizenship in their families;
- create an environment where young people, especially children, can live, learn, and grow up to be productive and responsible citizens;
- 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
- 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 Macon, Georgia and Portland, Oregon 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.

II. Guidance for Adopting a "One Strike and You're Out" Policy

As a first step toward protecting public housing communities against gangs, drugs, and violence, 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 and local law enforcement agencies to build safe, strong and inspiring communities for families and children.

Current law authorizes local housing agencies to adopt One Strike policies. Some PHAs, however, do not take full advantage of their authority to use the strictest screening and eviction procedures allowed by law. Moreover, PHAs, local police departments and courts do not always work together to promote community safety. These guidelines are intended to assist local housing agencies in 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.

Guiding Principles

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

- **All citizens have the right to live in peace and freedom from fear, intimidation, and abuse.** Public housing residents have the same rights as all Americans to live peacefully and decently. The elderly should not be petrified to go for walks during the day. Families should be able to raise their children in safe, promising communities where children can play, learn, and grow without persistent threat.
- **Because of the extraordinary demand for affordable rental housing, public and assisted housing should be awarded to responsible citizens.** Some have expressed concerns about evicting criminals from public housing for fear that such individuals or their families will have nowhere to go. At a time when the shrinking supply for 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 would readily replace evicted tenants. By refusing to evict 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.
- **Applicants and current residents of public housing should be protected from discrimination and violation of their rights 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 should not infringe upon an individual's right to privacy and should not discriminate based on race, nationality or other particular groups or categories.

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.

Prevention Through Tougher Screening at Admissions

The first essential element of a One Strike policy is to ensure that those who break the law 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 screen for criminal records.*

PHAs should adopt 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 checking police and court records, credit or payment history, and landlord references, and, if possible, making home visits where appropriate. Where warranted and consistent with legal standards, PHAs should check with probation officers, parole officers, and local social service providers.

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

To check the criminal history of potential tenants, PHAs should enlist the cooperation of local, state, and federal law enforcement officials and courts to gain access to criminal records. In most jurisdictions, arrest and conviction records and other documentation showing a criminal history is public record. If state or local law does not permit access to such records, 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. HUD, in cooperation with Congress, is seeking legislation that will require the National Crime Information Center (NCIC) and other law enforcement entities to provide criminal conviction records to public housing agencies.

PHAs should endeavor to address the concerns of law enforcement agencies and courts that are reluctant to share arrest and conviction records even where this information is public. For example, PHAs can inform local authorities that they have a right to such information or put in place systems that properly secure, use and then destroy such data to demonstrate their ability to utilize such information.

3. *Develop screening criteria for case-by-case consideration.*

PHAs should establish criteria that take into consideration the needs of individual families in reviewing applications that would involve residence by persons with histories of criminal activity. The kinds of criminal activity PHAs should screen for are the same as those that would trigger lease termination for any tenant: violent crimes or any other crimes

that would pose a threat to the life, health, safety, or peaceful enjoyment of residents. PHAs should focus on the seriousness and recency of criminal activity as the best predictors of tenant suitability. PHAs also should consider 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. Emerging federal legislation may also require stricter standards governing current drug and alcohol abuse for admission into public housing.

4. *Protect applicants' due process rights.*

PHAs must adopt written policies and procedures governing admissions that describe in detail the criteria and standards to be applied, and they must make copies of those policies available to applicants upon request. If 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.

5. *Consider involving current residents in the tenant selection process.*

Because they have a clear and immediate stake in the outcome of screening, 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.

Enforcement by Eviction

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

Current law requires all PHAs to use leases providing 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 near 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 even a guest engages in the prohibited criminal activity.

Despite these requirements for leases, PHAs may encounter problems in the actual enforcement of lease terms prohibiting 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 should 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 will engage in the prohibited criminal activities, and providing that failure to abide by this term is grounds for eviction. It is highly recommended

that the lease also contain language expressly stating that any criminal activity in violation of this term will be treated as "a serious violation of the material terms of the lease." Finally, if not already mandated by state or local statute, 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.

2. *Specify the criminal activity that will trigger eviction.*

The law already requires that PHA leases authorize eviction for criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants, and for any drug-related criminal activity on or near the premises. PHAs should consider additional lease terms giving more specific guidance as to what kinds of criminal activity will trigger eviction. Some PHAs, for instance, have added clauses that define seizure of illegal drugs or weapons in a resident's unit as grounds for eviction.

