

MEETING the *Challenge:*

**Public housing authorities
respond to the "One Strike
and You're Out" initiative**

“*Make no mistake about it; in public housing, drugs are public enemy number one. We must have zero tolerance for people who deal drugs. They are the most vicious, who prey on the most vulnerable. They are the jailers, who imprison the elderly. They are the seducers, who tempt the impressionable young. They must be stopped. ‘One Strike and You’re Out’ is doing just that.***”**

HUD Secretary Andrew Cuomo
June 1997

Acknowledgments

This report is the result of the efforts of many people. First, we would especially like to thank the executive directors of the public housing authorities who took the time to respond to the survey; they provided data for this analysis. Without their assistance, this report would not have been possible.

We would also like to thank those who have contributed to the implementation of the One Strike and You're Out policy: President William J. Clinton; Andrew Cuomo, U.S. Secretary for Housing and Urban Development; Janet Reno, Attorney General of the United States; Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing at HUD; and Gloria Cousar, Deputy Assistant Secretary for Real Estate Performance, Funding and Customer Service at HUD.

Executive Summary

On March 28, 1996, President Clinton signed into law the Housing Opportunity Program Extension Act of 1996, which established the legal foundation for the One Strike and You're Out Policy in public housing communities across the Nation. One Strike is a strict, straightforward policy that ensures that public housing residents who engage in illegal drug use or other criminal activities on or off public housing property face swift and certain eviction. The policy allows public housing authorities (PHAs) to conduct criminal background checks to screen housing applicants and offers clear guidelines concerning who can be denied admission to public housing. Under this policy, PHAs also have the authority to institute tough rules prohibiting alcohol abuse on public housing grounds. Now, an entire household can be evicted or denied housing if a housing authority has reasonably determined that any member or guest of a household is engaging in illegal drug use or criminal or other activities that interfere with other residents' peaceful enjoyment of the public housing community.

In March 1996, only a handful of PHAs had implemented individual policies as strong as the One Strike policy. By May 1997—just over a year later—75 percent of the 1,818 housing authorities that responded to a recent survey had One Strike policies in place. Approximately 56 percent of the Nation's 3,190 PHAs responded to the 10-question One Strike and You're Out Progress Questionnaire, a survey conducted by HUD's Office of Crime Prevention and Security (OCPS). None of the public housing authorities in the District of Columbia, Hawaii, and Guam returned the survey.

One Strike is the toughest admission and eviction policy that HUD has implemented. However, it builds on more than 20 years of local PHA initiatives to improve the quality of life for public housing residents. The national policy builds on two previous laws: The Anti-Drug Act of 1988, which allowed PHAs, for the first time, to terminate resident leases for drug-related or criminal activities, and the National Affordable Housing Act of 1990, which expanded on the 1988 act to hold family members accountable for the criminal activities of household members and guests.

HUD considers the One Strike policy to be a model of its future operations.

On the one hand, HUD has established the legal grounds for One Strike at the national level and an agreement with the U.S. Attorney General to

ONE STRIKE

provide access to the National Crime Information Center (NCIC) database. HUD has also explained PHAs' rights and obligations once they have implemented One Strike. PHAs, on the other hand, are responsible for the policy's local implementation, including establishing working agreements with local law enforcement agencies to obtain NCIC information. Each PHA must customize the national policy to fit its needs. For example, HUD's One Strike guidelines do not offer standardized leases; housing authorities must rewrite their leases to conform to the One Strike objectives. New lease language strengthens a housing authority's position when it starts eviction proceedings.

One Strike is succeeding. After its first year, One Strike is popular with the housing authorities that are using it. PHAs are training their staffs to be more effective in implementing One Strike rules, and they are informing residents of the new policy. More often than not, residents who are informed of the new initiatives support them. (In some public housing communities, tenants already in violation of the new rules moved out before eviction proceedings started.) PHAs are also developing partnerships with residents and local service providers to ensure One Strike's success.

PHAs that responded to the survey stated that the number of applicants who have been denied housing because of involvement in illegal drug use or other criminal activities was 19,405 during the 6 months after One Strike went into effect, nearly double the number of denials in the 6 months before One Strike. The number of evictions also increased by 1,096 during the same period. Still, some PHAs complain that under the new initiatives they have been obligated to evict law-abiding residents whose children, grandchildren, or guests have violated the new rules. However, HUD expects the number of One Strike evictions to decrease as housing authorities strengthen their applicant screening procedures.

PHAs that have successful One Strike policies share many traits. Because One Strike builds on previous screening and eviction initiatives, PHAs that already had similar policies report great success with One Strike. Often these housing authorities were already receiving funds from Public Housing Drug Elimination Program (PHDEP), which incorporates many of the same goals as One Strike. Successful One Strike PHAs also scored 80 or above on the Public Housing Management Assessment Program's (PHMAP) 100-point scale, which measures various aspects of PHA management. These

high scores indicate that strong management practices, such as residential awareness campaigns, staff and law enforcement training, and NCIC agreements with local law enforcement, are essential to One Strike success.

One Strike has some obstacles to overcome. One of the biggest obstacles for PHAs is coordinating efforts with local and State law enforcement agencies and even with legislatures in States where privacy laws prohibit the use of criminal background checks for any housing applicants. Housing authorities bordering State lines also need to improve their working relationships with law enforcement agencies in more than one State to obtain NCIC information. The recent agreement between HUD and the U.S. Attorney General to allow PHAs access to NCIC information is expected to minimize this problem.

Another concern has been One Strike's effect on PHMAP scoring. With the number of evictions rising and units remaining vacant longer during One Strike's first year, success with One Strike has adversely affected some housing authorities' PHMAP scores. In FY 1997, PHMAP will specifically measure the effectiveness of One Strike initiatives, so the policy itself will no longer jeopardize a PHA's overall score. HUD also expects PHAs to improve their management practices as their staffs begin to understand the implications of One Strike: Once a PHA staff knows that the average One Strike applicant screening takes longer than previous screening, it can start screening new applicants well before a unit is scheduled to be vacated. This will enhance PHMAP scores.

HUD plans to monitor One Strike's progress. Changes to PHMAP scoring and the new agreement that authorizes PHA access to NCIC information are the two major adjustments that HUD has overseen during One Strike's first year. HUD will continue evaluating the policy and reporting on its progress, which means that the 1997 One Strike and You're Out Policy Progress Questionnaire is only the first of several One Strike surveys HUD intends to conduct.

HUD also plans to concentrate on additional policy developments and to offer technical assistance to encourage adoption of One Strike initiatives. Meanwhile, local PHAs have the flexibility and obligation to create a One Strike program that works in their communities.

One Strike evictions and denied admissions can be challenged in court. Since the Anti-Drug Act of 1988 was passed, housing authorities have had the

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authority to evict tenants for drug-related and other criminal activity of any household member or guest. Tough screening and evictions policies, whether as part of One Strike or the policies that preceded it, have been challenged in court. The policy has been challenged when someone other than the leaseholder committed the offense that has led to PHA action. Sometimes the court has ruled in the PHA's favor, and sometimes in the tenant's. To maintain the court's approval, HUD's Office of General Counsel advises PHAs to enforce the new lease terms in a nondiscriminatory manner to ensure that all parties involved receive due process. Balancing the rights of law-abiding residents against the rights of those accused of drug-related and other criminal activity, whether on or off public housing property, is necessary to guarantee that One Strike will continue to improve the quality of life in public housing without jeopardizing any citizen's civil rights.

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Introduction

Public housing in the United States is a place to live, not a place to deal drugs or to terrorize neighborhoods. Yet in recent years, many public housing communities have come under siege by gangs, violent criminals, and drug dealers who threaten the safety and welfare of decent responsible tenants. In the face of this crisis, residents, public housing authorities (PHAs), and the U.S. Department of Housing and Urban Development (HUD) agree that decisive action must be taken to guarantee the safety and well-being of families who live in public housing. Building on that consensus in his 1996 State of the Union Address, President Clinton challenged PHAs and tenant associations to remove drug dealers and other criminals from public housing communities. "From now on, the rule for residents who commit crime and peddle drugs should be one strike and you're out," the President stated.

The President proposed this strict, straightforward policy to ensure that public housing residents who engage in illegal drug use and other criminal activities *on or off* public housing property will face certain and swift eviction. This proposal also established tough new rules on alcohol abuse on public housing grounds. The policy—known as One Strike and You're Out, or simply One Strike—has been in effect for 1 year.

When a PHA institutes a One Strike policy to reduce drug-related and other criminal activities, it gains broad authority to evict tenants who violate the new rules and to screen applicants carefully. To meet policy goals, the PHA must incorporate clear language in its leases about provisions that prohibit drug-related and criminal activities in its communities. The PHA must inform residents of the new eviction rules and involve them in the tenant selection process. When screening applicants, the PHA must clearly state in its lease that illegal drug use and other criminal activities are grounds for eviction.



One Strike and You're Out Timeline

Significant Events in the Implementation of the One Strike Policy

January 23, 1996

President Clinton unveils the One Strike and You're Out initiative in his State of the Union Address. This announcement challenges HUD, PHAs, and residents to do more to increase safety and security in public and assisted housing communities.

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January 23, 1996

To meet the President's challenge, HUD begins an intensive effort to educate and train its staff, PHAs, law enforcement officials, and communities on the procedures, policy, and laws under One Strike. HUD also issues guidelines, regulations, and new legislative proposals to enhance One Strike implementation.

March 28, 1996

President Clinton signs the Housing Opportunity Program Extension Act of 1996 (the Extension Act) into law.

April 12, 1996

Issuance of HUD Notice PIH 96-16 provides interim guidelines for PHAs implementing One Strike policies.

By March 1996, only a handful of PHAs had incorporated the One Strike policy into management practices. Many PHAs delayed implementing tough new regulations because they first wanted to know how far they could go in instituting strict eviction and screening policies before they risked violating residents' and applicants' civil rights. Although the strict policy was designed to protect law-abiding residents from those intent on breaking the law, it has the potential to place PHA staff and residents in difficult situations. For example, during the first year of the policy, some PHAs were obligated to evict residents who had not violated the new rules themselves but whose children, grandchildren, or guests had violated those rules.

On March 27 and 28, 1996, HUD's Office of Public and Indian Housing hosted the Public Housing Anti-Crime Summit at the White House to ensure that PHAs' staff understood the One Strike strict policy of "zero tolerance" of abusive behavior. The summit showcased the Federal Government's strong commitment to the policy and PHAs with One Strike initiatives already in effect that could be used as models for other One Strike programs. Guidelines for establishing a policy were also created. In addition, President Clinton signed the Housing Opportunity Program Extension Act of 1996, or the Extension Act, which gives PHAs new authority to deny occupancy on the basis of proven illegal drug-related activity and alcohol abuse. The act also requires that PHAs use that authority.

HUD updated PHAs on the new act and its requirements through three notices that disseminated One Strike guidelines, described the requirements of the Extension Act, and finally notified PHAs of changes in the Public Housing Management Assessment Program (PHMAP) that would measure One Strike effectiveness in each PHA.

