

ALGONAC HOUSING COMMISSION'S  
ONE STRIKE POLICY

**Definition: “Drug Related Criminal Activity”:** Drug related criminal activity is the illegal manufacture, sale, distribution, use or possession with the intent to manufacture, sell, distribute, or use a controlled substance.

The commission will cause eviction of residents who:

- 1) Engage in any criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents;
- 2) Engages in any drug related criminal activity on or off the premises or allows any member, guest or other person under the tenant’s control to engage in any criminal activity including drug criminal activity on or off the premises;
- 3) Engages in the abuse of alcohol or any other controlled substance in such a way that may interfere with the health, safety, and right to peaceful enjoyment of other residents.

Note: The states where HUD has determined that the court system provides elements of due process, the HA can by-pass the grievance procedure in cases involving termination of tenancy for any activity not just a criminal activity that threatens the health, safety and right to peaceful enjoyment of other residents.

Michigan has been determined a due process state by HUD and informal hearing requests in such cases will be denied and will proceed to court.

#### **TRACKING AND REPORTING OF CRIMINAL ACTIVITIES:**

The Algonac Housing Commission will track all complaints, observations and any information reported or acquired in any way and recorded in resident’s file.

Such complaints, observations and information in resident’s file will be reviewed on a periodic basis or at least a year at annual re-exam to determine continued occupancy.

If the Algonac Housing Commission determines any lease violations, continued occupancy can be denied and Termination of Tenancy will take place.

At the time of the annual reexam, a police report will be requested if the Algonac Housing Commission has any concerns of activity that may violate the lease in any way. The police report and information received will help determine continued occupancy.

Any complaint, observation and information received that the Algonac Housing Commission determines to be of an illegal or criminal act will be reported to the Police Department and will be logged in tenant's file.

**OVERVIEW:**

The attached screening and eviction procedures are a result of the Housing Opportunity Program Extension Act of 1996. These procedures are in addition to our existing screening and eviction procedures and by and through this Policy the commission commits to do all within its power not to allow any drug, alcohol and/or criminal activity in our Housing complexes.

**SCREENING OUT ILLEGAL DRUG USERS AND ALCOHOL ABUSERS:**

The Algonac Housing Commission will prohibit admitting any person into Public Housing where it is 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 may interfere with the health, safety, or right to peaceful enjoyment of the premises of other residents.
- Applicant has a recent history of criminal activities involving crimes to person or property and other criminal acts.
- Applicant has been evicted from any assisted housing program within the last three years.
- The Housing Authority determines the applicant is illegally using, selling, manufacturing any controlled substance or is abusing alcohol.

The "Extended Act" provides the authority to the Commission to request criminal conviction records of both adults and juveniles convicted as adults. The Authority will use all records to determine eligibility and will maintain confidentiality and destroy once the purpose has been accomplished.

**TERMINATING ASSISTANCE TO ILLEGAL DRUG USERS AND ALCOHOL ABUSERS:**

The Algonac Housing Commission will evict from Housing any resident who is determined to be involved in any drug related criminal activity or abuses alcohol that interferes with the health, safety, and right to peaceful enjoyment of other residents.