3. *Specify that conviction is not necessary to trigger eviction.*

Evictions are civil, not criminal, cases. 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. There are some states that require conviction in order to evict tenants. For these cases, it has been determined that federal law preempts state and local statutes.

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. If practicable, PHAs should not limit briefings to heads of households, but should instead include all adult members of households.

5. *Make tenants responsible for the conduct of their households.*

The lease language mandated by regulation 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 criminal activities. PHAs can enforce this obligation by terminating leases and evicting entire households when a household member or guest commits a crime in violation of lease provisions. Where the tenant has contracted to assure a crime-free household, it is not necessary that the tenant him or herself be personally responsible for the 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 lacks any knowledge of criminal activity or has taken all reasonable steps to prevent it, 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.

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 approach does not always end successfully with effective long-term removal of the offending individual, and should consider the likelihood of success in each particular case. In some cases, trespass laws and restraining orders may help to keep former residents away from remaining household members.

6. *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. Because a well-publicized defeat could set back a One Strike program, PHAs are well advised to bring no case to court without strong evidence that the lease has been violated.

7. *Protect tenants against discrimination.*

As with screening policies, discussed above, eviction policies must be established and implemented in accordance with federal civil rights laws. PHAs must implement their One Strike policies uniformly: the same lease must be provided to all tenants, and the PHA must enforce its provisions against all violators in a fair, non-discriminatory manner. Similar lease violations should result in similar sanctions.

8. *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.

In most states, PHAs need not handle these cases 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.

9. *Involve attorneys trained in local landlord-tenant law.*

Because eviction procedures vary from state to state, it is important that attorneys

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, and it damages a PHA's credibility with both residents and the courts to have a case rejected because it is poorly prepared. Whether the attorneys are PHA staff members or under contract, PHAs should ensure that they have the necessary training and experience or guidance in local law.

10. *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: promptly provide housing managers with relevant incident reports for timely eviction processing; help PHAs expedite drug identification in serious cases; and prepare for cases as needed with PHA attorneys.

In addition, police are often the best witnesses at eviction hearings involving criminal activity. Police testimony typically will be key to obtaining a drug-related eviction, where the police have made an arrest and seized drugs in the unit. Providing testimony should be seen as part of the police officer's job. If police are uncooperative, as a last resort, PHAs should consider subpoenaing officers to testify in eviction proceedings.

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 and discreetly.

11. *Obtain full cooperation from local judges.*

Although PHA directors should not talk to judges about particular pending cases, they may arrange general meetings to discuss with judges the general problems facing public housing communities 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 better than they.

12. *Assist civilian witnesses in eviction proceedings.*

PHAs should encourage civilian (non-police) witnesses to testify in eviction proceedings, and should help them to prepare for court. 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 design One Strike policies initially; residents are more likely to testify if they have been involved from the beginning.

13. Provide civilian witnesses the opportunity to relocate to another home.

Residents who are witnesses to violent crime may need help in moving to a new home if their lives are being threatened. HUD has pursued and obtained several legislative provisions that will enable local housing agencies to provide relocation assistance to resident witnesses. In FY 1996, HUD has made witness relocation an eligible activity under the Section 8 rental certificates program so that PHAs can assist families to move to privately-owned apartments. HUD has also eliminated mandatory federal preferences governing who is eligible to live in public or assisted housing (provided they still meet income qualifications), thus giving PHAs the flexibility to put resident witnesses at the top of local waiting lists.

III. Models of Success in Fighting Public Housing Crime

A. One Strike and You're Out

Some housing authorities are already using existing regulations to keep dealers and criminals out of public housing in the first place as well as to evict them.

1) Cuyahoga Metropolitan Housing Authority (CMHA):

- * **Actions:** CMHA began using a direct computer connection to the Cleveland Justice Department, which allowed the housing authority to enforce criminal background checks of applicants. In addition, the CMHA police now forward appropriate police reports to the CMHA's Legal Department, to enforce "serious or repeated violations of the terms of the lease."
- * **Results:** These steps have led to a 55 percent increase in drug-related evictions between 1992 and 1994; companion steps to check credit records have resulted in a 50 percent decrease in evictions for non-payment of rent.