From fall 1996 through spring 1997, HUD's Office of Crime Prevention and Security (OCPS) conducted regional training workshops, called "One Strike: Security and Enforcement Strategies That Work." The training focussed on the new One Strike policy and how PHAs can use it to develop and improve effective security and enforcement strategies. The sessions offered PHA staff, law enforcement agencies, and resident groups an opportunity to develop and implement comprehensive, community-based approaches to combating drugs and drug-related crime.

In March 1997, OCPS through the Drug Information & Strategy Clearinghouse (DISC) issued a survey to the Nation's 3,190 PHAs that

requested basic information about each authority's progress with One Strike. By the beginning of June, DISC had received 1,818 surveys. The survey respondents indicated that One Strike has made a difference in communities throughout the United States. Respondents also identified the biggest obstacles to implementing a One Strike policy and suggested improvements to policy implementation.

According to survey respondents, One Strike has already helped create an environment where young people, especially children, can live, learn, and grow up to be productive and responsible. By aggressively rooting out criminals, the policy can continue to help build public housing communities that are drug free and even safer than they are now. And, it can ensure that public housing residents can pursue work and educational opportunities that allow them to attain self-sufficiency outside public housing.

In the following report, OCPS and DISC analyze the results. The introduction presents background on the Extension Act, a description of the One Strike and You're Out Progress Questionnaire, the survey itself, and the survey methodology. The following chapters discuss survey results in some detail:

- The respondents.
- Survey results.
- Profile of a successful One Strike agency.
- Obstacles and suggested improvements.

Housing Opportunity Program Extension Act of 1996

The primary statutory instrument of the One Strike policy is Section 9 of the Housing Opportunity Program Extension Act of 1996, known as the Extension Act. Section 9, Safety and Security in Public and Assisted Housing, outlines the screening, lease, and eviction provisions that PHAs must adopt. The act introduced several statutory changes that require PHAs to implement new or expanded screening and eviction policies in the public housing and Section 8 certificate, voucher, and modernization-rehabilitation programs. These policies include the following measures:

- Bar persons previously evicted from public- or tenant-based assisted housing for drug-related criminal activity for a period of 3 years.

May 6, 1996

PHMAP proposes a rule to be published for comment in the Federal Register. This revised PHMAP rule includes an additional indicator on the quality of the PHA anti-crime and security programs.

May 15, 1996

Issuance of HUD Notice PIH 96-27 describes the screening, lease, and eviction provisions that PHAs must implement under the Extension Act. PHAs are to begin implementation without waiting for publication of regulations.

STRIKE ONE

July 1, 1996

One Strike and You're Out videoconference is held. Nearly 2,000 HUD and PHA staff attend the conference at HUD field office locations, and 10,000 more participants view the video through the Law Enforcement Television Network and the Housing Television Network.

July 25, 1996

Issuance of HUD Notice PIH 96-52 provides PHAs with advance notice that an additional indicator for security is to be included in the new PHMAP. PHAs are advised to begin collecting relevant information for reporting on security activities.

October 1996

Crime Prevention and Security Regional Training workshops on One Strike policy and procedures begin. Workshops continue to be held through June 1997.

- Bar admission of persons whose pattern of illegal drug use or alcohol abuse interferes with the rights of others to peaceful enjoyment of their housing.
- Allow termination of assistance or leases to persons whose pattern of illegal drug use or alcohol abuse interferes with the rights of others to peaceful enjoyment of their housing.

PHAs may consider whether the applicant has completed a rehabilitation program as a factor in screening and evictions. Policies should be applied consistently to all affected parties, and adequate grievance procedures must be in place.

Pertinent statutory provisions of Section 9 that apply only to public housing include the following:

- PHAs *must* amend admissions policies and procedures to prohibit admission of persons evicted for drug-related criminal activity for a period of 3 years from the date of eviction. PHAs may waive this requirement if the individual demonstrates successful completion of a rehabilitation program or if the circumstances leading to the eviction no longer exist.
- PHAs *must* amend admissions policies and procedures to screen out applicants who are:
 - Illegally using a controlled substance.
 - Reasonably believed to be abusing alcohol in a manner that may interfere with the health and safety of other residents or their right to peaceful enjoyment of the premises.
 - Reasonably believed to be engaging in a pattern of abuse of an illegal substance or alcohol that would interfere with the health and safety of other residents or their right to peaceful enjoyment of the premises.

These requirements may be waived if the applicant demonstrates successful completion of a PHA-approved rehabilitation plan and that he or she is no longer engaging in such activities.

- PHAs *must* establish policies and procedures to terminate assistance because of illegal use of controlled substances or alcohol abuse that interferes with the health and safety of other residents or their right to peaceful enjoyment of the premises.
- PHAs *must* amend their standard leases, with the requisite prior notice and comment period, and have residents sign them at the next reexamination. The revision of the lease must state that the following are grounds for termination:

- Drug-related criminal activity *on or off* the premises (as opposed to just on or near the premises).
- Alcohol abuse that the PHA determines interferes with the health and safety of other residents or their right to peaceful enjoyment of the premises.

In addition to these new statutory requirements, several provisions of the act give PHAs the flexibility to implement selected One Strike components, rather than mandate them. This flexibility includes:

- In States where HUD has determined that a court provides the elements of due process, PHAs may bypass the grievance procedures in cases involving termination of tenancy for *any activity*, not just a criminal activity, that threatens PHA employees' or other residents' health, safety, or right to peaceful enjoyment of the premises or any drug-related criminal activity *on or off* such premises, not just on or near such premises.

If PHAs plan to amend their grievance procedures, they must provide residents with notice and opportunity to comment, as stated in 24 CFR 966.52(c).

- PHAs may access criminal records of adult applicants for or residents of public housing through the National Crime Information Center (NCIC), police departments, or other law enforcement agencies. The availability of such records is mandated by the Extension Act.

It should be noted that arrest and conviction are no longer necessary to trigger One Strike evictions or to deny admissions.

December 16, 1996

Judicial Education Conference is held with the U.S. Department of Justice. FBI issues originating agency identifier (ORI) numbers to largest 122 PHAs (all other PHAs may request ORI numbers).

December 30, 1996

The PHMAP rule, including the new security indicator, is published in the Federal Register. This rule goes into effect on January 27, 1997. PHAs with fiscal years ending on March 31, 1997, are the first required to report under this new rule.

STRIKE ZONE

March 31, 1997

Issuance of proposed rule, "Implementing Provisions of the Housing Opportunity Program Extension Act of 1996," is published in the Federal Register; and Section 8 Certificate, Voucher, and Moderate Rehabilitation Admission and Occupancy policies (FR-4159-P-01) amend and extend these program regulations for One Strike provisions.

April 18, 1997

HUD's Public Housing Management Reform Act of 1997 is introduced by Congressman Joseph Kennedy as H.R. 1447. Title III of this bill proposes additional legislation to broaden and strengthen the One Strike authority created by the Extension Act.

Historical Context

The first legal provisions that allowed PHAs to evict tenants for undesirable activity began in 1971 in response to *Escalera v. New York City Housing Authority*. The court ruled that public housing was a benefit that could be taken from a recipient or denied to an applicant if due process is guarded. According to the ruling, tenants in public housing are entitled to the minimum procedural safeguards of the 14th Amendment of the U.S. Constitution when their tenancies are terminated by the PHA for nondesirability or for rules violations. Those procedural safeguards are to be decided by a court that can balance the PHA's interest in the efficient administration of the community against the interests of the individual. Since the New York City Housing Authority (NYCHA) established court-approved policies and procedures to protect its own interests and those of its residents and applicants, it has served as a model for other PHAs. The ruling has served as the foundation for further legislation.

Current One Strike lease enforcement and screening provisions represent the most recent incarnation of previous anti-drug and anti-crime statutory language. The One Strike policy incorporates the following legislative acts:

- The Anti-Drug Abuse Act of 1988 allowed PHAs, for the first time, to terminate resident leases for criminal and drug-related activities.
- The National Affordable Housing Act of 1990 refined the 1988 act to hold family members responsible for the criminal activities of household members and guests.
- On March 28, 1996, President Clinton announced the One Strike policy for public housing residents and signed the Housing Opportunity Program Extension Act of 1996 into law.

Notices and Provisions for Administration of and Responses to One Strike

In 1996 to further clarify One Strike policy requirements, HUD issued three notices relating to the One Strike policy:

- PIH 96-16, issued April 12, details guidelines to assist PHAs in developing and enforcing stricter screening and eviction procedures.
- PIH 96-27, issued May 15, describes the provisions of the Extension Act of 1996 that PHAs are required to adopt.
- PIH 96-52, issued July 25, notifies PHAs that implementation of One Strike initiatives would be part of the Public Housing Management Assessment Program (PHMAP) security indicator for accountability monitoring and risk management. This notice states that One Strike initiatives will be assessed under PHMAP Indicator #8 for security. The new indicator will evaluate PHAs with 250 or more units to determine if they are:
 - Tracking and reporting crime-related problems.
 - Screening applicants and denying their admission per One Strike rules.
 - Evicting residents per One Strike rules.
 - Meeting goals in HUD-funded drug elimination or crime reduction grants.

PHAs unable to improve their performance would be subject to additional HUD supervision and technical assistance.

May 9, 1997

Issuance of proposed rule, "Streamlining the Public Housing Admission and Occupancy Regulations" (FR-4084-P-01), amends the regulations for One Strike provisions.

July 1997

Regional training sessions on management aspects of One Strike implementation are scheduled to begin. These sessions are to continue through the remainder of 1997.

Survey Description

Since President Clinton unveiled the One Strike policy in his 1996 State of the Union Address, HUD has provided training and technical assistance on the strict terms and benefits of this policy to public housing professionals, police officers, State and local welfare drug treatment providers, and public housing residents. Acting Assistant Secretary for Public and Indian Housing Kevin Emanuel Marchman charged OCPS with monitoring the progress of PHAs in bringing all public housing units under the One Strike policy.

To measure progress and to determine how training and technical assistance can best be employed, OCPS issued a 10-question survey on the policy to all PHAs. The questions were designed to give HUD qualitative and quantitative statistical analysis of the policy's effect on public housing communities. Questionnaire responses, which were forwarded to DISC, were voluntary with no expectation of confidentiality. OCPS plans to use the survey results to measure the benefits of the policy and to enhance its effectiveness by identifying the areas that need improvement.

Although the survey is useful for many purposes, it has limitations. Its initial goal was to identify key characteristics that survey respondents share and those that they do not. To achieve this goal, the survey form gave the respondents the opportunity to describe their One Strike policy initiatives. The survey form did not address the types of households in the responding PHAs; the number of drug-elimination grants received from other Federal, State, and local sources; or whether PHAs are in rural or metropolitan locations, or in high-intensity drug-trafficking areas. This information would have considerably enhanced the identification of the characteristics of PHAs responding to the survey.

