

OCCUPANCY PROVISIONS OF THE HOUSING OPPORTUNITY PROGRAM
EXTENSION ACT OF 1996 NOTICE PIH 96-27 & NOTICE 96-16

One Strike and You're Out Policy

The Moultrie Housing Authority "One Strike and You're Out" or "No Tolerance" policy concerning the illegal use or possession of a controlled substance (drugs) or alcohol abuse which adversely affects the health, safety, or the right to the peaceful enjoyment of the premises by the other residents.

A) Ineligibility if Evicted for Drug-Related Activity

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

Persons evicted because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.

The Executive Director can waive this requirement if:

the person demonstrates successful completion of a rehabilitation program approved by the Housing Authority,

or

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.

B) Screening Out Illegal Drug Users, Alcohol Abusers, and All Other Criminal Activity

This Policy prohibits the Housing Authority from the admission of any person who it determines is or has illegally manufactured, sold, distributed, used or possessed any detectable amount of a controlled substance.

This Policy also prohibits the Housing Authority from admitting any person to public housing in cases where there is reasonable cause to believe that the person abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents or employees.

This Policy prohibits the Housing Authority from admitting any person to public housing in cases where it has been determined that there is reasonable cause to believe that the person's pattern of illegal use of a controlled substance or pattern of abuse of alcohol, or any other criminal activity (including: crimes of violence-murder, battery assault; crimes against property-burglary, larceny, robbery; crimes that impose a financial cost – vandalism, arson; crimes that involve disturbing the peace) may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents or employees.

The Public Housing Authority will conduct comprehensive background checks that include Screening for all criminal activity. Screening procedures include:

- 1) Checking credit or payment histories
- 2) Landlord references
- 3) Checks with probation officers, parole officers and social service providers
- 4) Home visits
- 5) Where warranted and consistent with legal standards, reviewing police and court records

Screening may be conducted on all appropriate members of the applicant's family

The Housing Authority may waive this policy if the person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

- has successfully completed a supervised drug or alcohol rehabilitation program;
- has otherwise been rehabilitated successfully; or
- is participating in a supervised drug or alcohol rehab program.

C) Terminating Assistance to Illegal Drug Users, Alcohol Abusers and Those participating in Criminal Activity

The Housing Authority will terminate the tenancy of any person who the Housing Authority determines has or is illegally manufacturing, selling, distributing, using, or possessing any detectable amounts of a controlled substance.

The Housing Authority will terminate the tenancy of any person that the Housing Authority determines that the person's abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents or employees.

The Housing Authority will terminate tenancy of any person that the Housing Authority has determined that there is reasonable cause to believe that the person is involved in other criminal activity (including: crimes of violence – murder, battery assault; crimes against property – burglary, larceny, robbery; crimes that impose a financial cost – vandalism, arson; crimes that involve disturbing the peace) that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents or employees.

The Housing Authority also reserves the right to enter the resident's dwelling prior to notice to the resident, if management reasonably believes that an emergency exists which requires entrance. An emergency under this provision may include but not be limited to – the presence of drugs or illegal firearms or devices and/or materials that may present a danger to the health and safety of other residents, gunfire, heightened gang activity, concealment of a fugitive from the law, or to verify other suspected lease violations.

All criminal activity is cause for eviction even in the absence of conviction or arrest. Federal Law preempts State laws that require conviction in this case.

Signature of Head of Household

Date

Signature of Spouse or other Adult

Date