

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1309

To protect innocent elderly and disabled tenants in public housing and housing assisted under the rental assistance program under section 8 of the United States Housing Act of 1937 from eviction by reason of criminal activity.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

Ms. LEE (for herself, Mr. CONYERS, Mrs. MALONEY, Mr. SERRANO, Mr. TOWNS, Ms. WATERS, Mr. CLAY, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, and Mr. GUTIERREZ) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To protect innocent elderly and disabled tenants in public housing and housing assisted under the rental assistance program under section 8 of the United States Housing Act of 1937 from eviction by reason of criminal activity.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “One Strike and You’re  
5       Out! Act of 2005”.

1 **SEC. 2. PUBLIC HOUSING TENANTS.**

2 Paragraph (6) of section 6(l) of the United States  
3 Housing Act of 1937 (42 U.S.C. 1437d(l)(6)) is amended  
4 by inserting before the semicolon at the end the following:  
5 “; except that such criminal or drug-related criminal activ-  
6 ity, engaged in by a member of a tenant’s household or  
7 any guest or other person under the tenant’s control, shall  
8 not be cause for termination of tenancy of the tenant if  
9 (A) the tenant is an elderly person (as such term is de-  
10 fined in section 202(k) of the Housing Act of 1959 (12  
11 U.S.C. 1701q)) or a person with disabilities (as such term  
12 is defined in section 811(k) of the Cranston-Gonzalez Na-  
13 tional Affordable Housing Act (42 U.S.C. 8013(k)), and  
14 (B) the tenant did not know and should not have known  
15 of the activity or the tenant or member of household was  
16 the victim of the criminal activity”.

17 **SEC. 3. TENANTS OF HOUSING ASSISTED UNDER SECTION 8**  
18 **PROGRAM.**

19 Clause (iii) of section 8(d)(1)(B) of the United States  
20 Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(B)(iii)) is  
21 amended by inserting before the semicolon at the end the  
22 following: “; except that such criminal or drug-related  
23 criminal activity, engaged in by a member of a tenant’s  
24 household or any guest or other person under the tenant’s  
25 control, shall not be cause for termination of tenancy of  
26 the tenant if (I) the tenant is an elderly person (as such

1 term is defined in section 202(k) of the Housing Act of  
2 1959 (12 U.S.C. 1701q)) or a person with disabilities (as  
3 such term is defined in section 811(k) of the Cranston-  
4 Gonzalez National Affordable Housing Act (42 U.S.C.  
5 8013(k)), and (II) the tenant did not know and should  
6 not have known of the activity or the tenant or member  
7 of household was the victim of the criminal activity”.

8 **SEC. 4. REPORTING BY PHAS ON ONE-STRIKE EVICTIONS.**

9 Section 6 of the United States Housing Act of 1937  
10 (42 U.S.C. 1437d) is amended by inserting after sub-  
11 section (o) the following new subsection:

12 “(p) **REPORTS ON ONE-STRIKE EVICTIONS.**—Each  
13 public housing agency shall submit a report annually to  
14 the Secretary on the number of persons whose tenancy in  
15 public housing of the agency was terminated, and the  
16 number whose tenancy in housing assisted by the agency  
17 with amounts made available under section 8 was termi-  
18 nated, because of criminal activity.”.

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