On May 1, 1997, DISC mailed postcards reminding PHAs of the importance of answering the survey. Throughout May 1997, DISC staff also answered telephone calls from PHA personnel who had specific questions about the survey. Completed responses were returned by mail, phone, and fax. OCPS estimated that the average time for reviewing instructions, searching existing databases, gathering and maintaining the data needed, and completing and reviewing the data would be 15 minutes.

DISC operates under a contract with HUD to provide housing officials, residents, and community leaders with information and assistance on drug abuse prevention and drug-trafficking control techniques. DISC provides information packages, HUD regulations, newsletters, and technical assistance to PHAs and Indian Housing Authorities applying for Public Housing Drug Elimination Program (PHDEP) grants. DISC can be contacted by telephone at 1-800-578-DISC or by mail at P.O. Box 6424, Rockville, MD 20849.

Methodology

OCPS mailed the One Strike and You're Out Progress Questionnaire with a letter signed by Acting Assistant Secretary for Public and Indian Housing Kevin Emanuel Marchman to 3,190 PHAs. DISC collected survey answers over a 2-month period. A database, designed and maintained by DISC, was used to compile the data. The sample size of the response was 1,818. Responses were returned from 49 States, Puerto Rico, and the U.S. Virgin Islands. PHAs in Hawaii, Guam, and the District of Columbia did not respond to the survey.

For this report, survey information was categorized by State and by PHA name and number. Additional information in this report includes each respondent's unit size, the number of units that a PHA can rent, and its score from PHMAP, a measurement of its performance level. The highest PHMAP score is 100, with PHAs scoring below 60 considered to be "troubled" housing units. Compiled from a separate database, this information was provided by the Public and Indian Housing Occupancy Division within HUD to DISC on October 10, 1996.

Survey results include findings about NYCHA, which began enforcing eviction procedures for criminal activity in 1971. Since then, NYCHA programs and procedures have often been cited as examples of One Strike initiatives and used as standards for policy implementations. Because NYCHA is a model for the policy, its survey results are quite high, which has created an outlier in our survey. NYCHA's high scores also greatly affect the results because the PHA, with 161,561 units, manages 12 percent of all the Nation's public housing units. It has 92,114 more units than the second largest PHA.

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The results also include another outlier. Only 3 of the 80 PHAs in Puerto Rico (less than 0.001 percent) responded to the survey, lowering the success rate of the Southeast/Caribbean region. This is significant because the region reported the highest number of survey respondents and the highest number of PHDEP award winners.

One Strike You're Out Progress Questionnaire

U.S. Department of Housing
and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2577-0217 (exp. 7/31/97)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0217), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Do not send this form to the above address.

This information will be used to determine the progress that PHAs have made in implementing the President's policy for public housing residents, developing and enforcing stricter screening and eviction as a part of their anti-drug, anti-crime initiatives. The information will be submitted to HUD one-time and will be used to determine where training and technical assistance efforts will be best employed in 1997 to ensure that all public housing units are brought the President's policy. Responses to the collection of information are voluntary. The information requested does not lend itself to confidentiality.

The Department of Housing and Urban Development's Office of Public and Indian Housing needs your cooperation in determining the progress of the "One Strike and You're Out" public housing admissions screening and eviction initiative. This questionnaire will help us determine the progress that public housing agencies have made in 1996 towards implementing this important crime reduction and lease enforcement strategy. This information will be used to help the Department determine what kind of training resources, instruction and technical assistance will be required in 1997 and beyond to help agencies make "One Strike" a success.

Housing Authority Name and Address: (Location, City, State, Zip):

Name of Person Charged with "One Strike" implementation:

Title

- 1) Have you implemented the "One Strike and You're Out" policy as it was detailed in the March, 1996 notice from the Office of Public and Indian Housing?

☐ Yes ☐ No

If Yes, when was the following implemented:

changed admission policy Date implemented: ____/____/____

changed screening policy Date implemented: ____/____/____

changed eviction policy Date implemented: ____/____/____

If No, Date scheduled: ____/____/____

- 2) Have you provided training for your admissions staff, housing development managers and legal team regarding the requirements of "One Strike"?

☐ Yes ☐ No

- 3) Because "One Strike and You're Out" is an enhancement of previous HUD admissions and evictions policies, we would like you to rate, on a 0 to 10 scale, how close your policies matched the "One Strike" expedited evictions and enhanced admissions screening guidelines before they were introduced in the March, 1996 notice.

Rating: _____ (0 to 10)

- 4) What local and State agencies are you currently working with to help you facilitate the "One Strike" policy?(circle all that apply)

- a) Private drug treatment providers
- b) State and local health and welfare agencies
- c) Private homeless assistance providers
- d) State and local homeless assistance providers
- e) State and local parole boards and probation officers
- f) Local Legal Aid providers
- g) Local judges or court systems

- 5) What efforts have you made or plan to make to enhance resident awareness of the "One Strike and You're Out" policy? (circle all that apply)
- a) Meetings with individual households as leases are renewed
 - b) Group meetings with all residents of individual developments
 - c) Distribution of a notice by mail explaining "One Strike"
 - d) Meetings with resident leaders from individual developments
 - e) Explanation of policy terms in newsletters
 - f) Publication of terms in the media (newspapers, radio, TV, etc.)
- 6) How many drug-related evictions did you successfully complete in the six months before you implemented "One Strike" and how many have you successfully completed in the six months since?
- Before: _____ After: _____
- 7) How many people were denied admission to public housing for criminal or drug-related activity in the six months before you implemented "One Strike" and how many have been denied admission in the six months since?
- Before: _____ After: _____
- 8) How many people are currently barred from entering your premises for criminal or drug-related activity?
- Number of people: _____
- 9) Have you developed an agreement with your local police department to receive National Crime Information Center database information on applicants for public housing?
- ☐ Yes ☐ No
- If Yes, how much per name/fingerprint check are you being charged?
- Amount charged per name check: _____ Amount charged per fingerprint check: _____
- What is the name and title of your Police Department "One Strike" liaison?
- Name and Title of Police Department "One Strike" Liaison: _____
- 10) In the space below, please explain what impact you are seeing from the implementation of "One Strike" in your community? Has the policy been well received by residents and the local community? Have you seen measurable benefits from the policy? What additional assistance from HUD do you feel you would need to better implement the policy? (Please use separate sheet if needed)

Signature/Title

Date Completed:

Company

Date Signed

The Respondents

During March, April, and May 1997, the Office of Crime Prevention and Security (OCPS) at the U.S. Department of Housing and Urban Development (HUD) mailed a survey about the implementation of the One Strike and You're Out policy to 3,190 public housing authorities (PHAs). Approximately 56.9 percent of the PHAs, or 1,818, responded to the 10-question One Strike and You're Out Progress Questionnaire. Because Indian housing authorities (IHAs) are not required to implement the policy, they were not included in the survey.

Of the 3,190 public housing authorities nationwide, 1,818 responded to the One Strike and You're Out Progress Questionnaire.

Survey data and data from HUD's Public and Indian Housing Drug Elimination Program (PHDEP) and Public Housing Management Assessment Program (PHMAP) were compiled to assess the One Strike policy's effectiveness in reducing drug-related and other crime activities in public housing communities. PHDEP assesses progress in PHAs that have received one or more of the 3,473 grants that the program has awarded since 1989. The grants totalled nearly \$1.3 billion (\$1,270,580,961). To qualify for PHDEP funds, PHAs and IHAs must outline their strategies for eliminating drug-related and other criminal activities, including policies for screening applicants and evicting offenders. The PHAs are then graded on how well they enforce these policies and how well this enforcement reduces crime in their communities. Under PHMAP each PHA's and IHA's management performance is evaluated using several indicators that measure whether it is providing a safe and drug-free environment for residents. In 1997 HUD proposed that PHMAP be revised to evaluate One Strike implementations. PHAs have not started collecting data specifically for the new indicator, so PHMAP data are used in this analysis to appraise PHAs' general management practices.

Survey respondents are grouped by region: New England, New York/New Jersey, Mid-Atlantic, Southeast/Caribbean, Midwest, Southwest, Great Plains, Rocky Mountains, Pacific/Hawaii, and Northwest/Alaska.

ONE STRIKE

Responses came from every U.S. State (except Hawaii), the U.S. Virgin Islands, and Puerto Rico.

Data presented in this chapter include:

- Number of respondents by region.
- Respondents' unit sizes.
- PHDEP grantees that responded.
- Respondents' PHMAP scores.

1.1 Number of Respondents

Approximately 56.9 percent of 3,190 PHAs, or 1,818, responded to the survey. Responses came from every U.S. State (except Hawaii), the U.S. Virgin Islands, and Puerto Rico, but none were received from the District of Columbia or Guam (see figures 1.1 and 1.2). With 74 percent of its

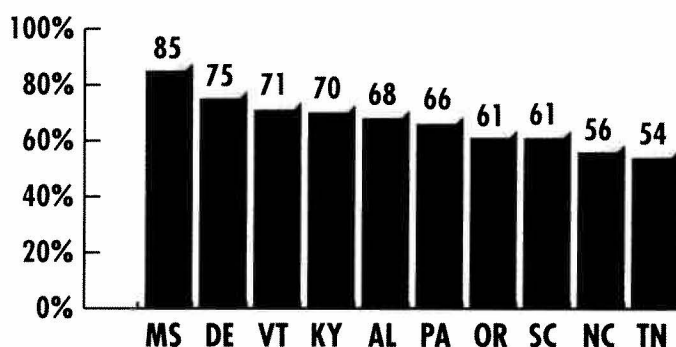
Figure 1.1: Number of Responding PHAs That Have Implemented One Strike Policies by State

State	# of PHAs With One Strike	# of PHAs Without One Strike
AK	1	1
AL	101	4
AR	54	6
AZ	2	5
CA	25	9
CO	9	8
CT	10	3
DC	—	—
DE	3	0
FL	37	17
GA	82	25
GU	—	—
HI	—	—
IA	7	12
ID	2	2
IL	47	9
IN	19	5
KS	30	14
KY	73	7
LA	48	8
MA	33	5
MD	10	3
ME	5	3
MI	39	16
MN	54	16
MO	42	14
MS	46	1

State	# of PHAs With One Strike	# of PHAs Without One Strike
MT	2	5
NC	57	9
ND	4	2
NE	34	48
NH	8	1
NJ	30	9
NM	12	9
NV	1	0
NY	43	15
OH	17	12
OK	37	18
OR	11	4
PA	54	12
PR	3	0
RI	12	3
SC	26	3
SD	2	7
TN	47	5
TX	115	34
UT	4	1
VA	15	8
VI	0	1
VT	5	0
WA	15	6
WI	21	32
WV	10	14
WY	0	2

PHAs responding, the Mid-Atlantic region has the highest percentage of respondents. The Rocky Mountains region with a 40-percent return and the Pacific/Hawaii region with a 46-percent return have the lowest response rates. According to the survey answers, 1,365 PHAs (or 75 percent) have implemented the One Strike policy. The regions with the highest percentage of PHAs implementing the policy are Southeast/Caribbean with 86 percent and New England with 82 percent.

