

HOUSING AUTHORITY OF THE CITY OF TITUSVILLE

Zero Tolerance Policy

1. Goal

The goal of the Zero Tolerance Policy is to ensure the safety and well-being of families and individuals who live in public housing.

The “one strike” policy applies to residents of the Housing Authority of the City of Titusville. Individuals who engage in illegal drug use and/or other criminal activity shall be evicted from their dwelling unit after one (1) such offense.

The Housing Authority is committed to the provisions of this policy and it shall be strictly enforced.

By aggressively removing criminals from the Authority’s public housing developments, the One Strike policy shall:

- a. free public housing residents from daily threats to their personal and family safety;
- b. build public housing communities that are safer and drug-free;
- c. support parents in their efforts to instill positive values in their families;
- d. create a positive environment for residents of all ages, where people can live, learn, and grow to be productive and responsible citizens;
- e. set an example for the greater community.

2. Guiding Principles of the Zero Tolerance Policy

The Housing Authority Zero Tolerance Policy was developed based on the following principles:

- a. All individuals have the right to live in peace and be free from fear, intimidation, and abuse. The Housing Authority is committed to providing safe housing for all residents of the Authority
- b. Public and assisted housing should be awarded to responsible individuals. The Housing Authority shall give no preference to applicant families with a history of drug-related behavior and/or criminal activity.
- c. Applicants and current residents of public housing must be protected from discrimination and violation of their right to privacy. The Housing Authority shall comply with all civil rights, fair housing, and privacy laws, at both the screening and eviction stages. The Housing Authority shall not discriminate against any applicant or resident based on race, color, nationality, religion, sex, familial status, disability or membership in other groups or categories protected under such laws.
- d. Active community and governmental involvement in designing and implementing a One Strike policy is fundamental to its success. The Housing Authority shall work

cooperatively with local government, law enforcement, residents, and the courts in enforcing the One Strike policy.

3. Screening and Admissions Policy

The Zero Tolerance Policy ensures that individuals who engage in illegal drug use or other criminal activities that endanger the well being of residents are prohibited from becoming residents of the Housing Authority. The Authority has adopted the following screening procedure to ensure the goals of this policy:

- a. Comprehensive background checks: The HA shall conduct comprehensive background checks, including criminal activity, on all household applicants eighteen (18) years and older. Screening procedure shall include:
 - i. reviewing police and court records;
 - ii. landlord references;
 - iii. background check with probation officers, parole officers, and local social service providers.
- b. Coordination with courts and local, state, and federal law enforcement agencies: The HA shall coordinate with courts and local, state, and federal law enforcement agencies to gain access to criminal records through the Extension Act. The Extension Act makes criminal conviction records available to the Authority for the purposes of screening, lease enforcement, and eviction. The Authority shall maintain a records management system to ensure that records received are maintained confidentially, not misused or improperly disseminated, and destroyed once action is taken.
- c. Criteria for acceptance of application for residence: The Housing Authority shall consider applications for residence on a case-by-case basis; denial of acceptance shall be based on the existence of concrete evidence of the seriousness, extent, and recentness of criminal activity. The following applicants shall be denied residence:
 - i. applicants who have been evicted from public housing within the past three years due to drug-related criminal activity, unless the applicant can show evidence of rehabilitation;
 - ii. persons illegally using controlled substances;
 - iii. persons who have exhibited a pattern of illegal use of controlled substances;
 - iv. any other criminal and/or drug-related activity that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- d. Protect applicant's due process rights: The Housing Authority's Admissions and Continued Occupancy Plan (ACOP) shall be made available upon request and posted in the central office where applications are received.
 - i. In accordance with the Authority's ACOP, applicants determined to be ineligible for admission shall be promptly notified of the basis for the decision.

- ii. Per the Extension Act, should denial of occupancy be based on a criminal record, the Authority shall provide the applicant with a copy of the criminal record and the opportunity to dispute the accuracy and relevance of that record.
- e. Compliance with state and local laws: The Housing Authority is committed to protecting the rights of all applicants and residents. All policies and procedures, and revisions of policies and procedures, shall be reviewed for compliance with local and state landlord-resident law and any other applicable law by attorneys with experience in such law.

4. Enforcement by Eviction

In accordance with the current law and the Extension Act, the Housing Authority dwelling lease contains provisions that generally or specifically stipulate that:

- a. any activity is grounds for eviction if it threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
- b. all drug related criminal activity occurring on or off the premises is cause for eviction;
- c. any person who the Authority determines is illegally using controlled substance shall be evicted; and/or,
- d. any person whose illegal use of a controlled substance is determined by the Authority to interfere with the rights of other residents shall be evicted.
- e. Under these required lease terms, tenancy shall be terminated with a seven (7) day notice without cure and the household evicted when the resident, any member of the resident's household, or guest, engages in the prohibited criminal activity.

The above stated terms for termination of tenancy and household eviction shall be enforced through the following actions:

- a. Lease: The Housing Authority Dwelling Lease contains stipulations regarding criminal activity that threatens the health, safety, or right to the peaceful enjoyment of the premises by other residents or employees including possession of weapons, drug-related criminal activity. Additional provisions that are incorporated through this policy include:
 - i. residents, nor any household member or guest, or other person under their control, shall not engage in the prohibited drug-related or other criminal activities; failure to abide by this lease term is grounds for eviction and any drug-related or criminal activity in violation of this term shall be treated as a serious violation of the material terms of the lease;
 - ii. under the Extension Act, alcohol abuse that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents, shall be grounds for eviction;
 - iii. the Housing Authority shall not tolerate violations of the lease terms regarding criminal activity; one such offense shall be grounds for eviction;
 - iv. criminal activity is cause for eviction even in the absence of conviction or arrest.

- b. Briefing on Terms of the Lease: All residents shall be briefed on the terms of the lease at the time of annual re-examination. New residents shall be briefed on the terms of the lease at the time of signing the initial lease.
- c. Due Process Rights: The Housing Authority shall protect the resident's due process rights to the greatest extent possible:
 - i. Eviction procedure shall be processed through the applicable court system and shall not be handled through normal administrative grievance procedure.
 - ii. Residents shall be protected by state and local laws governing eviction procedure, barring preemption by federal law.

5. Nonresident Criminal Activity

The Housing Authority is committed to protecting against criminal activities committed by nonresidents and has adopted the following policy:

- a. The Authority shall post warnings in all HA public housing developments that violators shall be prosecuted to the fullest extent under the law.
- b. In accordance with the lease, residents shall be held responsible for guests', nonresidents, criminal behavior. Disruptive and/or criminal behavior of resident guests may be grounds for eviction of the entire household.
- c. In cases where the Authority and household settle an eviction case on the condition that the disruptive household member moves away from the Authority properties, the Authority/resident agreement shall provide that:
 - i. the individual thereafter shall be a trespasser on the Authority properties; and,
 - ii. the household shall be subject to eviction if the individual returns to the HA properties.