

Housing Authority of the City of Bastrop's (BHA)

Zero Tolerance Policy

TENANT NAMES: _____

ADDRESS: _____ LEASE DATE: _____

The following terms and conditions comprise the entire content of this attachment as follows:

Statement of Purpose

With the enactment of the 1996 Extender Act, the Quality Housing Work Responsibility Act of 1998, and Other Criminal Activity final rule published May 24, 2001, Congress and HUD have sought to enhance admissions screening criteria and eviction policies nationwide to support safe public and assisted housing communities for families and children and ensure that PHA's develop and implement fair and low-income people residing in public housing. In *Department of Housing and Urban Development v. Rucker*, 535 U.S. 125 (2002), the U.S. Supreme Court held that lease terms empower local housing authorities with the discretion to evict tenants for the drug-related activity of household members and guests, regardless of the tenant's knowledge or participation. Thus, Housing Authorities may aggressively pursue terminating a tenant's lease for drug-related activity. If the tenant, household member, guest or anyone visiting the tenant engages in drug-related activity or violent criminal activity, with or without the knowledge of the leaseholder, the entire family may be evicted. All citizens have the right to live in peace and freedom from fear, intimidation, and abuse. Because of the extraordinary demand for affordable rental housing, the limited supply of public and assisted housing should be available only to responsible individuals.

BHA's Zero Tolerance Policy

The BHA has a Zero Tolerance Policy for the following behaviors engaged in by tenants, household members or guests regardless of the tenant's knowledge:

1. Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants or employees of the Housing Authority;
2. Any other activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants or employees of the Housing Authority;
3. Any drug-related criminal activity on or off the premises (The term drug-related criminal activity means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, of a controlled substance.);
4. Alcohol abuse that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents;
5. Any other acts or disturbances, which violate the applicable lease and house rules.

It shall be the policy of the BHA to terminate the lease or housing assistance payments of any tenant for the above-described behavior as set forth. Knowledge by the tenant of the household members' and/or guests' behavior is not required to terminate the tenant's lease for the above-described behavior. Neither an arrest nor a conviction is required to terminate the resident's lease for the above-described behavior.

Drug Awareness, Detection and Enforcement

It is the responsibility of the Housing Authority to provide, as best as possible, drug-free neighborhoods. This is accomplished through various means.

- Literature and information is given during move-in and is distributed to current residents to discourage the use of illegal drugs.
- Police and lease enforcement patrols through the neighborhoods at various times of the day and night unannounced.
- Make use of information from residents, employees and local citizens concerning the use of drugs in the neighborhoods for investigation and reporting this to proper authorities.

- Use of police drug detection canines (drug dogs) and their authorized handlers to randomly walk the neighborhoods. If the dog is alerted to an apartment or vehicle parked on the premises, it is the BHA policy to enter the apartment or vehicle and conduct a physical search. Resident agrees to allow inspections/searches (random or reasonable cause) of their (or their guest's) vehicles, person, property, or apartment at the discretion of management. Reasonable cause for inspection or search includes, but is not limited to the alerting of a trained drug dog upon an apartment, person, property or vehicle on BHA Property.

When physical drugs or paraphernalia are found in an apartment or vehicle or the verifiable evidence that the resident has been involved in using drugs or allowed drugs in the apartment, that household will receive a lease termination notice or termination of housing assistance payments notice.

Mitigating Circumstances

In deciding whether to deny or terminate assistance because of action or failure to act by tenant or household members, the BHA has the discretion to consider all of the circumstances in each case, including:

- The seriousness of the case;
- The extent of participation or culpability of individual household members;
- The effects of termination of assistance on other household members not involved in the action or failure.

Evictions a Civil Matter

Evictions are civil, not criminal matters. The BHA is not required to meet the criminal standard of “proof beyond a reasonable doubt.” In order to terminate a lease and evict a tenant or terminate housing assistance payments, a criminal conviction or arrest is not necessary.

Enforcement of Zero Tolerance Policy Consistently

The BHA will ensure sufficiency of the evidence before initiating eviction actions and treat residents evenhandedly before proceeding with an eviction action or action to terminate housing assistance payments. The Housing Authority will have sufficient documentation to prove in a court of law that a tenant has violated his or her dwelling lease before taking eviction action or terminating housing assistance payments.

Conclusion

The BHA’s demand for decent, safe and sanitary affordable housing far exceeds the limited supply. Therefore, it is reasonable to allocate this scarce resource to those individuals who are willing to abide by clear and sensible rules enforced in a non-discriminatory manner. Law abiding public and assisted housing residents should not have to live in fear of drug-related and other criminal activity. Children growing up in these communities should likewise be protected from the violence and dangers that accompany criminal activity.

IN WITNESS HEREOF, the parties have executed this Zero Tolerance Policy Attachment on this _____ day of _____ 20____, at Bastrop, Texas.

HOUSING AUTHORITY OF THE CITY OF BASTROP, TEXAS

Tenant

Spouse or Co-Tenant

BHA MANAGER

Bastrop Housing Authority does not discriminate against persons on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.