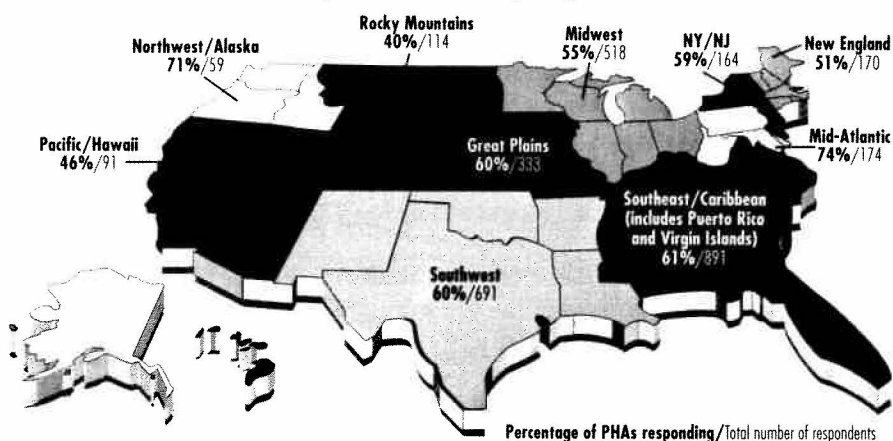
Figure 1.2: States With the Highest Percentage of Responding PHAs That Have Implemented One Strike Policies



A total of 453 respondents have not implemented the policy.

A total of 453 respondents have not implemented the policy. The two Wyoming PHAs (out of seven) that responded have not implemented the policy, which means Wyoming is the only State without a respondent that has implemented One Strike. Only one of the two PHAs in Alaska has implemented the policy; however, Alaska is the only State from which all PHAs responded. The Rocky Mountains region has the lowest percentage of implementation among respondents. Approximately 45 percent of the region's responding PHAs have One Strike initiatives in place (see figure 1.3).

Figure 1.3: Percentage of Responding PHAs That Have One Strike Implementations by Region



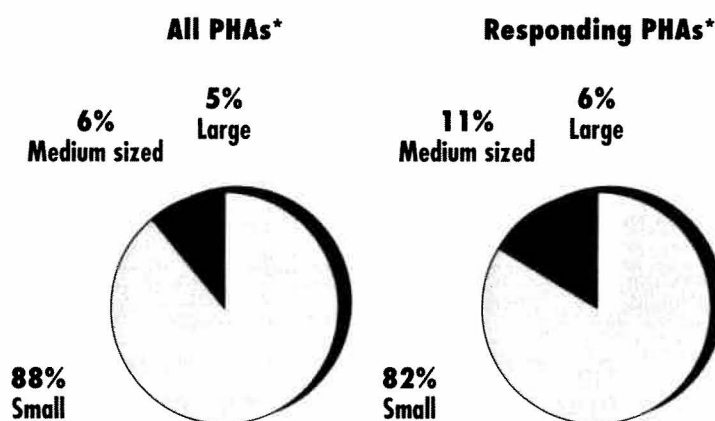
“We have a small authority of 16 units, but I feel this policy is a much needed one...”

—Housing Authority of the City of McRea, Arkansas

1.2 Respondents’ Unit Size

Differing in number of units and number of residents, PHAs can have fewer than 20 units in rural areas and more than 50,000 units in metropolitan areas. HUD classifies PHA size by the number of conventional units a PHA manages. Small PHAs have fewer than 500 units, which means 2,756 PHAs are classified as small. Approximately 214 PHAs are classified as medium sized, managing between 500 and 1,249 units. Large PHAs, those managing 1,250 or more units, number 149. About 88 percent of all PHAs are considered small with 6 percent designated as medium sized and only 5 percent defined as large. An overwhelming 82 percent of survey respondents are small PHAs. Approximately 11 percent of the responding PHAs are medium sized, and 6 percent are large PHAs (see figure 1.4).

Figure 1.4: Proportion of All PHAs by Size and Proportion of Responding PHAs by Size



*Percentages do not add up to 100 percent due to rounding.

“We have a small authority of 16 units, but I feel this policy is a much-needed one to deter any activity that could happen in the future,” states the Housing Authority of the City of McRea, Arkansas.

Of the 333 responding PHAs in the Great Plains region, 97 percent are small. However, 891 small PHAs in the Southeast/Caribbean region responded, the largest number of small PHAs reporting from a region. These PHAs make up 93 percent of the region’s respondents. With 36 percent of its respondents classified as medium sized, the Pacific/Hawaii region has the highest percentage of medium-sized respondents. And, New England, with 18 percent of its responding PHAs being large, has the highest percentage of large PHAs represented in the survey.

1.3 Respondents Awarded PHDEP Funds

PHAs that apply for PHDEP grants must describe their screening and eviction procedures in detail. This description is critical because PHAs must show that they can manage a drug-free environment where residents feel safe from crime. Traditionally, PHDEP grantees only had to show in their proposal that their lease incorporates strong language that addresses drug-related and crime problems affecting the welfare of the PHA community. Now, PHAs must show a correlation between a drop in crime and their aggressive screening and eviction procedures, measures that are specifically addressed in a One Strike implementation. While PHDEP requirements closely match those for One Strike initiatives, only 13 percent (or 251 of 1,818) of the survey respondents received PHDEP funding in FY 1995 and FY 1996.

“Our One Strike implementation is closely tied to and reliant on our security program, which is funded by PHDEP,” states the Decatur (Illinois) Housing Authority.

In 1996 a total of 665 PHAs received PHDEP grants. Approximately 32 percent (216) of these grantees responded to the survey. The Southeast/Caribbean region has the highest number of PHAs that received PHDEP funds but did not respond to the questionnaire: 67 PHDEP awardees in this region did not respond. In the Southwest region, 40 PHAs that received PHDEP funds did not respond. This is the second largest number of PHDEP grantees that did not respond.

In 1995 PHDEP funds were awarded to 526 PHAs. Approximately 41 percent of these PHAs responded to the survey. Again, the Southeast/Caribbean region has 67 PHDEP 1995 grantees that did not respond, and the Southwest and Midwest regions have 40 PHDEP grantees that did not answer.

Upon closer review, when removing multiple award winners for FY 1995 and FY 1996 only 418 PHAs were awarded PHDEP funds in FY 1995 and FY 1996. The total number of responding PHAs that were funded in 1995 and 1996 is 162. Nonrespondents that received funding both years number 296. The data are presented in this manner for two reasons: Many 1995 grantees were also awarded grants in 1996, and FY 1995 and FY 1996 grantees still have PHDEP funding available that can help enhance their One Strike performance.

“Our One Strike implementation is closely tied to and reliant on our security program, which is funded by PHDEP.”

*—Decatur (Illinois)
Housing Authority*

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In FY 1997, PHAs that have established One Strike policies are likely to see their PHMAP scores improve.

1.4 Respondents' PHMAP Scores

Each year PHMAP rates PHA management performance using several indicators. PHAs are graded on a 100-point scale. When One Strike was introduced, several PHAs saw their PHMAP scores drop because the policy's initiatives adversely affected existing PHMAP measurements, such as the number of unit vacancies and the amount of rent collection. In FY 1997 PHMAP scoring will include One Strike policy implementation. PHAs that have established One Strike policies are likely to see their PHMAP scores improve. Consequently, they are likely to have a better chance of qualifying for reduced Federal oversight and for "bonus" funding proposed in HUD's FY 1997 budget.

Almost all survey respondents had high PHMAP scores in 1995. Regional score averages placed 98 percent of the respondents above 60 points. (PHAs that score less than 60 points are identified as "troubled" PHAs.)

The highest percentage of PHAs scoring 100 points is 73 percent of those reporting from the Pacific/Hawaii region. Wisconsin with 67 percent of its responding PHAs scoring 100 points has the highest percentage in the Midwest region. However, only 8 of the 29, with a score of 100, have implemented One Strike policies.

1.5 Conclusions

By examining the types of PHAs that responded to the One Strike survey, the following conclusions can be made about their One Strike policy implementation, size, PHDEP, and PHMAP score:

- Approximately 75 percent of the PHAs that responded are using One Strike initiatives. Most PHAs that responded generally support the One Strike policy and have implemented the policy as an important part of their overall drug elimination strategy.
- About 88 percent of the respondents are small PHAs. All responding PHAs were matched with their PHA number to determine unit size. Although the survey form does not specifically ask about PHA size, many state their size. Unit size significantly affects whether a PHA participates in certain HUD programs, especially funding

through programs such as PHDEP, and it affects the types and levels of resources needed to address the PHA's drug elimination efforts.

- Surprisingly few PHAs that received PHDEP funds answered the survey, despite the fact that PHDEP grantees generally have the resources to respond to information requests regarding HUD programs.
- With approximately 2 percent of the Nation's PHAs on the "troubled" list, 98 percent of the PHAs that responded received PHMAP scores of 60 points or more.

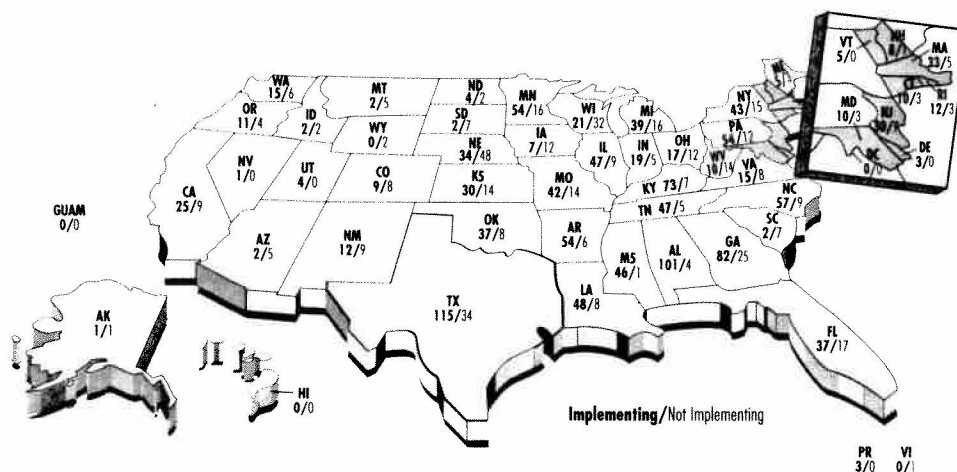
One Strike Policy Results

More than three out of four public housing authorities (PHAs) that responded to the One Strike and You're Out Progress Questionnaire have implemented the One Strike policy (see figure 2.1). Of the 1,818 respondents, 1,365, or 75 percent, have policy initiatives in their communities. This high percentage indicates that PHAs across the Nation favor this policy. When a PHA starts a One Strike program, it must incorporate the following initiatives:

PHAs across the Nation favor this policy.

- Strengthening the lease.
- Training staff.
- Involving the community.
- Evicting tenants who violate One Strike rules and barring applicants with drug-related or criminal histories.