2) Macon Housing Authority (MHA):

- * **Actions:** MHA uses applicant selection and screening as a key component of its anti-drug program. Applicants' police, credit and prior landlord references are checked before they sign a lease. Leases include strict eviction provisions for drug and criminal activity. To enforce lease provisions, MHA scans daily public arrest records, and resident complaints are investigated within 24 hours.
- * **Results:** 21 drug eviction cases in 1992, 10 in 1993, 8 in 1994 and 8 in 1995. The 1989 vacancy rate was 9 percent but dropped to one percent by 1994 due to the decrease of crime.

3) Housing Authority of Portland, Oregon (HAP)

- * **Actions:** HAP uses an aggressive screening policy, combined with vacancy reduction and eviction. HAP's policy on drug-related crime says that "applicants whose habits and practices reasonably may be expected to have a detrimental effect on the tenant or project environment" are denied admission. (This means a history of physical violence against people or property.) A full range of screening procedures puts the policy into action: applications and reference forms with questions about gang-related and/or criminal activity; criminal background checks; formal screening by a Prospective Renters Verification Service; review through the state Judicial Information Network, Association of Oregon Housing Authority records on evictions and residents owing money, and HAP's own Do Not Rehouse records. Finally, applicants see a pre-occupancy video describing lease requirements.
- * **Results:** From January to September 1994, 99 applicants were denied because

of criminal histories (and another 37 for other reasons).

4) Richmond Redevelopment & Housing Authority (RRHA)

- * **Actions:** RRHA has bolstered its resident screening and eviction procedures with the help of FY 1995 Public Housing Drug Elimination Program funds. The Authority reviews applicants' prior arrest and recent felony conviction records. The authority, a local coalition against drugs and an association of apartment managers and owners share a listings of tenants who have been evicted or have skipped out without paying rent. Lease provisions make it possible to evict residents involved in drug-related or criminal activity, and prevent people convicted of felonies from living in the units. Finally, RRHA and the local police department share information.
- * **Results:** From July to December 1994, 191 evictions were executed. Units were only vacant for an average of 16 days before another tenant moved in, meaning less risk of the crime that often accompanies vacant units.

B. Operation Safe Home

Operation Safe Home targets criminals and gang activity in public housing brings together a coalition of forces to combat criminal and gang activity. Residents, managers and the various law enforcement agencies with jurisdiction over public housing work together to find, fight, and prevent 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.

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

Some specific examples of Operation Safe Home successes:

1) Washington, DC

- * **Actions:** A 10-month investigation by HUD's Office of Inspector General, ATF and the DC Metro Police.
- * **Results:** The investigation led to the arrest of 15 members of a drug gang that had terrorized residents of the DC Housing Authority's Kelly Miller complex. After the arrests, the authority coordinated a campaign to paint, clean up, install new windows, improve security and bring in other social services. Local

residents threw a block party to "celebrate" reclaiming their area.

2) **Boston, MA**

- * **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: special agents of HUD's Office of Inspector General, DEA, ATF, along with Massachusetts State Police, Boston Police and Boston Housing Police.
- * **Results:** Over 100 arrests were made, followed by community policing to continue 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.

3) **New York, NY**

- * **Actions:** An investigative task force, comprised of HUD's Office of Inspector General, ATF and the New York City Housing Police.
- * **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.

4) **Chicago, IL**

- * **Actions:** A coordinated investigation by multiple federal, state and local law enforcement authorities into murder and drugs at several Chicago Housing Authority developments.
- * **Results:** The investigation led to indictments for 38 members -- essentially the command structure -- of a violent street gang.

C. **Drug Elimination**

The Public Housing Drug Elimination Program 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, ranging from employing security guards and supporting resident patrols to creating alternatives to gang involvement for youths, play an integral role in coordinating law enforcement under Operation Safe Home.

Indications are that the Drug Elimination Programs are working. In a recent

evaluation of participating public housing agencies, 25 of the 28 evaluated reported improvements, either through a lowered incidence of reported crime or increased arrests for reported criminal activity.

1) **Greensboro, NC**

- * **Action:** After years of silence in the face of drug-related shootings and violent crimes, tenants organized themselves into Residents Against Drugs and helped to create Police Neighborhood Resource Centers (PNRC), community policing sites at five public housing complexes. In addition to providing a police presence, PNRCs also perform an array of community and education services. More than 60 trained residents from the community provide such services as drug awareness education and parenting skills training.
- * **Results:** In 1993, PNRC's first year at the Hampton Homes housing development, violent crime dropped by more than 40 percent.

