

GAINESVILLE HOUSING AUTHORITY

“ONE STRIKE-YOU’RE OUT” POLICY REGARDING CRIMINAL ACTIVITY, DRUG-RELATED CRIMINAL ACTIVITY AND ALCOHOL ABUSE

STATEMENT OF POLICY AND OBJECTIVES

In conformity with the requirements of the Housing Opportunity Extension Act of 1996, which requires immediate eviction from federally funded public housing of those persons who engage in drug use, violent criminal activity, or disruptive alcohol-induced behaviors, the Gainesville Housing Authority hereby adopts the following “One Strike-You’re Out” Policy. This policy is adopted in recognition of the following guiding principles:

1. That persons who engage in criminal activity, drug-related criminal activity, or disruptive behaviors related to alcohol abuse, represent a clear and immediate threat to the health, safety, and continued well-being of Gainesville Housing Authority residents.
2. The residents of the Gainesville Housing Authority have a right to live in an atmosphere of peaceful enjoyment and to be free from fear, intimidation, abuse, or environment of criminal activity.
3. Because of the extraordinary demand for affordable rental housing, public and assisted housing should be awarded only to responsible individuals who are willing to abide by the reasonable rules and regulations of the Gainesville Housing Authority.
4. All future applicants and current residents of the Gainesville Housing Authority must be protected from discrimination or any violation of their right to privacy, as these may be affected by procedures and policies adopted by the Authority.

In an effort to achieve a living environment at all Gainesville Housing Authority properties which is conducive to the health, safety and right of peaceful enjoyment of all residents, the Authority will undertake a policy designed to screen prospective tenants, in an effort to prevent those persons who have a demonstrated propensity for engaging in criminal activity, drug-related criminal activity or alcohol-related disturbances from becoming residents. In addition to this proactive tenant screening process, the Authority will also implement a policy designed to evict or terminate the lease of any existing residents who are found to engage in criminal activity, drug-related criminal activity, or alcohol-related disturbances. As specifically outlined in the following sections, it is the intent of the Authority to adopt a strict, uniform and fair policy which provides “zero tolerance” for criminal activity, drug-related criminal activity, or alcohol-related disturbances, whether committed by a prospective or current Tenant, household member, guest, or other person, whether on or off Authority property.

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I. APPLICANT SCREENING POLICY

A. PERSONS WHO HAVE PREVIOUSLY COMMITTED CERTAIN CRIMINAL OFFENSES OR PREVIOUSLY BEEN EVICTED FROM ASSISTED HOUSING FOR ILLEGAL ACTIVITY WILL BE DENIED CONSIDERATION FOR TENANCY

Any person who, within five (5) years of the date of application for residency with the Authority, has previously been evicted from any assisted rental housing program because of criminal activity, or drug-related criminal activity shall not be eligible for residency with the Authority. The Gainesville Housing Authority finds that those persons who have demonstrated a history of criminal activity involving certain crimes of physical violence, certain crimes relating to personal property, certain crimes relating to illegal narcotics activity, and certain other criminal acts, present a significant danger to the current law-abiding residents of the Authority, as such criminal activity represents a clear and immediate threat to their health, safety and continued well-being. Accordingly, any person who has committed one or more of the following specified criminal offenses, as evidenced by arrest, formal charge, conviction or other competent evidence, and has not thereafter demonstrated complete rehabilitation by remaining conviction-free or arrest-free for a period of at least five (5) years after the date of the most recent occurrence, arrest, formal charge, conviction, release from imprisonment, or the successful termination of probation, community control or parole, whichever shall occur later, *shall be denied* consideration for tenancy at any Gainesville Housing Authority property. For the purposes of this policy, an "arrest" shall include an actual physical arrest by a law enforcement officer, a notice-to-appear issued by a law enforcement officer, an information, indictment or other charging document. A "conviction" shall include either a formal adjudication of guilt or a withholding of adjudication of guilt by a court of competent jurisdiction, whether or not such finding is predicated upon a jury verdict or plea of guilty or nolo contendere:

Any violation of Chapter 784 Florida Statutes (relating to Assault and Battery)

Any violation of Chapter 812 Florida Statutes (relating to Robbery, Car Jacking and Home Invasion Robbery)

Any violation of Chapter 790 Florida Statutes (relating to Weapons and Explosives)

Any violation of Chapter 893 Florida Statutes (relating to the Possession, Sale or Distribution of Controlled Substances)

Any violation of Chapter 787 Florida Statutes (relating to Kidnapping and False Imprisonment)

Any violation of Chapter 796 Florida Statutes (relating to Prostitution)

Any violation of Chapter 810 Florida Statutes (relating to Burglary and Trespass)

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Any violation of Chapter 806 Florida Statutes (relating to Criminal Mischief)

Any violation of Chapter 827 Florida Statutes (relating to Child Abuse)

Any violation of Chapter 836 Florida Statutes (relating to Threats and Extortion)

Any violation of Chapter 843 Florida Statutes (relating to Resisting or Obstructing a Law Enforcement Officer)

Any violation of Chapter 856 Florida Statutes (relating to Disorderly Intoxication)

Any violation of Chapter 877 Florida Statutes (relating to Disorderly Conduct and Breach of Peace)

Any other violation of any state or federal law which contains as an element of the offense the use of force or violence, the possession of a controlled substance, or the presence of a state of intoxication or inebriation.

