

111TH CONGRESS
1ST SESSION

H. R. 69

To reform the provisions requiring “one-strike” eviction from public and federally assisted housing.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To reform the provisions requiring “one-strike” eviction from public and federally assisted housing.

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 “No One Strike Eviction
5 Act of 2009”.

6 **SEC. 2. REFORM OF “ONE STRIKE” MANDATORY EVICTION.**

7 (a) UNITED STATES HOUSING ACT OF 1937.—Sec-
8 tion 6(k) of the United States Housing Act of 1937 (42
9 U.S.C. 1437d(k)) is amended—

1 (1) by redesignating paragraphs (1) through
 2 (6) as subparagraphs (A) through (F) and realign-
 3 ing such subparagraphs (as so redesignated) so as to
 4 be indented 4 ems from the left margin;

5 (2) by striking “(k) The Secretary shall” and
 6 inserting the following:

7 “(k) REVIEW OF EVICTION AND DENIALS OF TEN-
 8 ANCY.—

9 “(1) IN GENERAL.—Subject to paragraph (3),
 10 the Secretary shall”;

11 (3) by striking “For any grievance concerning”
 12 and inserting the following:

13 “(2) EXPEDITED PROCEDURES.—Subject to
 14 paragraph (3), for any grievance concerning”; and

15 (4) by adding at the end the following new
 16 paragraph:

17 “(3) MITIGATING CIRCUMSTANCES AND INNO-
 18 CENT OWNER.—

19 “(A) MITIGATING CIRCUMSTANCES.—In
 20 determining whether to evict a tenant, termi-
 21 nate a tenancy, or deny an application for ten-
 22 ancy due to a criminal conviction of the person
 23 that is the subject of a grievance, and in any
 24 judicial review of such determination, the public
 25 housing agency or other reviewing body shall

1 consider all mitigating circumstances and the
2 impact of the eviction, termination, or denial
3 upon the family and dependents of that person.

4 “(B) INNOCENT TENANTS.—A tenant shall
5 not be subject to eviction, denied a tenancy, or
6 have a tenancy terminated based solely upon
7 the familial relationship of the tenant to a per-
8 son who has been convicted of a criminal of-
9 fense.”.

10 (b) QUALITY HOUSING AND WORK RESPONSIBILITY

11 ACT OF 1998.—

12 (1) INELIGIBILITY.—Section 576 of the Quality
13 Housing and Work Responsibility Act of 1998 (42
14 U.S.C. 13661) is amended—

15 (A) in subsection (b)—

16 (i) in paragraph (1), by striking “any
17 household with a member” and inserting
18 “any person”; and

19 (ii) in paragraph (2)—

20 (I) by striking “any household”
21 and inserting “any person”; and

22 (II) by striking “household mem-
23 ber” each place such term appears
24 and inserting “person”;

25 (B) in subsection (c)—

1 (i) in the matter preceding paragraph

2 (1)—

3 (I) by striking “or any member
4 of the applicant’s household”; and

5 (II) by striking “applicant house-
6 hold” and inserting “applicant”; and

7 (ii) in paragraph (2)—

8 (I) by striking “or individuals in
9 the applicant’s household”; and

10 (II) by striking “have not” and
11 inserting “has not”;

12 (C) by redesignating subsection (d) as sub-
13 section (e); and

14 (D) by inserting after subsection (c) the
15 following new subsection:

16 “(d) REVIEW OF DENIAL OF APPLICATION.—

17 “(1) REVIEW OF DENIAL.—The denial of an ap-
18 plication under this section shall be subject to review
19 in accordance with the provisions of section 6(k) of
20 the United States Housing Act of 1937 (42 U.S.C.
21 1437d(k)).

22 “(2) INNOCENT APPLICANTS.—Nothing in this
23 section shall allow for the denial of an application
24 based solely on the familial relationship of an appli-

1 cant to a person who has a criminal conviction or is
 2 otherwise in violation of this section.”.

3 (2) TERMINATION OF TENANCY AND ASSIST-
 4 ANCE FOR ILLEGAL DRUG USERS AND ALCOHOL
 5 ABUSERS IN FEDERALLY ASSISTED HOUSING.—Sec-
 6 tion 577 of the Quality Housing and Work Respon-
 7 sibility Act of 1998 (42 U.S.C. 13662) is amend-
 8 ed—

9 (A) in subsection (a), by striking “house-
 10 hold with a member” and inserting “person”;

11 (B) in subsection (b)—

12 (i) by striking “household based” and
 13 inserting “person based”;

14 (ii) by striking “by a household mem-
 15 ber” and inserting “by that person”; and

16 (iii) by striking “such household mem-
 17 ber” and inserting “such person”; and

18 (C) by adding at the end the following:

19 “(c) REVIEW OF TERMINATION OF TENANCY.—The
 20 decision to terminate the tenancy or assistance of any per-
 21 son under this section shall be subject to review in accord-
 22 ance with the provisions of section 6(k) of the United
 23 States Housing Act of 1937 (42 U.S.C. 1437d(k)).

24 “(d) INNOCENT TENANTS.—Nothing in this section
 25 shall allow for the termination of a tenancy or assistance

1 to any person based solely on the familial relationship of
 2 the tenant to a person who is in violation of this section.”.

3 (c) REQUIREMENT OF INTENT OR KNOWLEDGE OF
 4 CRIME BEFORE EVICTION FROM OR DENIAL OF PUBLIC
 5 AND PUBLICLY ASSISTED HOUSING.—The United States
 6 Housing Act of 1937 is amended—

7 (1) in each of sections 6(l)(6) and 8(o)(7)(D)
 8 (42 U.S.C. 1437d(l)(6) and 1437f(o)(7)(D)), by in-
 9 serting after the first semicolon the following: “ex-
 10 cept that such criminal or drug-related activity, en-
 11 gaged in by a member of a tenant’s household or
 12 any guest or other person under the tenant’s control,
 13 shall not be cause for termination of tenancy of the
 14 tenant if the tenant did not know and should not
 15 have known of the activity, or if the tenant, member
 16 of the tenant’s household, or any guest or other per-
 17 son under the tenant’s control was the victim of
 18 criminal activity; and”;

19 (2) in section 8(d)(1)(B)(iii) (42 U.S.C.
 20 1437f(d)(1)(B)(iii)), by inserting after the first
 21 colon the following: “such criminal or drug-related
 22 activity, engaged in by a member of a tenant’s
 23 household or any guest or other person under the
 24 tenant’s control, shall not be cause for termination
 25 of tenancy of the tenant if the tenant did not know

1 and should not have known of the activity, or if the
2 tenant, member of the tenant's household, or any
3 guest or other person under the tenant's control was
4 the victim of criminal activity; and except that''.

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