2) **Portland, ME**

- * **Actions:** With help from the Public Housing Drug Elimination Program to support law enforcement services, the Portland Housing Authority maintains stringent screening and eviction efforts. All applicants are screened for eligibility and prior criminal activity over the last two years, especially related to drugs. Applicants are visited at home to assess their ability to follow the rules of the lease and live independently. The eviction program is based on tenants' adherence to lease terms, including clauses related to criminal and drug-related activities.
- * **Results:** Surveys of the Resident Councils suggest the start of improvements in drug-related problems, as well as an increased sense of cooperation and pride in the community.

3) **City of York, PA**

- * **Action:** With help from the Public Housing Drug Elimination Program to support law enforcement services, Housing Authority of the City of York (HACY) maintains screening and eviction programs. Applicants are screened to ensure their suitability for public housing, based on several factors. Screening includes a combination of home visits, criminal history and credit checks, and checks with former landlords. The eviction program is based on tenants' adherence to lease terms, including clauses related to criminal and drug-related activities.
- * **Results:** HACY has reduced its vacancy rate for all of its developments to less than 1 percent, down from 2.6 percent in 1993. Police presence and a perceived safer environment are believed to have helped in unit leasing.

Crime -
One Strike

A Forum of Opinion & Ideas

THE PLAIN DEALER - MONDAY, JANUARY 29, 1996

Just one strikeout

U.S. housing secretary wants to help
take back the streets

By Henry G. Cisneros

In his State of the Union address, President Bill Clinton challenged the nation to take back our streets from the gangs and drug dealers that threaten children. Nowhere is that effort needed more than in and around the nation's public and assisted housing developments — often ground zero for gang violence and drug trafficking in the United States.

If the nation is serious about reducing violent crime, we must begin here. In some cities, murder rates are three times higher in public housing than they are for those cities as a whole. Even in the nation's capital, the majority of violent crime occurs within six blocks of HUD-assisted housing.

Many of these crimes are committed by outsiders, by thugs who target these developments because they believe there is a lower risk of being arrested and convicted. By hitting gangs where they do business, by focusing on the epicenters of the crisis, we can do much to reduce the violent crime — and the fear it spawns — that threatens all of us.

The violence that plagues public housing residents — the majority of whom are women, children and senior citizens — is not random. In many cases, there is an organized gang presence that cannot be wiped out without coordinated undercover operations by the nation's law-enforcement agencies.

Recognizing this reality, the Department of Housing and Urban Development is spearheading a new federal initiative called Operation Safe Home to give residents new allies: HUD, FBI, DEA and ATF agents, the Secret Service, U.S. marshals and U.S. attorneys. By combining the capabilities of federal agencies with state and local law enforcement, we are pooling existing re-

sources to remove gangs, guns and drugs from housing that HUD helps fund.

Federal agents work with housing authorities to rid developments of residents who violate their leases. Working undercover, they set up "buy and bust" operations, use electronic surveillance to track mid-level cocaine and heroin distributors and conduct raids to arrest violent criminals, fugitives and drug traffickers. By relocating residents who are willing to testify against these criminals, we have helped prosecutors secure convictions for homicides that were previously unsolvable, restoring order to developments that previously were ungovernable.

In Cleveland, through the use of computers, outstanding felony arrest warrants were matched against public and assisted housing residents and lists of others receiving government-funded benefits. Out of 11,000 outstanding warrants, 138 people were targeted as wanted felons living in public housing. Of those targeted, 28 were arrested in a cooperative effort by HUD's inspector general, the Cuyahoga Housing Police Department, the County Sheriff's Office, and the Ohio State Auditor's Office.

Search and arrest warrants were executed simultaneously in Lima, Ohio, and Detroit, Mich., for members of a gang believed to be responsible for drug trafficking at Lima public housing and at least 10 drive-by shootings, assaults and three murders.

More than 100 HUD agents, working on 129 task forces throughout the United States, are achieving impressive results. Since we created Operation Safe Home, these task forces have made more than 6,800 arrests, confiscated more than 550 weapons and seized roughly \$1 million in cash and nearly \$3 million worth of drugs. With more funding and additional support at the local level, Operation Safe Home can continue to turn back the tide.

Yet, law-enforcement strategies, however successful, are not enough. The long-term solution to the crime problem in these places rests in changing the conditions — and the culture — within the most troubled public housing developments.

First, we need to make a major shift architecturally. No longer can we build immense towers to the sky and essentially warehouse the people who live inside. New developments must be smaller scale and more respectful of the people who live there. By using physical space more intelligently, we can also improve safety and security.