Figure 2.1: Number of Responding PHAs in Each State That Have and Have Not Implemented the One Strike Policy



2.1 Strengthening the Lease

One Strike does not offer standardized lease terms, but PHAs are toughening their leases to conform to One Strike objectives. The terms vary from PHA to PHA. For example, the Clinton County (Pennsylvania) Housing Authority has included phrasing that states that a tenant can be

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Under the required lease terms, an entire household can be evicted when one member violates those terms.

evicted for violating another tenant’s “rights to peaceful enjoyment of the Clinton County’s public housing premises.”

Clear lease provisions that bar drug-related and other criminal activities *on or off* the premises—including alcohol abuse—and strict enforcement of those provisions are the keys to a successful One Strike policy implementation. Current law requires that all PHAs use leases that expressly state that 1) any criminal activity is grounds for eviction if it threatens other residents’ health, safety, or right to peaceful enjoyment of the premises and 2) all drug-related criminal activities occurring on or off the premises is cause for eviction. Under the required lease terms, an entire household can be evicted when one member violates those terms. Action can be taken against any person the PHA determines to be illegally using controlled substances or any person whose illegal use of a controlled substance is determined by the PHA to interfere with the rights of other residents. Because One Strike essentially builds on previous HUD admission and eviction policies, PHAs were asked to rank how their One Strike policies compare with policies that were in place before March 1996. The respondents report an average score of 6.5 (on a 0–10 scale), which signifies that the One Strike policy is at least as strong as, if not better than, all previous eviction policies enhanced admission screening guidelines upon which One Strike was built.

2.2 Training

HUD encourages PHAs to train their staff, local law enforcement officials, and resident managers in the One Strike policy, especially in lease and eviction policies and applicant interview skills. To aid this One Strike training, HUD’s Office of Crime Prevention and Security (OCPS) has hosted a series of workshops, entitled “One Strike: Security and Enforcement Strategies That Work.” The workshops focussed on how PHAs can use the One Strike policy to develop and improve effective security and enforcement strategies. Of the 1,818 survey respondents, 1,302 (or 71 percent) have provided some form of One Strike policy training for their admissions staff, housing development managers, and legal teams. Survey results indicate that when training is offered, staff administer One Strike initiatives more effectively than when training is not offered (see figure 2.2).

Figure 2.2: Comparison of Six PHAs That Have Training and Six That Do Not Have Training

Six With Training

Housing Authority	Unit Size	Evictions Before One Strike	Evictions After One Strike	Denied Admissions Before One Strike	Denied Admissions After One Strike	Barred*
Helena, AR	300 small	4	9	0	6	10
Walukagan, IL	448 small	19	10	20	10	15
Goldsboro, NC	1,225 medium	8	6	12	9	159
Waco, TX	902 medium	38	26	34	17	104
Worcester, MA	22,222 large	18	30	350	357	75
Chicago, IL	40,151 large	49	157	279	62	0

Average Number of Evictions Before Training: 1.8

After: 2.7

Average Number of Admissions Denied Before Training: 7.0

After: 14.4

Average Number of Individuals Barred: 31.7

Six Without Training

Housing Authority	Unit Size	Evictions Before One Strike	Evictions After One Strike	Denied Admissions Before One Strike	Denied Admissions After One Strike	Barred*
Bossier City, LA	497 small	0	0	0	0	61
Petersburg, VA	477 small	8	12	5	6	12
Utica, NY	1,040 medium	12	18	0	17	39
Passaic, NJ	729 medium	0	1	0	8	0
Springfield, IL	1,515 large	6	8	0	0	748
Philadelphia, PA	21,732 large	4	3	15	17	945

Average Number of Evictions Before One Strike: 0.05

After: 0.33

Average Number of Admissions Denied Before One Strike: 1.2

After: 1.1

Average Number of Individuals Barred: 7.3

* The number of individuals prohibited on public housing property because they have been involved in drug-related or criminal activities or lesser offenses such as loitering, lingering, or trespassing.

Of the 1,818 survey respondents, 1,302 (or 71 percent) have provided some form of One Strike policy training.

A One Strike policy must reflect a genuine community compact... to build safe, strong, and inspirational communities.

2.3 Involving the Community

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 inspirational communities for families and children. Survey findings show that PHAs are implementing compacts with residents and service providers in public housing and the surrounding community. The 1,818 respondents report that they have established working agreements with local service providers (see figure 2.3). These agreements indicate the importance of community relations.

Figure 2.3: Types of Working Agreements PHAs Have To Help One Strike Programs

976	with local judges or court systems.
846	with State and local health and welfare agencies.
580	with parole boards and probation officers.
371	with local Legal Aid providers.
280	with private drug treatment providers.
261	with State and local homeless assistance providers.
144	with private homeless assistance providers.

The Extension Act states that, notwithstanding any other provision of the law, upon request, the National Crime Information Center (NCIC), police departments, and other law enforcement agencies shall provide the PHA with information regarding the criminal conviction records of adult applicants for, or tenants of, public housing for the purpose of applicant screening, lease enforcement, and eviction. At the time of the survey, many PHAs had difficulty obtaining data from the NCIC database to check applicants' criminal history (see figure 2.4). Survey results indicate that 612 (or 33 percent) of responding PHAs have an agreement with their local police departments to receive NCIC information.

Since the survey, HUD and the United States Attorney General have established an agreement to allow PHAs access to NCIC data. Under the agreement, PHAs can obtain an ORI number directly from the Federal Bureau of Investigation (FBI) that they can use to check an applicant's name against the database. PHAs, however, are encouraged to use local or State police as channeling agents for conducting name checks. If a

Figure 2.4: Comparison of Number of People Banned From PHAs With NCIC Agreements and PHAs Without NCIC Agreements

With NCIC Agreements

Housing Authority	Unit Size	# of Persons Banned
Bristol, VA	481 small	77
Jackson, MS	490 small	6
Hagerstown, MD	1,180 medium	11
Manchester, NH	1,154 medium	14
Philadelphia, PA	21,732 large	945
New Orleans, LA	12,935 large	7
Worcester, MA	2,222 large	18

Average Number of Persons Banned: 33

Without NCIC Agreements

Housing Authority	Unit Size	# of Persons Banned
Meridan, GA	485 small	0
Bossier City, LA	497 small	67
Goldsboro, NC	1,225 medium	159
Lackawanna, PA	1,212 medium	0
Tennessee Valley, MS	1,210 large	2
Seattle, WA	6,669 large	0
El Paso, TX	6,375 large	120

Average Number of Persons Banned: 20

PHAs are encouraged to use local or State police as channeling agents for conducting name checks.

PHA finds a positive match through a name check, it can then proceed with an FBI fingerprint check.

As of July 1997, 230 PHAs (or 7 percent of all PHAs) had been assigned ORI numbers, and no PHA had requested information directly from the FBI. These figures signify that more than 90 percent of all PHAs still need to obtain ORI numbers and that those with ORI numbers are working closely with local and State police, not the FBI, to obtain NCIC information.

Along with these working agreements, PHAs must thoroughly inform applicants, new tenants, and current residents about the lease terms related to criminal activity and the consequences of a violation of those terms. Briefings with all appropriate household members must be held before leases are signed or renewed. Survey respondents indicated that their resident awareness initiatives included these household briefings, group and resident leader meetings, mailings, and other publicity (see figure 2.5).

STRIKE ONE

**Currently, 45,079
individuals are
barred from entering
public housing.**

Appendix 2.5 Types and Number of One Strike Resident Awareness Campaigns

1,230	hold meetings with individual household when lease is renewed.
980	hold meetings with resident leaders.
655	hold group meetings with all residents in community.
651	explain the policy in community newsletters.
511	mail notices explaining the One Strike policy.
253	publicize the policy in the media: newspapers, radio, and television.

2.4 Evicting and Barring

With One Strike initiatives, PHAs have increased the number of evictions. Respondents had completed 2,698 drug-related evictions in the 6 months before One Strike was in place and 3,794 in the 6 months after One Strike was introduced into their communities.

Under the Extension Act, PHAs must screen applicants for involvement in certain illegal drug-related activities. Specifically, PHAs must deny occupancy to applicants who have been evicted from public housing within the past 3 years for drug-related criminal activities, unless the applicants have completed rehabilitation programs. The 1,818 PHAs that responded to the survey indicated that 9,835 people were denied admission to public housing for criminal or drug-related activities in the 6 months before One Strike implementation and that a total of 19,405 were denied admission during the 6 months after One Strike was introduced. Currently, 45,079 individuals are barred from entering public housing.

2.5 Conclusions

The One Strike policy is working effectively in the 1,365 PHAs that state that they have implemented it. These PHAs report the following:

- Strong lease language has improved applicant screening and increased tenant evictions.
- Staff training has improved the policy's effectiveness. More than 70 percent (1,302) of the PHAs that are using One Strike have provided their staffs with some form of training.

- Community compacts have played a major role in One Strike success. PHAs have established working agreements with private drug treatment providers, State and local health and welfare agencies, parole boards and probation officers, and others. However, many PHAs state that cooperation with law enforcement agencies could be improved. Meanwhile, the PHAs inform residents of the new policy through individual and group meetings, mailings, and local media coverage.
- The number of applicants denied public housing because they have drug or criminal backgrounds nearly doubled during the 6 months after One Strike was implemented by PHAs. The number of evictions also increased by 1,096 over the same period.

Profile of a Successful One Strike Agency

The One Strike policy is not an all-or-nothing proposition. Its flexibility allows each public housing authority (PHA) to employ different initiatives to face environmental and cultural conditions unique to each community. With that in mind, creating a blueprint for One Strike success is nearly impossible. However, survey results show that PHAs with certain characteristics are more likely to succeed with a One Strike program than PHAs without those traits.

Survey results indicate that PHAs already working to improve residents' quality of life by reducing drug-related or criminal activities generally enhance existing procedures when they institute One Strike initiatives. The characteristics that can help lead to One Strike success include the following:

- Public Housing Drug Elimination Program (PHDEP) funding.
- High score on the Public Housing Management Assessment Program (PHMAP).
- Unit size.
- National Crime Information Center (NCIC) and other cooperative agreements with law enforcement agencies and the community.
- Resident awareness campaign.
- Staff and law enforcement training.
- Previous eviction policies.

3.1 PHDEP Funding

When implementing the One Strike policy, PHAs with PHDEP funding have an advantage over those that do not, according to survey results. PHDEP grantees already have the resources needed to establish One Strike initiatives, including various cooperative agreements with law enforcement agencies. Also, PHDEP grantees have already organized efforts to inform residents of the policy and to train staff in One Strike practices. In turn, a

PHAs with PHDEP funding have an advantage over those that do not.

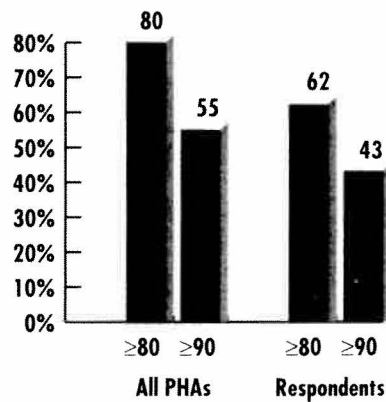
Strong management is needed to ensure a PHA's One Strike success.

