

Public Housing

Did you know that if you live in public housing and a family member or guest uses drugs, your whole family can be evicted? In 1996, the Department of Housing and Urban Development (HUD) enacted a new "One Strike and You're Out" policy that has put many people out on the street. "One Strike" guidelines dictate that a single drug crime, on or off the housing premises, can result in the eviction of the entire household.

History

In 1996, President Clinton endorsed "One Strike" as a way of addressing the issue of crime in public housing. HUD then aggressively promoted this new housing policy to public housing authorities (PHAs) and enacted an assessment system to ensure PHA compliance with the new regulations.

How does it work?

There are 3,400 public housing complexes that receive funding from HUD. The "One Strike" guidelines require that if the tenant, another member of the household, a guest, or any other person connected with the tenant is involved with drugs, the entire household can be evicted. A drug eviction makes the tenants ineligible for public housing for three years after the date of eviction. In addition, PHAs must deny admission of public housing to anyone whom they have "reasonable cause to believe" has "a pattern of illegal drug use." In the first six months after the "One Strike" guidelines were adopted, evictions jumped from 9,835 to 19,405.

What's wrong with this law?

• This law encroaches on important Constitutional protections.

By evicting innocent tenants for drug activity that occurs without their knowledge or consent, "One Strike" denies the right to due process, guaranteed by the Fifth and Fourteenth Amendments, which prevents one person from being punished solely because of the actions of another.

• This law represents a legal double standard in the War on Drugs.

In the War on Drugs, there are many laws that only apply to the poor. This policy is no exception. Only families living in low-income housing face the prospect of homelessness by federal decree.

• This law worsens social problems that public housing was designed to alleviate.

Many public housing projects encounter drug activity and violent crime. Instead of going after drug sellers and users directly, this law targets innocent families. "One Strike" puts families on the street and increases family instability. Without housing, parents may lose custody of their children. Fear of being evicted or denied housing may also prevent families from taking in relatives with past or current drug problems or who are returning home from prison.

"One Strike" in the U.S. Supreme Court: HUD v. Rucker

In 2002, the U.S. Supreme Court heard arguments in HUD v. Rucker, a case involving four elderly residents facing eviction under the "One Strike" policy for drug crimes they did not commit. Ms. Rucker, one of the tenants, faced eviction because her mentally disabled daughter was arrested for cocaine possession three blocks from their apartment. Two other residents received an eviction notice because their grandchildren were caught smoking marijuana in the complex's parking lot, and one resident faced eviction because his caregiver was found with cocaine in his apartment.

The Supreme Court voted 8-0 against Rucker. The Court ruled that Congress had intended drug evictions to extend to innocent tenants and that this policy was constitutional. In his majority opinion, Chief Justice Rehnquist held that it is not "absurd" to "sometimes evict a tenant who ha[s] no knowledge of the drug-related activity" or who "[can] not foresee or [can] not control behavior by other occupants of the unit."

What can you do?

1. Write or call your representatives and let them know you oppose "One Strike and You're Out."
2. Spread the word. Inform others about how innocent people can lose their housing because of the War on Drugs.
3. Visit our website at www.aclu.org to learn more about the War on Drugs.



ACLU

Drug Policy Litigation Project