Second, we need to integrate human services directly into the developments. We need greater coordination among federal agencies on the social service side of the equation. We need to empower residents, encouraging security patrols to deal with drugs, gangs and guns; we need youth, training and child-care programs that give people something to say "yes" to — activities that give people a stake in their communities and help reduce crime.

Third, and perhaps most importantly, we need to change the incentives that govern public housing by striking a balance between rights and responsibilities. We need to change the rules so that unemployed residents who find work are not penalized by a dramatic hike in their rent.

While public-housing authorities need more power to reward and attract working families, they should be allowed to reject applicants with criminal records. While we should reward exemplary residents by giving them more housing choices, we should adopt a "one strike and you're out" eviction policy for those who break the rules. People who want to lift themselves out of public housing should not be held back by criminals who threaten their safety, or by a system that discourages self-reliance.

As a nation, we will be a lot safer when public housing is transformed into what it once was: a platform from which people can build a better life, instead of a haven for drug traffickers and gang leaders who prey on residents, and whose threat to the rest of society grows greater the longer it is ignored.

Cisneros is secretary of the U.S. Department of Housing and Urban Development.

BOSTON GLOBE JAN 28 1996

HENRY G. CISNEROS

Taking back public housing

In his State of the Union address, President Clinton challenged the nation to take back our streets from the gangs and drug dealers who threaten our children. Nowhere is that effort needed more than in and around the nation's public and assisted housing developments - often ground zero for gang violence and drug trafficking in the United States.

If the nation is serious about reducing violent crime, we must begin here. In some cities, murder rates are three times higher in public housing than they are for those cities as a whole. Even in the nation's capital, the majority of violent crime occurs within six blocks of HUD-assisted housing. Many of these crimes are committed by outsiders, by thugs who target these developments because they believe there is a lower risk of being arrested and convicted. By hitting gangs where they do business, by focusing on the epicenters of the crisis, we can do much to reduce the violent crime and the fear it spawns.

The violence that plagues public housing residents - the majority of whom are women, children and senior citizens - is not random. In many cases, there is an organized gang presence that cannot be wiped out without coordinated undercover operations by the nation's various law enforcement agencies.

Recognizing this reality, HUD is spearheading a new federal initiative called Operation Safe Homes to give residents new allies: HUD, FBI, DEA and ATF agents, the Secret Service, US marshals and US attorneys. By combining the capabilities of federal agencies with state and local law enforcement, we are pooling existing resources to remove gangs, guns and drugs from housing that HUD helps fund. Federal agents work with housing authorities to rid developments of residents who violate their leases. Working undercover, they set up "buy and bust" operations, use electronic surveillance to track mid-level cocaine and heroin distributors and conduct raids to arrest violent criminals, fugitives and drug traffickers. By relocating residents who are willing to testify against these criminals, we have helped prosecutors secure convictions for homicides that were previously unsolvable, restoring order to developments that were previously ungovernable.

In the Mission Hill development in Boston, residents had to carry baseball bats to escort their children to school. Street gangs terrorized the tenants, defaced and destroyed residential buildings and converted playgrounds into open-air drug markets. HUD's inspector general - working with the Boston Housing Police, Boston's Municipal Police, as well as the DEA, the ATF and the Housing Authority - arrested 120 people in a 24-

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NEWS EXPRESS

PAGE ____ OF ____

hour period, excluding the main criminal element from the area. A year after the raid, calls to police had declined by more than 50 percent, with emergency calls to 911 declining by more than 72 percent.

More than 100 HUD agents, working on 120 task forces throughout the United States, are achieving impressive results. Since we created Operation Safe Home, these task forces have made more than 12,000 arrests, confiscated over 550 weapons and seized roughly \$1 million in cash and nearly \$1 million worth of drugs. With more funding and additional local support, Operation Safe Home can turn back the tide.

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As a nation, we will be a lot safer when public housing is transformed into what it once was: a platform from which people can build a better life instead of a haven for drug traffickers and gang leaders who prey on residents and whose threat to the rest of society grows greater the longer it is ignored.

Henry G. Cisneros is the US secretary of Housing and Urban Development.