One Strike policy may strengthen future PHDEP applications because its initiatives help achieve the PHDEP goal of eliminating drugs in public housing.

3.2 PHMAP Score

A high PHMAP score means that a PHA is managed well. Strong management is needed to ensure a PHA's One Strike success. Survey results show that PHAs with a PHMAP score of 90 (on a 100-point scale) are more likely to implement the One Strike policy. Of the survey respondents who had implemented some policy initiatives, 799 (or 43 percent of the respondents) scored 90 or higher, while another 335 PHAs (or another 18 percent) scored between 80 and 90 (see figure 3.1). Only 28 respondents

Figure 3.1: Percentage of All PHAs and Responding PHAs With PHMAP Scores Above or Equal to 80 and Above or Equal to 90



scored below 60, a score which means they are troubled PHAs. Across the Nation, 76 PHAs have been designated as troubled. The 1997 PHMAP scores will measure how well a PHA is screening its applicants and how often it is denying admissions or is evicting tenants under One Strike provisions. Implementing One Strike initiatives may help troubled PHAs improve their PHMAP scores.

3.3 Unit Size

Unit size is not a clear indicator of a PHA's One Strike success; however, an examination of the survey data confirms that unit size can play a role (see figure 3.2). Since implementing One Strike programs, small PHAs with fewer than 500 units have barred or evicted 20 percent of their total unit population, medium-sized PHAs with 500 to 1,249 units have barred or evicted 8 percent, and large PHAs with more than 1,250 units have

barred or evicted 13 percent of their total populations. These figures suggest that a small PHA can manage a One Strike policy more effectively than a medium-sized or large PHA. Essentially, the figures show that One Strike has the strongest effect on residents in small PHAs for these reasons: A small PHA serves a small population and can create formidable relationships with residents; a small PHA can keep a close watch on residents and the premises; and establishing working agreements with law enforcement and other State and local agencies may be easier for small PHAs than it is for medium-sized or large ones.

The low percentage for large PHAs indicates that large PHAs have more difficulties than small PHAs managing individuals entering and leaving their properties. A large PHA may not have the close relationship with residents that a small PHA can have. Furthermore, large PHAs may have difficulty forging working relationships with law enforcement and other State and local agencies. The sheer volume of work required to complete extensive criminal and fingerprint checks for large PHAs may impose too large a burden on law enforcement agencies.

Nevertheless, large PHAs may be capable of running the most effective One Strike programs because they receive more funding and have more knowledge about resources to obtain information and build cooperation with other agencies than small and medium-sized PHAs. Small and medium-sized PHAs may not have enough resources to implement a comprehensive One Strike policy.

3.4 NCIC and Other Cooperative Agreements

Without an NCIC agreement or a workable substitute, a One Strike policy will fail. PHAs that have an NCIC agreement with State or local law enforcement in place can screen applicants, enforce lease agreements, bar people from public housing, and conduct eviction proceedings far more effectively than PHAs without such agreements (see figure 3.2). Previously, a housing authority could obtain NCIC data only if its State was willing to act as a channeling agent for its information requests. However, HUD and the U.S. Attorney General have established a means for PHAs to work directly with the FBI using an ORI number that allows PHAs to conduct name and fingerprint checks. Even with the agreement, HUD encourages housing authorities to work with State and local law enforcement agencies instead of with the FBI (see section 2.3).

Establishing working agreements with law enforcement and other State and local agencies may be easier for small PHAs than it is for medium-sized or large ones.

STRIKE ENO

By publicizing successes, the PHA may instill a moral incentive in residents and law enforcement officials.

Figure 3.2: NCIC Agreements' Effect on One Strike Initiatives at Large PHAs* and at Small and Medium-sized PHAs

Unit Size	PHMAP Score	NCIC	Average Number of Drug-Related Evictions Before One Strike	Average Number of Drug-Related Evictions After One Strike	Average Denied Admission for Drug-Related/Criminal Activity Before One Strike	Average Denied Admission for Drug-Related/Criminal Activity After One Strike	Average Currently Banned
>1250	>60	Yes	13.7	12.3	48.6	58.5	223.0
<1250	>60	Yes	1.2	1.8	2.8	5.0	18.4
>1250	>60	No	7.4	19.9	76.0	222.8	280.5
<1250	>60	No	0.8	1.1	2.1	3.3	9.7

*The data totals for large PHAs are skewed when comparing the effects of unit size and NCIC agreements because only 33 percent of the responding PHAs have NCIC agreements.

Several PHAs state that they have established working agreements to enhance their One Strike programs. Of the 1,818 respondents, 53 percent have agreements with local judges and court systems, 31 percent with local parole boards and probation officers, and 46 percent with State welfare providers. PHAs state that judges must clearly understand the policy to enforce evictions and that parole and probation officers must help PHAs identify applicants who have broken the law or violated their lease agreement.

3.5 Resident Awareness Campaign

In public housing communities that have adopted One Strike initiatives, a resident awareness campaign is a major component of the policy's success. Awareness can help PHAs enforce the initiatives. Initially, a PHA can discuss the new policy and work with resident groups to tailor the policy to its community's needs. The PHA then can inform all residents and visitors of how serious the administration is about making the community a safe place to live. A campaign can help a PHA demonstrate how effective eviction and admission-screening programs have been. Finally, by publicizing successes, the PHA may instill a moral incentive in residents and law enforcement officials. Survey respondents in several housing authorities state that residents involved in illegal activity left before eviction proceedings started because the resident awareness campaign let them know how serious the authority was about One Strike.

3.6 Staff and Law Enforcement Training

PHA staff, local and State law enforcement officials, and judges all share an equal responsibility for enforcing One Strike. Without training, administrators cannot understand the procedural nuances of One Strike. Eviction proceedings and interpreting lease agreements are complicated issues. If administrators wish to enforce or implement One Strike, they would be better able to do so if they attended training. HUD has provided training for these administrators. Successful One Strike policy initiatives begin with well-trained housing authority staff; they continue with a cooperative police department; and they are maintained by judges who understand and appreciate the legal implications of the overall policy.

One Strike partnerships can create the building blocks for future success.

Cooperative agreements allow a housing authority to build community partnerships. One Strike partnerships can create the building blocks for future success. Once partnerships are in place, they can lead to future endeavors and a strong sense of community.

3.7 Previous Eviction Policies

Housing authorities that enforced tough admission and screening policies before they implemented One Strike initiatives have an advantage over authorities that did not have such policies. These policies show the community the importance of enforcing lease agreements and admissions screening, which are cornerstones to making public housing a safe and desirable place to live. Regular evaluations using eviction records by HUD and PHAs can measure the progress of the One Strike policy.

3.8 Conclusions

It is impossible to create a definitive profile of a successful One Strike policy implementation; however, public housing authorities with effective policies share several characteristics. PHAs that continuously work to enforce and enhance tough screening policies have a decided advantage over those that see One Strike as a one-shot deal. The characteristics that can determine or enhance a One Strike policy include the following:

- PHDEP and One Strike have similar goals; therefore, PHDEP, with its focus on eliminating drug use in public housing, gives a

PHA an advantage when instituting One Strike. In turn, One Strike initiatives can strengthen a PHA's future PHDEP funding.

- A high PHMAP score indicates that a housing authority already has strong, effective management, which is needed for One Strike to work. Approximately 62 percent of the responding housing authorities had PHMAP scores of 80 or above.
- Small PHAs with fewer than 500 units report a higher increase in the percentage of tenants evicted after One Strike was implemented than medium-sized or large PHAs. Unit size does not determine success, but it does determine the approaches a PHA must take in developing its own One Strike program.
- NCIC agreements or alternative programs to obtain criminal histories must be in effect for One Strike to work well. Without these agreements, a PHA will not have accurate information to conduct appropriate applicant screening.
- Resident awareness programs let public housing residents know how serious the One Strike program will be. In many cases, PHAs report that residents who are involved in drug-related or criminal activity leave before they must face eviction.
- Cooperative agreements with local service providers, such as private drug treatment programs, resident groups, and local judges, must be established to ensure that all parties enforcing One Strike policies, especially evictions, understand how One Strike works.
- Staff and law enforcement training improves One Strike by teaching all parties their role in the policy.
- Public housing authorities with previous eviction policies can enforce One Strike evictions more easily than those that had no previous policies.

Obstacles and Suggested Improvements

HUD is committed to working with public housing authorities (PHAs) nationwide to help them understand and enhance their One Strike policy initiatives. To promote cooperation, HUD asked survey respondents to suggest improvements for the One Strike policy. Each PHA, of course, has its own challenges to implementing and continuing a One Strike initiative, but many have similar concerns and offer suggestions that can be implemented across the country. This chapter presents and analyzes the respondents' comments about obstacles that should be removed and the areas of One Strike that could be improved to make the One Strike policy even more effective than it has been in its first year.

PHAs state that the largest obstacles to One Strike include the following:

- Working with law enforcement.
- Crossing jurisdictional lines.
- Handling costs for policy implementation.

PHAs suggest the following improvements:

- Measuring success accurately.
- Publicizing the policy and disseminating information.

4.1 Working With Law Enforcement

Lack of cooperation between PHAs and local and State law enforcement officials is the most apparent weakness in current One Strike policy implementation. Only 33 percent of the PHAs that responded to the survey have a cooperative agreement with the local police departments. In many cases, local and State police have not provided housing authorities with prompt and relevant incident reports for timely eviction processing. This problem stems from two factors: Some State laws do not allow local and State police to provide housing authorities with criminal checks, and several police departments are not aware of, or do not have funding for, One

“Our main obstacle is having the documentation proof provided to evict.”

*—Housing Authority of
Eaton, Indiana*

STRIKE ZONE

Without a strong cooperative agreement with law enforcement organizations, most PHAs do not have the staff, experience, or funding to carry out a One Strike policy.

Strike policy initiatives. Without a strong cooperative agreement with law enforcement organizations, most PHAs do not have the staff, experience, or funding to carry out a One Strike policy. “Our main obstacle is having the documentation proof provided to evict,” states the Housing Authority of Eaton, Indiana.

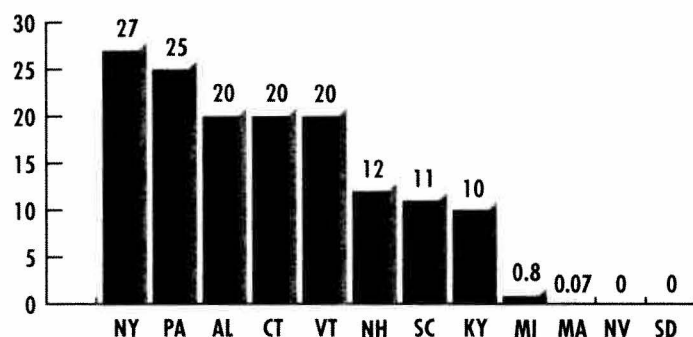
However, local and State police are often unsure of their role in implementing One Strike policy. According to most respondents, law enforcement officials and judges need more training on how the policy works. In Nashua, New Hampshire, the Nashua Housing Authority has had problems implementing One Strike because local judges, many of whom consider public housing to be last-resort housing, refuse to attend HUD-sponsored workshops about One Strike eviction proceedings.