Notwithstanding the above, any person who has committed one or more of the following specified criminal offenses, as evidenced by arrest, formal charge, conviction or any other competent evidence, *shall be subject to a lifetime ban* from tenancy at any Gainesville Housing Authority property:

Any person who has been duly designated under Florida law as a registered sex offender of any type, no matter what the specific designation, classification, or degree of designation.

Any violation of Chapter 782 Florida Statutes (relating to Homicide)

Any violation of Chapter 794 Florida Statutes (relating to Sexual Battery)

Any violation of Chapter 800 Florida Statutes (relating to Lewd and Lascivious Behavior)

Any violation of Chapter 806 Florida Statutes (relating to Arson)

Any violation of Chapter 847 Florida Statutes (relating to Minors and Obscenity)

Any violation of State or Federal law involving the possession, sale or manufacture of methamphetamines

B. SOURCES OF INFORMATION FOR SCREENING OF PROSPECTIVE TENANTS

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Screening shall be conducted on all Tenants and proposed Household members who are over the age of 16 years at the time of application for housing. In its efforts to conduct thorough and effective screening of prospective tenants, the Authority may utilize one or more of the following information sources:

1. Arrest/Conviction records obtained from the National Crime Information Center computer data base (NCIC).
2. Arrest/Conviction records obtained from the Florida Crime Information Center computer data base (FCIC).
3. Arrest/Conviction records obtained from any Clerk of Court or other Court Record Registry located anywhere in the State of Florida or the United States.
4. Arrest/Incident records generated by any law enforcement agency located anywhere in the State of Florida or the United States.
5. Any commercial credit reporting service.
6. References or any other information provided by previous landlords.
7. Any other source of information, provided that such source demonstrates sufficient safeguards for reliability and truthfulness.

Pursuant to obtaining and utilizing the above-referenced information, the Authority shall implement a system of specific procedural rules governing the obtaining, storing, disseminating, retaining and destroying of such information, in order to safeguard any person's right to privacy and to comply with applicable state and federal laws.

C. EXCEPTIONS TO TENANT SCREENING POLICY; CASE-BY-CASE REVIEW OF INDIVIDUAL CIRCUMSTANCES

In any particular case of prospective tenancy, where the tenant or other household member does not meet the criteria set forth in Section I A above, the Authority may undertake an independent examination of the particular facts and circumstances and, if appropriate, make exception to the requirements of preceding Section I A, thereby accepting the prospective tenant or household member for residency. However, the Authority may reserve the right to impose reasonable conditions upon the tenancy, such as precluding certain named persons from becoming a member of the household, prohibiting certain named persons from being allowed to visit or otherwise be present on Authority property, requiring tenant to execute a written trespass warning banning certain persons from being present on the premises, or such other reasonable conditions as the Authority may deem appropriate. Additionally, in the case of the denial of prospective tenancy based upon illegal narcotic use or alcohol abuse, the Authority may waive the prohibition against residency where it is satisfactorily demonstrated such person is currently attending or has successfully completed a supervised drug or alcohol rehabilitation program.

D. DENIAL OF TENANCY; RIGHT OF AGGRIEVED PERSON TO BE INFORMED OF BASIS FOR DENIAL OF TENANCY, RIGHT TO EXAMINE EVIDENCE, RIGHT TO HEARING

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In the event the Authority elects to deny any application for tenancy based upon application of the tenant screening criteria set forth in Section I A above, the Authority shall notify the applicant in writing of such denial. The notification shall include the specific reason(s) for denial of the application and include a statement that the aggrieved applicant has a right to examine the documents or other evidence which forms the specific basis of the denial of tenancy. Such notice shall further inform the applicant of his/her right to appeal the Authority's denial of the tenancy application by requesting an informal hearing as provided for in the Authority's Admissions and Continued Occupancy Policy.