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NewsExpress

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**BUILDING PARTNERSHIPS FOR SAFER COMMUNITIES SYMPOSIUM
TENTATIVE SCHEDULE OF EVENTS**

The White House Conference Center - Washington, DC
March 27-28, 1996

*Crime -
One Strike
at your At*

WEDNESDAY, MARCH 27, 1996

4:00 pm - 8:00 pm Registration for Symposium
Mayflower Hotel - Grand Ballroom Corridor

6:00 pm - 8:00 pm Welcoming Reception
Mayflower Hotel - Chinese Room

THURSDAY, MARCH 28, 1996

7:00 am - 8:00 am Late Registration for Symposium
Mayflower Hotel- Grand Ballroom Corridor

8:00 am - 8:30 am Travel (walk or cab) from Mayflower Hotel to
The White House Conference Center

8:30 am - 9:00 am Security Checkpoint for Attendees at
The White House Conference Center

9:00 am - 10:00 am Opening Session
Truman Room - The White House Conference Center
Henry Cisneros, Secretary, U.S. Department of Housing and Urban Development,
Highlighting the "One Strike And You're Out" Initiative and General Barry
McCaffrey, Director, Office of National Drug Control Policy
_____, Department of Justice or
_____, Department of Treasury

10:00 am - 10:15 am Break - Eisenhower & Lincoln Rooms
The White House Conference Center

10:15 am - 12:00 n Panel Discussion- Truman Room - The White House Conference Center
*A Mayor, Chief of Police, PHA Executive Director, Pat Hines (ATF) and Susan
Gaffney (HUD's IG) will Describe The Elements Needed for Successful Collaborations*
Moderated by Kevin E. Marchman, Acting Asst. Secretary for Public and Indian
Housing

12:00 n - 1:00 pm Lunch (on your own)

1:00 pm - 1:30 Question and Answers re: One Strike Guidelines
Nelson Diaz and Kevin Marchman

1:30 pm - 3:00 pm Working Roundtables Sharing Local Success Stories and Strategies
Eisenhower, Lincoln, and Jackson Rooms - The White House Conference
Center Participants will break into smaller groups for discussion of substantive
topics. Each group will be moderated by a Facilitator and all dialogues will be
recorded for distribution after the symposium.

3:00 pm - 4:30 pm Roundtable Summary Reports
Truman Room - The White House Conference Center Each Roundtable Facilitator will
report to the Secretary or a moderate way to promote collaborations at a national
level. Michael B. Janis, Gen. Dep. Asst. Secretary for Public and Indian
Housing

"...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

I. One Strike and You're Out: How It Can Help Our Public Housing Communities

Public housing is a place to live, not a place to deal drugs or to terrorize your neighbors. Yet today, many of America's 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 residents who engage in criminal activity that threatens the safety and well-being of the public housing community must be evicted.

Building on this concern -- and aiming to address this need directly and effectively to ensure the safety and health of public housing communities -- President Clinton has proposed 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:

- free public housing residents from daily threats to their personal and family safety;
- build public housing communities that are safer and drug-free;
- support parents in their efforts to instill the values of hard work, personal responsibility, and good citizenship in their families;
- create an environment where young people, especially children, can live, learn, and grow up to be productive and responsible citizens;
- 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
- 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 and Portland, Oregon 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.

II. Guidance for Adopting a "One Strike and You're Out" Policy

Today, there are 3,400 public housing authorities providing homes for over 3 million low-income families. Nearly all but 100 of these housing agencies are well-managed and provide safe, attractive, and quality homes. 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 that is failing its mission to provide decent and safe environments for families. Rampant drug and gang activity and violent crime are found in communities that are nothing but run-down developments isolated from the social and economic fabric of society. HUD has embarked on a comprehensive strategy to transform all public housing into communities of opportunity. Residents cannot be provided with uplifting opportunities when the place they call home is a haven for crime.

As a first step in a larger anti-crime strategy to protect public housing communities against gangs, drugs, and violence, 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 are grounds for eviction. Some PHAs, however, do not take full advantage of their authority to use stringent screening and eviction procedures. Moreover, PHAs, local police departments and courts do not always work together to promote community safety. These guidelines are intended to assist local housing agencies in 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.

Guiding Principles

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:

- **All citizens have the right to live in peace and freedom from fear, intimidation, and abuse.** Public housing residents have the same rights as all 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.

- **Because of the extraordinary demand for affordable rental housing, public and assisted housing should be awarded to responsible citizens.** Some have expressed concerns about evicting criminals from public housing for fear that such individuals or their families will have nowhere to go. At a time when the shrinking supply for 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 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.

Applicants and current residents of public housing should be protected from discrimination and violation of their rights 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 should not infringe upon an individual's right to privacy and should not discriminate based on race, nationality, disability or membership in other protected groups or categories.