The biggest obstacle to One Strike implementation is that few PHAs have working agreements with local police departments to share National Crime Information Center (NCIC) database information on applicants for public housing; survey respondents indicated (see figure 4.1). The matter is particularly difficult for the Leavenworth Housing Authority in Leavenworth, Kansas. The PHA cannot access NCIC and other criminal information on U.S. military veterans, a problem that hits Leavenworth and other public housing authorities in Kansas hard because the U.S. Disciplinary Barracks is located at Leavenworth—and many public housing applicants come from the barracks. Other PHAs complain about the problem as well.

PHAs in Florida report that State laws concerning NCIC do not allow them to check criminal records. Additionally, Alabama’s local, county, and State police refuse to give PHAs any other information that would identify an applicant as a criminal. Consequently, PHAs’ tenant selection procedures have suffered. In Pennsylvania PHAs are working with the State police on criminal background checks but are unable to establish an agreement with any law enforcement agency that would allow a PHA access to NCIC information. Meanwhile, PHAs in Washington State are lobbying the Washington State Patrol Criminal Records Division for access to NCIC information.

The recent agreement between HUD and the U.S. Attorney General is expected to alleviate the problem (see section 2.3). However, each housing authority is responsible for establishing its own working agreements with local law enforcement to ensure its access to NCIC information.

Figure 4.1: States Reporting the Lowest Percentages of NCIC Agreements



4.2 Crossing Jurisdictional Lines

Many of the Nation's 3,190 public housing authorities are located in metropolitan areas that are served by extensive commuter transportation systems, a situation that creates another policy obstacle. With access to reliable transportation, public housing residents can live in one city or State and work in another. In these cases, PHAs may not be able to work with law enforcement agencies across city or State lines, especially those agencies that are unfamiliar with or unresponsive to One Strike policy. For example, the Hudson Housing Authority cannot access information from the New York City Police Department. Similarly, the Housing Authority of Danville, Kentucky, which is located on the Kentucky-Tennessee State line, cannot access NCIC information from either the Kentucky or Tennessee State police. At least one other Kentucky PHA has the same problem. "Since our authority is on the State line, we have difficulty finding police information on out-of-state people," states the Housing Authority of Franklin, Kentucky.

State privacy laws have also caused problems for One Strike initiatives. Delaware State law makes it unlawful to bar anyone from public housing property, which has meant that One Strike has been unworkable, according to survey respondents from the State. In New Jersey housing authorities face problems relating to One Strike eviction proceedings. Witnesses resist appearing in court, and the State's landlord/tenant laws conflict with One Strike policy initiatives.

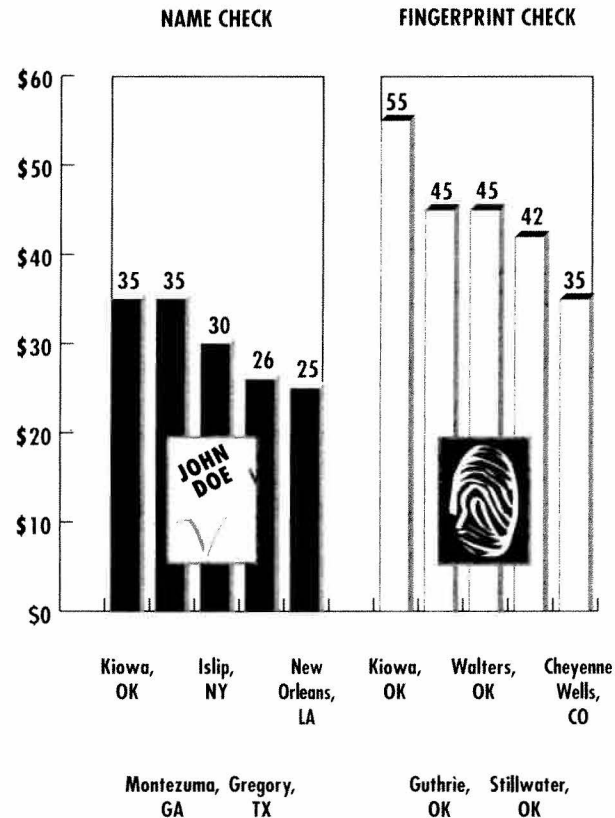
"Since our authority is on the State line, we have difficulty finding police information on out-of-state people."

—Housing Authority of Franklin, Kentucky

However, the South Carolina legislature amended its laws to bar people who have committed a criminal offense from living in public housing. The amended laws are a direct response to the State's adoption of the One Strike policy.

The South Carolina legislature amended its laws to bar people who have committed a criminal offense from living in public housing.

PHAs That Pay the Highest Price for Name and Fingerprint Checks



4.3 Handling the Varying Costs for Policy Implementation

As the Federal Government continues to reduce the amount of money it grants to public housing authorities, the costs associated with One Strike are becoming more prohibitive. Such costs include legal fees for evictions and fees for criminal name and fingerprint checks with the various levels of law enforcement. For example, in Ada, Oklahoma, the local law enforcement agency charges the Ada Housing Authority \$5 for each name and each fingerprint check. Costs are even higher in Kiowa, Oklahoma, where the local law enforcement agency bills the Kiowa Housing Authority \$35 per name check and \$55 per fingerprint check (see figure 4.2).

The costs vary for several reasons. The three most prominent include 1) the number of requested checks can affect the cost of each one; 2) the local law enforcement's capacity to conduct the checks; and 3) local market conditions—for example conditions that make other items more expensive in New York City than in a small midwestern city also affect law enforcement service fees.

Measuring Success Accurately

The Public Housing Management Assessment Program (PHMAP), which HUD uses to gauge the effectiveness of public housing authorities nationwide, creates an obstacle to assessing One Strike's success. The program grades PHAs on the number of vacant units, the amount of time units remain empty, and the rate of rent collection from current residents. When existing PHMAP measurements are used, One Strike initiatives can lower a PHA's score. For example, a One Strike initiative may require thorough applicant background checks—many taking as long as 6 weeks—a process that leaves units vacant while PHAs wait for the results. A lower PHMAP score subjects a PHA to closer HUD supervision.

Notice PHH 96-52 warned that PHAs implementing One Strike policies and procedures could have lower PHMAP scores under Indicator #8, security. The new indicator, which evaluates PHAs with 250 or more units, does not account for One Strike's adverse effect on vacancy rates and rent collection. "Units stay vacant longer because we are turning down more applicants because of their criminal history," states the Housing Authority of Glasgow, Kentucky.

The Liberal Housing Authority in Liberal, Kansas, has received a lower PHMAP score because some of its criminal background checks have taken as long as 12 weeks. Another problem with measurements is that a PHA cannot collect rent from any tenant who is going through the eviction process, and One Strike initiatives have increased the number and length of eviction proceedings in several public housing communities.

The process of eviction for criminal activity takes an average of 3 months according to the Housing Authority of the City of Pasco, Washington. Rent is not collected during those 3 months, which lowers the housing authority's income and PHMAP score. Proceedings include requesting, scheduling, and conducting informal hearings for the tenant. Legal fees for each eviction average \$2,000, and the PHA must often repair

When existing PHMAP measurements are used, One Strike initiatives can lower a PHA's score.

STRIKE ONE

HUD also anticipates fewer evictions once One Strike policies are well established in public housing communities.

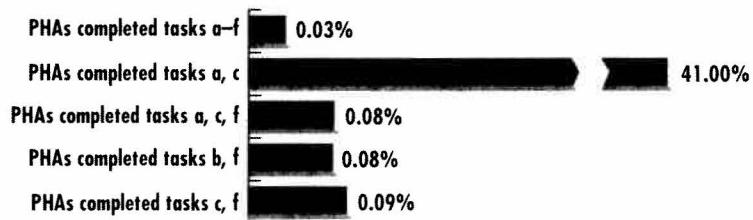
the unit that the evicted tenant deliberately damaged. The PHA would like to see the length and cost of evictions reduced.

PHMAP scoring will begin assessing the strength of One Strike initiatives. To improve PHMAP scores, HUD suggests that public housing authorities, especially those that have seen how much longer One Strike applicant screening takes than previous procedures did, begin background checks before a unit is vacated. For example, if a particular housing authority is averaging 4 weeks to screen applicants through the One Strike process, then its staff can start the applicant screening a month or two before a current tenant is scheduled to leave. HUD also anticipates fewer evictions once One Strike policies are well established in public housing communities.

4.5 Publicizing the Policy and Disseminating Information

Survey responses indicate that the One Strike policy is effective when public housing residents are aware of the program and believe that the

Figure 4.3: Efforts To Enhance Resident Awareness



- a) Meetings with individual households as leases are renewed.
- b) Group meetings with all residents of individual developments.
- c) Distribution of a notice by mail explaining One Strike.
- d) Meetings with resident leaders from individual developments.
- e) Explanation of policy terms in the media (TV, newspapers, radio).
- f) Publication of terms in the media (TV, newspapers, radio).

housing authority will enforce the new policy. In many instances residents who were involved in criminal or drug-related activity left after hearing that the housing authority had adopted new One Strike policy initiatives. Several PHA respondents suggest that, by informing residents and law enforcement officials about how effective the policy has been throughout the country, HUD could expand One Strike's success (see figure 4.3).

At the same time, HUD could spread the message that it is committed to making public housing a safe and desirable place to live, many respondents add. However, only 14 percent of the PHAs that returned the survey had enhanced their residents' awareness of One Strike through the media—local



newspaper, radio, and television. Local, State, and national campaigns could help PHAs gain support from local and State law enforcement officials and could promote public housing as a place to raise a family, respondents say. The Newport News Redevelopment and Housing Authority in Newport News, Virginia, suggests that HUD publish reports on successful One Strike implementations that could encourage more PHAs to commit to using the policy.

When the Melbourne Housing Authority in Melbourne, Florida, included “violent acts” as reasons for denial to and eviction from public housing, it received community endorsement and improved its policy enforcement. The PHA suggested that HUD create a database with information about persons denied or evicted from public housing because of any drug conviction. The Melbourne and other PHAs state that the database would greatly enhance PHAs’ applicant-screening and tenant eviction procedures. “HUD could support the success of the policy with continued information disseminated to the PHAs either by mail or by postings on its Internet page,” notes the Housing Authority of Mount Sterling, Kentucky. And, combining One Strike initiatives with other Federal programs, such as the U.S. Department of Justice’s Weed and Seed program, could strengthen PHAs’ ability to impose other penalties on drug offenders on public housing property, according to several Florida PHAs.

“HUD could support the success of the policy with continued information disseminated to the PHAs either by mail or postings on its Internet page.”

