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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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No One Strike Eviction Act of 2009''.

SEC. 2. REFORM OF "ONE STRIKE" MANDATORY EVICTION.

(a) UNITED STATES HOUSING ACT OF 1937.—Section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)) is amended—

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

(2) by striking ''(k) The Secretary shall'' and inserting the following:

''(k) REVIEW OF EVICTION AND DENIALS OF TENANCY.—

''(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall'';

(3) by striking ''For any grievance concerning'' and inserting the following:

''(2) EXPEDITED PROCEDURES.—Subject to paragraph (3), for any grievance concerning''; and

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

''(3) MITIGATING CIRCUMSTANCES AND INNOCENT OWNER.—

''(A) MITIGATING CIRCUMSTANCES.—In determining whether to evict a tenant, terminate a tenancy, or deny an application for tenancy due to a criminal conviction of the person that is the subject of a grievance, and in any judicial review of such determination, the public housing agency or other reviewing body shall

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

"(B) INNOCENT TENANTS.—A tenant shall not be subject to eviction, denied a tenancy, or have a tenancy terminated based solely upon the familial relationship of the tenant to a person who has been convicted of a criminal offense.".

(b) QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998.—

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

(A) in subsection (b)—

(i) in paragraph (1), by striking "any household with a member" and inserting "any person"; and

(ii) in paragraph (2)—

(I) by striking "any household" and inserting "any person"; and

(II) by striking "household member" each place such term appears and inserting "person";

(B) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''or any member of the applicant's household''; and

(II) by striking ''applicant household'' and inserting ''applicant''; and

(ii) in paragraph (2)—

(I) by striking ''or individuals in the applicant's household''; and

(II) by striking ''have not'' and inserting ''has not'';

(C) by redesignating subsection (d) as subsection (e); and

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

''(d) REVIEW OF DENIAL OF APPLICATION.—

''(1) REVIEW OF DENIAL.—The denial of an application under this section shall be subject to review in accordance with the provisions of section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)).

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

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

(2) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS IN FEDERALLY ASSISTED HOUSING.—Section 577 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13662) is amended—

(A) in subsection (a), by striking ''household with a member'' and inserting ''person'';

(B) in subsection (b)—

(i) by striking ''household based'' and inserting ''person based'';

(ii) by striking ''by a household member'' and inserting ''by that person''; and

(iii) by striking ''such household member'' and inserting ''such person''; and

(C) by adding at the end the following:

''(c) REVIEW OF TERMINATION OF TENANCY.—The decision to terminate the tenancy or assistance of any person under this section shall be subject to review in accordance with the provisions of section 6(k) of the United States Housing Act of 1937 (42 U.S.C. 1437d(k)).

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

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

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

(1) in each of sections 6(l)(6) and 8(o)(7)(D) (42 U.S.C. 1437d(l)(6) and 1437f(o)(7)(D)), by inserting after the first semicolon the following: ''except that such criminal or drug-related activity, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of the tenant if the tenant did not know and should not have known of the activity, or if the tenant, member of the tenant's household, or any guest or other person under the tenant's control was the victim of criminal activity; and''; and

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

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

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