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.

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 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 screen for criminal records.*

PHAs should adopt 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 history, 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, where practicable, should also be conducted on all adult members of the applicant household, rather than on just the applicant. Oftentimes, 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 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. HUD is seeking legislation that will require the National Crime Information Center (NCIC) and other law enforcement entities to provide criminal conviction records to public housing agencies.

PHAs should endeavor to address the concerns of law enforcement agencies and courts that are reluctant to share arrest and conviction records even where this information is public. For example, PHAs can inform local authorities that they have a right to such information and can demonstrate their ability to utilize such information appropriately and fairly by putting in place systems that secure, use and then destroy such data.

3. *Develop screening criteria for case-by-case consideration.*

PHAs should establish criteria for case-by-case consideration of applications for residence that take into account histories of criminal activity. The kinds of criminal activity PHAs should consider include: violent crimes and any other crimes that would pose a threat to the life, health, safety, or peaceful enjoyment of residents. PHAs should focus on the concrete evidence of the seriousness and recency of criminal activity as the best predictors of tenant suitability. PHAs also should consider 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.

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 applicants are received and make copies of those policies available to applicants upon request. If PHAs deem an applicant ineligible for admission, they 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.

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 screening, 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.

Enforcement by Eviction

The second key component of a One Strike policy is to have clear lease provisions that bar criminal activity and 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 near 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 even a guest engages in the prohibited criminal activity.

Even when lease terms are agreed to by tenants, PHAs may encounter problems in the actual enforcement of lease terms prohibiting 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 will engage in the prohibited criminal activities, and providing that failure to abide by this term is grounds for eviction. It is highly recommended that the lease also contain language expressly stating that any 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.

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. This does not mean that tenants can be evicted for suspected engagement in prohibited activity. Plainly, PHAs will have to prove in court that a tenant has violated his or her lease. Although some state laws require conviction in order to evict tenants, these laws are preempted by federal law.

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 which 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 adult 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 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, irregardless of whether he or she was personally engaged in the prohibited 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 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 must 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, non-discriminatory 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.

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.

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

Because eviction procedures vary from state to state, it is important that attorneys 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. Whether the attorneys are PHA staff members or under contract, PHAs should ensure that they have the necessary training and experience or guidance in local law.

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 a rental unit. 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.

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 design One Strike policies initially; 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 civilian witnesses the opportunity to relocate to another home, if necessary.*

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 primary eligible activities under the Section 8 rental certificates program so that PHAs can assist families to move to privately-owned apartments. At HUD's insistence, Congress has also eliminated mandatory federal preferences governing who is eligible to live in public or assisted housing (provided they still meet income qualifications), thus giving PHAs more flexibility to put resident witnesses at the top of local waiting lists.

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 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 nonresidents can be grounds for eviction of the current residents. Sometimes simply providing warnings of the possibility of 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.

III. 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.

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

- * **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. Their 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, 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.

- * **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. 41 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. The overall incidents of drug-related crime has dropped from 227 in 1993 to 173 in 1994 and continued to fall in 1995. 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 in living in LMHA properties, an increase in 22 percentage points in less than two years.

2) **Housing Authority of Portland, Oregon (HAP)**

- * **Actions:** HAP uses an aggressive screening policy, combined with vacancy reduction and eviction. HAP's screening policy on drug-related crime says that "applicants whose habits and practices reasonably may be expected to have a detrimental effect on the tenant or project environment" are denied admission. A full range of screening procedures puts the policy into action, such as: applications and reference forms with questions about gang-related and/or criminal activity; criminal background checks on all household members 15 years of age or older; formal screening by a Prospective Renters Verification Service; review through the state Judicial Information Network to determine the final outcome of civil, criminal and eviction court cases, checking the Association of Oregon Housing Authority records on evictions and residents owing money, and HAP's own Do Not Rehouse records. Finally, applicants see a pre-occupancy video describing lease requirements.
- * **Results:** From January to September 1994, 99 applicants were denied because of criminal histories (and another 37 for other reasons). Between May 1988 and March 1994, the most crime-ridden and troubled public housing development in the city saw a 78% drop in the incidents of gang activities, 72% drop in robbery cases, and 60% drop in drug abuse cases. At another development, the additional implementation of a community policing project led to a 45% drop in gang activity and 83% drop in drug abuse cases in one just year.