*Housing Authority of
Mount Sterling, Kentucky*

Summary

One Strike will continue to be successful if PHAs:

- Strengthen cooperation between PHAs and local and State law enforcement officials. This cooperation must include local working agreements to share NCIC database information. An increase in information sharing could reduce many problems such as making it difficult for a tenant with a criminal record to move from one public housing community to another.
- Actively promote One Strike training for local judges and law enforcement officials. Training will help these officials understand that One Strike can be used to solve many crime problems in public housing.

- Assist in changing State laws that govern public housing. Improving One Strike and publicizing its successes can persuade local and State governments to promote the policy through new legislation that does not hinder the initiatives. Such measures include developing agreements that promote cooperation across jurisdictional lines.
- Redesign measures of success. These measurements must be reevaluated to indicate how One Strike has improved public housing.
- Publish reports about successful One Strike initiatives. These reports could serve two purposes: PHAs could find out which initiatives work well and why they work, and law enforcement agencies could be encouraged to assist in the effort to make public housing a safe and desirable place to live.

4.7 Policy Implications

Recently, HUD began a new initiative, HUD 2020 Management Reform Plan, to make the department smaller and more responsive. This plan will allow HUD to work better and at less cost. HUD will improve by becoming less of a “retail” organization and more of a “wholesale” organization. That is to say, HUD will concentrate on customer service and policy development. In the future, HUD will continue to evaluate programs nationally and report back to housing authorities on the success of these programs. However the emphasis on implementing these programs will be the responsibility of each individual housing authority. One Strike is an effective example of this new management plan.

With One Strike, HUD has developed the policy initiative and analyzed the issues. Additionally, HUD has provided technical assistance and facilitated a working agreement with the FBI to provide NCIC data for every PHA in the country. However, to implement this policy, each PHA is expected to:

- Lobby State law enforcement personnel and State legislature members to change pre-existing laws to enhance One Strike.
- Strengthen resident awareness.
- Improve its management of One Strike and resident screening procedures.
- Create cooperative agreements to strengthen One Strike enforcement.
- Develop and enforce lease agreements with residents that restrict criminal and drug-related activity.

Legal Concerns

One Strike policies need to balance law-abiding residents' rights to a safe, secure place to live against the civil rights of those accused of drug-related or other criminal activity. Evictions under the policies that preceded One Strike and under One Strike itself have been challenged in court, and the outcomes have been mixed. According to HUD's Office of General Counsel, to protect all individuals' rights, a PHA must maintain a nondiscriminatory One Strike policy that ensures those threatened with eviction or denial of admission into public housing receive due process.

Since passage of the Anti-Drug Abuse Act of 1988, HUD has had the authority to require PHAs to utilize leases that provide for eviction of tenants for drug-related criminal activity *on* or *near* the premises, or for criminal activity that threatens other residents' health, safety, or right to peaceful enjoyment of the premises. Under these lease provisions, tenants are held accountable not only for their own activity, but for the activity of others in the household, guests, or other persons under the tenant's control. These changes were implemented partly in response to the terror that drug dealers inflict upon public housing tenants. The required lease language reflects congressional intent to give housing authorities and tenants more power to fight crime in public housing.

1.1 The Extension Act

In practice, however, drug dealers evaded eviction for drug-related criminal activity "near" the premises, by moving their activities slightly farther off premises. Accordingly, Congress once again took up the question of the scope of actionable drug-related criminal activity during debate on the Housing and Community Development Act of 1994, and during consideration of the Housing Opportunity Program Extension Act of 1996 (Extension Act).

The Extension Act was enacted on March 28, 1996, in response to President Clinton's January 23, 1996, State of the Union Address, in which the President stated "... 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." In addition to making off-premises drug-related criminal activity grounds for eviction, the Extension Act grants PHAs greater authority to deny occupancy to and terminate assistance for those persons whose illegal or disruptive actions—including abuse of alcohol—may interfere with other residents health, safety, or right to peaceful enjoyment of the premises.

The Extension Act expressly authorizes PHAs to request and receive criminal conviction records from NCIC, police departments, and other law enforcement agencies. Access to criminal records heightens the emphasis on screening out potentially dangerous or disruptive applicants thus reducing the need for subsequent eviction actions. These legislative initiatives demonstrate Congress' understanding of the problems posed by drug-dealing in public housing, and a willingness to expand the scope of legislation to address the issues.

5.2 Court Rulings

While the courts have yet to consider evictions for off-premises drug-related criminal activity or alcohol abuse, past decisions indicate the judiciary's willingness to enforce strict lease terms as long as they are implemented and enforced in a fair and nondiscriminatory manner.

In *Housing Authority of New Orleans v. Green*, 657 So. 2d 552 (La. Ct. App. 1995), a model tenant was evicted despite her lack of knowledge that her daughter's friend had stashed drugs in the apartment. Ms. Green had signed a lease in which she promised to assure that her apartment would be drug free, and the court ruled that the tenant was strictly liable for the illegal activity of her daughter's friend. Despite this arguably harsh result, it is significant that the United States Supreme Court refused to reconsider the lower court's decision and let the affirmance of the lower court's decision stand. *Id. cert. denied*, 116 S. Ct. 1571 (1996).

Similarly, in *South San Francisco Housing Authority v. Guillory*, 49 Cal. Rptr. 2d 367 (Cal. Super. 1995), the family signed a lease promising to maintain a drug-free household, and all family members were subsequently evicted

because the Guillory's son possessed an illegal substance within the apartment. Once again, the court imposed a strict liability standard upon the family because the lease clearly provided that the tenant "assured" that the premises would remain drug free.

However, some courts have taken a somewhat more conservative approach to evictions for drug-related criminal activity. For example, in *Housing Authority of the City of Hoboken v. Alicea*, 297 N.J. Super. 310 (N.J. Super. Ct. App. Div. 1997), the court refused to evict a tenant although her son had been arrested for and convicted of possessing drugs in the apartment building. The court reasoned that the tenant should not be evicted because she did not permit her son to stay in her apartment and also did not know of her son's illegal activities. In addition, *Syracuse Housing Authority v. Boule*, No. 96/02160LT, 1996 N.Y. Misc. LEXIS 578, Dec. 23, 1996, held that a tenant could not be evicted for the illegal activities of her babysitter's guests. The court found that the tenant had not granted the babysitter permission to invite guests into the apartment and also had no knowledge that the babysitter and his guests possessed and sold drugs from her apartment. Accordingly, the court held that the tenant had not violated her affirmative duty under the lease to prevent guests from engaging in illegal activity.

5.3 Clear, Unambiguous Policies

HUD counsels housing authorities to implement their One Strike screening and eviction policies in a fair and nondiscriminatory manner. Housing authorities should develop clear and unambiguous admission policies and enforce them equitably.

Tenant education about the stringent lease terms is critically important. Briefings about lease terms should include all members of the applicant's or tenant's family, and should be held before new leases are signed or before leases are renewed.

Part of the enhanced screening process under One Strike involves checking applicants' and tenants' criminal backgrounds for evidence of recent crimes of physical violence or drug-related criminal activity. Each applicant and household member should be considered on a case-by-case basis, and PHAs must base their admission decisions on concrete evidence rather than rumors or innuendos. Furthermore, evidence of rehabilitation

suggests a likelihood of favorable future conduct, and therefore, should also be considered. Finally, applicants who are rejected because of their criminal records must be given a copy of the record and an opportunity to dispute its accuracy and relevance.

When a lease violation warranting eviction does occur, PHAs should ensure that there is sufficient proof that a violation occurred before initiating eviction actions. PHAs must not rely on suspicion or rumors about an individual's activities, but must obtain firm evidence that a lease violation has occurred. It is very important that similar lease violations result in similar sanctions. Inconsistent treatment of tenants may result in lawsuits challenging PHAs' activities that appear discriminatory.

5.4 Conclusion

PHAs must protect the due process rights of tenants. In most States, PHAs need not handle these eviction actions through their administrative grievance procedures provided that HUD has issued a determination that the State judicial eviction procedures provide tenants with sufficient due process protections. The Extension Act permits PHAs to either establish an expedited grievance procedure or exclude from its grievance procedure any grievance concerning an eviction that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the PHA or any drug-related criminal activity on or off of the premises. However, all tenants facing eviction must be provided with notice of the action, and an opportunity for a hearing in a court of law.

Because the demand for decent, safe, and sanitary affordable housing far exceeds the limited supply, it is reasonable to allocate this scarce resource to those individuals who are willing to abide by clear and sensible rules enforced in a nondiscriminatory manner.

One Strike Statistics for All States and Territories

State	# of PHAs With One Strike	% of Reporting One Strike	Yes	No	NCIC Agreement Yes	NCIC Agreement No	% Report Yes with NCIC
AK	2	50	1	1	1	1	100
AL	147	68	101	4	21	84	20
AR	101	53	54	6	29	31	53
AZ	18	11	2	5	2	5	100
CA	67	37	25	9	14	20	56
CO	43	20	9	8	7	10	77
CT	33	30	10	3	2	11	20
DC	—	—	—	—	—	—	—
DE	4	75	3	0	2	1	66
FL	82	45	37	17	18	36	48
GA	194	42	82	25	64	43	78
GU	—	—	—	—	—	—	—
HI	—	—	—	—	—	—	—
IA	49	14	7	12	3	16	42
ID	9	22	2	2	2	2	100
IL	95	49	47	9	25	31	53
IN	42	45	19	5	10	14	52
KS	87	34	30	14	16	28	53
KY	103	70	73	7	8	72	10
LA	98	48	48	8	26	30	54
MA	69	47	33	5	7	31	70
MD	25	40	10	3	7	6	21
ME	20	25	5	3	4	4	70
MI	115	33	39	16	15	40	80
MN	114	47	54	16	12	58	38
MO	102	41	42	14	19	37	45
MS	54	85	46	1	29	18	63
MT	9	22	2	5	3	4	100
NC	101	56	57	9	38	28	66
ND	13	30	4	2	1	5	25
NE	95	35	34	48	15	67	44
NH	16	50	8	1	1	8	12
NJ	79	37	30	9	16	23	53
NM	41	29	12	9	7	14	58
NV	4	25	1	0	0	1	0
NY	85	50	43	15	12	46	27
OH	54	31	17	12	6	23	35
OK	100	37	37	18	20	35	54
OR	18	61	11	4	4	11	36
PA	81	66	54	12	14	52	25
PR	80	3	3	0	2	1	66

ONE STRIKE

Appendix

One Strike Statistics for All States and Territories

State	# of PHAs With One Strike	% of Reporting One Strike	Yes	No	NCIC Agreement Yes	NCIC Agreement No	% Report Yes with NCIC
RI	25	48	12	3	7	8	58
SC	42	61	26	3	3	26	11
SD	32	6	2	7	0	9	0
TN	87	54	47	5	27	25	57
TX	351	32	115	34	50	99	43
UT	10	40	4	1	2	3	50
VA	28	53	15	8	9	14	60
VI	1	0	0	1	1	0	0
VT	7	71	5	0	1	4	20
WA	30	50	15	6	10	11	66
WI	98	21	21	32	11	42	52
WV	35	28	10	14	7	17	7
WY	7	0	0	2	1	1	0

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