II. EVICTION POLICY FOR RESIDENTS FOUND TO BE ENGAGED IN CERTAIN CRIMINAL ACTIVITY, DRUG-RELATED CRIMINAL ACTIVITY OR DISRUPTIVE ALCOHOL-RELATED BEHAVIOR

A. PERSONS WHO COMMIT CERTAIN CRIMINAL OFFENSES OR ENGAGE IN OTHER DISRUPTIVE BEHAVIORS WHILE GAINESVILLE HOUSING AUTHORITY RESIDENTS WILL BE EVICTED

The Gainesville Housing Authority finds that those residents who engage in criminal offenses involving certain crimes of physical violence, certain crimes relating to personal property, certain crimes relating to illegal narcotics activity, and disruptive conduct related to alcohol abuse, present a significant danger to other law-abiding residents of the Authority, as such criminal and other disruptive behaviors represent a clear and immediate threat to their health, safety and continued well-being. Accordingly, any person who, while a resident of the Authority, is found to have engaged in one of more of the following specified criminal offenses or disruptive behaviors while on Authority property, or in the case of drug-related criminal offenses, whether such offense was committed on or off Authority property, the resident, tenant and/or the entire household *shall be evicted* from the Authority dwelling unit. For the purposes of this section, proof of engaging in or committing a prohibited act shall not require any formal court proceeding or judicial finding of conviction, but rather may be based solely upon evidence of an arrest, formal charge, conviction or other competent evidence tending to suggest that such a criminal offense or prohibited act was committed, as previously defined in Section I A. The criminal activities and other disruptive behaviors which will result in eviction include:

Any violation of Chapter 782 Florida Statutes (relating to Homicide)

Any violation of Chapter 784 Florida Statutes (relating to Assault or Battery)

Any violation of Chapter 794 Florida Statutes (relating to Sexual Battery)

Any violation of Chapter 800 Florida Statutes (relating to Lewd and Lascivious Behavior)

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Any violation of Chapter 812 Florida Statutes (relating to Robbery, Car Jacking and Home Invasion Robbery)

Any violation of Chapter 790 Florida Statutes (relating to Weapons and Explosives)

Any violation of Chapter 893 Florida Statutes (relating to the Possession, Sale or Distribution of Controlled Substances)

Any violation of Chapter 787 Florida Statutes (relating to Kidnapping and False Imprisonment)

Any violation of Chapter 796 Florida Statutes (relating to Prostitution)

Any violation of Chapter 810 Florida Statutes (relating to Burglary and Trespass)

Any violation of Chapter 806 Florida Statutes (relating to Arson and Criminal Mischief)

Any violation of Chapter 827 Florida Statutes (relating to Child Abuse)

Any violation of Chapter 836 Florida Statutes (relating to Threats and Extortion)

Any violation of Chapter 843 Florida Statutes (relating to Resisting or Obstructing a Law Enforcement Officer)

Any violation of Chapter 856 Florida Statutes (relating to Disorderly Intoxication)

Any violation of Chapter 877 Florida Statutes (relating to Disorderly Conduct and Breach of Peace)

Any violation of Chapter 847 Florida Statutes (relating to Minors and Obscenity)

Any other violation of any state or federal law which contains as an element of the offense the use of force or violence, the possession of a controlled substance, or the presence of a state of intoxication or inebriation.

Any disruptive or dangerous activity or conduct of a person while on Authority property, which is committed while such person is intoxicated or in an inebriated state.

B. EXCEPTIONS TO EVICTION POLICY FOR RESIDENCY; CASE-BY-CASE REVIEW OF INDIVIDUAL CIRCUMSTANCES

In any particular case of an existing resident, where it has been determined that tenant or any other household member has violated Section II A above, the Authority may

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undertake an independent examination of the particular facts and circumstances and, in its sole discretion, if appropriate, may make exception to the requirements of preceding Section II A, thereby electing to refrain from terminating the lease and evicting the tenant or household member. However, the Authority may reserve the right to impose reasonable conditions upon the tenancy, such as precluding certain named persons from remaining as members of the household, prohibiting certain named persons from being allowed to visit or otherwise be present on Authority property, requiring tenant to execute a written trespass warning banning certain named persons from being present on the premises, or such other reasonable conditions as the Authority may deem appropriate. Additionally, in the case of eviction predicated on illegal narcotic use or alcohol abuse, the Authority may elect, in its sole discretion, to forego eviction of the resident where it is satisfactorily demonstrated such person is currently attending or has successfully completed a supervised drug or alcohol rehabilitation program.

C. NOTICE OF EVICTION; RIGHT OF AGGRIEVED PERSON TO BE INFORMED OF BASIS FOR EVICTION; RIGHT TO EXAMINE EVIDENCE, RIGHT TO HEARING

In the event the Authority elects to evict a tenant and/or household member(s) due to a violation of Section II A above, the Authority shall notify the tenant in writing of such eviction. The notification shall include the specific reason(s) for the eviction and include a statement that the aggrieved party has a right to examine the documents or other evidence which forms the specific basis for the eviction. Such notice shall further inform the aggrieved party of his/her right to appeal the Authority's decision to terminate the lease and evict by requesting, if applicable, a hearing pursuant to the Authority's established Grievance Procedure.

**APPROVED BY GHA BOARD
APRIL 20, 2005**

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