3) **Charlotte Housing Authority (CHA), Charlotte, NC**

- * **Actions:** Since 1979, the CHA has screened applicants for prior rental history both as a renter and as a neighbor. Screening has also included the person's civil and criminal court records. In 1983, the screening process was expanded to include screening of all persons 16 years of age or older who were listed on the application. Four years ago, CHA adopted a new lease and grievance policy. Under this new policy, grievances for cases involving violent crime and drugs are expedited. Residents have only three days to request a hearing and that hearing is before a single hearing officer instead of the normal grievance panel. CHA has also asked the North Carolina Legislature for legislation permitting them to go directly from the grievance hearing to District Court in matters involving drugs and crime in order to circumvent the lengthy proceedings in civil/magistrate court.
- * **Results:** As a result of the combination of aggressive police patrols, lease enforcement, prevention, and drug treatment, the crime rate fell during 1994 by 8.7 percent overall and 12.4 percent in targeted neighborhoods. The crime rate has continued to fall in 1995.

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.

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

Some specific examples of Operation Safe Home successes:

1) Washington, DC

- * **Actions:** A 10-month undercover investigation of a local gang by HUD's Office of Inspector General, ATF and the DC Metro Police.
- * **Results:** The investigation led to the arrest of 15 members of a drug gang that had terrorized residents of the DC Housing Authority's Kelly Miller complex. After the arrests, the authority coordinated a campaign to paint, clean up, install new windows, improve security and bring in other social services. Local residents threw a block party to celebrate reclaiming their area. Today, Kelly Miller has been designated a "drug-free zone."

2) Boston, MA

- * **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, ATF, along with Massachusetts State Police, Boston Police and Boston Housing Police.
- * **Results:** Over 100 arrests were made, followed by community policing to continue 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.

3) **New York, NY**

- * **Actions:** An investigative task force, comprised of HUD's Office of Inspector General, ATF and the New York City Housing Police.
- * **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.

4) **Chicago, IL**

- * **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.
- * **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 (except PHDEP does not support 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.

1) **Providence, RI**

- * **Actions:** This PHA's comprehensive plan to eliminate drugs 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.
- * **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 percent over FY 1994. Total arrests on public housing properties have increased more than 85% over arrests made during FY 1994, reflecting the stepped-up level of law enforcement and resident

involvement in the community. Between FY 1994 and 1995, property crimes decreased by 15 percent.

2) **Denver, CO**

- * **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 (CRS) and a Denver Police Community Resource Officer (CRO). 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.
- * **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.

2) **Flint, MI**

- * **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.
- * **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. A total of 23 drug arrests were made in 1992 and 1993. From April 1993 to June 1994, only 12 drug arrests were made in the four developments.

*** For additional information on these and other model anti-crime 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.

NOTE: Pending Legislation May Affect Admissions and Evictions Policies in Public and Assisted Housing

At the time these guidelines were written, legislation known as the Housing Opportunity Program Extension Act of 1995 (Extender Bill) was being considered by Congress. The Extender Bill provides reforms that make it easier for housing agencies to screen and evict persons who use illegal drugs or abuse alcohol. The Extender Bill, if passed by Congress and signed by the President, would affect this One Strike guidance, with respect to both admissions and lease enforcement.

With respect to screening of applicants, the Extender Bill:

- provides PHAs access to the criminal conviction records maintained by the National Crime Information Center and other law enforcement entities and requires that PHAs establish records management systems to ensure confidentiality and proper use of such records;
- provides that persons evicted from public housing because of drug-related crimes shall not be admitted to public housing or receive tenant-based Section 8 rental assistance for three years, unless they have successfully completed a rehabilitation program; and
- requires occupancy standards that prohibit occupancy in public housing and assistance under Section 8 for any person illegally using a controlled substance, or for any person where the PHA has reasonable cause to believe that such illegal use, or abuse of alcohol, may interfere with the rights of other residents. In determining whether to deny occupancy, PHAs may consider evidence of an individual's rehabilitation.

With respect to enforcement by eviction, the Extender Bill:

- allows waiver of PHA administrative grievance procedures for any activity that threatens the rights of other residents or employees irrespective of whether the activity is "criminal", and for any drug-related criminal activity, whether it occurs on or off the premises;
- expands the required grounds for eviction to include any drug-related criminal activity, whether it occurs on or off the premises; and
- requires lease terms that allow evictions of any person illegally using controlled substances, or whose illegal use of a controlled substance or abuse of alcohol is determined by the PHA to interfere with other residents' rights.