

**RESOLUTION NO. 1997-22**

May 19, 1997

**ONE STRIKE AND YOU'RE OUT  
POLICY IN PUBLIC HOUSING  
AMENDING OCCUPANCY AND ADMISSIONS POLICY  
AND TENANT LEASE AGREEMENT**

WHEREAS, there has emerged a strong and committed consensus among President William J. Clinton, public housing agencies, residents and HUD that decisive action must be taken to provide for the safety and well-being of families who live in public housing, the following **ONE STRIKE AND YOU'RE OUT POLICY** is being implemented by the Garfield Housing Authority:

I. PURPOSE

It is the policy of the Housing Authority of the City of Garfield that all residents shall enjoy decent, safe, secure and sanitary living conditions in all of its developments.

II. AUTHORITY

Drug related criminal activity and alcohol abuse in public housing communities increases resident fear and decreases unit marketability. Therefore, the Garfield Housing Authority will not tolerate such behavior from its applicants or residents.

III. DEFINITIONS

Drug related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled dangerous substance.

IV. PROCEDURES FOR APPLICANTS

The Garfield Housing Authority shall screen out and deny admission to any applicant who:

- a. has a recent history of criminal activity involving crimes to persons or property and/or other criminal acts that affect the health, safety, or right to peaceful enjoyment of the premises by other residents;
- b. was evicted from assisted housing within three years of the projected date of admission because of drug related criminal activity. This requirement may be waived if:

1. the person demonstrates successful completion of a rehabilitation program approved by the Garfield Housing Authority or

2. the circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated
- c. The Garfield Housing Authority has determined the individual to be illegally using a controlled substance;
- d. The Garfield Housing Authority has determined the individual to be abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- e. The Garfield Housing Authority has determined that there is reasonable cause to believe that the applicant's pattern of illegal use of a controlled dangerous substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- f. The Garfield Housing Authority may waive policies prohibiting admission in these circumstances if the applicant demonstrates to the Housing Authority's satisfaction that the applicant is no longer engaging in illegal use of a controlled dangerous substance or abuse of alcohol and:
  1. the applicant has successfully completed a supervised drug or alcohol rehabilitation program, or
  2. the applicant has otherwise been rehabilitated successfully.

#### V. PROCEDURES FOR RESIDENTS

The Garfield Housing Authority has implemented a **ONE STRIKE OR "ZERO TOLERANCE" POLICY**, with respect to violations of lease terms regarding criminal activity as follows:

- a. a tenancy can be terminated and household evicted when the tenant, any member of the tenant's household or a guest engages in any prohibited criminal activity;
- b. 1. any criminal activity is grounds for eviction if it threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants;  
2. all drug related criminal activity occurring on or off the premises is cause for eviction;
- c. criminal activity is cause for eviction even in the absence of conviction or arrest. Any provisions in state laws that require conviction in order to evict tenants are pre-empted by federal law;
- d. alcohol abuse is grounds for termination of tenancy if the Garfield Housing Authority determines that such abuse interferes with the health, safety, or right to peaceful enjoyment of the premises by other tenants;
- e. the Garfield Housing Authority is obligating tenants to assure that neither they nor any household member or guest, or other persons under their control, will engage in the prohibited drug-related or other criminal activities. Failure to abide by this is a serious violation of the material terms of the lease and is grounds for eviction.

#### VI. PROCEDURES FOR THE HOUSING AUTHORITY OF THE CITY OF GARFIELD

- a. The Garfield Housing Authority shall track crime related problems at its developments and report any incidents of crime to the local police authorities to improve law enforcement and crime prevention.
  1. the Garfield Housing Authority will forward to the local police authorities any resident complaints received concerning crime related problems; and

