

HOUSING AUTHORITY OF GLOUCESTER COUNTY



"ONE STRIKE AND YOU'RE OUT" POLICY

REVISED: JUNE 18, 2002

"ONE STRIKE & YOU'RE OUT POLICY"

Adopted September 25, 1996

Revised October 21, 1998; May 1, 1999; August 22, 2001; June 18, 2002

During his January 23, 1996 State of the Union Address, President Clinton challenged local housing authorities to adopt and implement a policy denying assistance to criminal gang members and drug dealers, drug users and those who abuse alcohol and to provide a framework for the eviction of residents who commit crime and peddle drugs.

Effective June 25, 2001, the Department of Housing & Urban Development has adopted final rules which set forth regulations for implementing fair, effective and comprehensive policies for screening out program applicants who engage in illegal drug use or other criminal activity, and for evicting or terminating assistance of persons who engage in such activity.

The Housing Authority of Gloucester County hereby adopts this revised policy to be known as the "One Strike and You're Out" Policy in order to assure that:

1. People receiving housing assistance who engage in drug and other criminal activity will face certain and swift eviction and/or termination of assistance.
2. People receiving housing assistance who engage in drug and other criminal activity will be denied public housing as well as those persons who live in the offending tenant's household.
3. People receiving housing assistance who engage in alcohol related abuse to the extent that it interferes with health, safety and/or the right of other public housing residents, assisted tenants and neighbors of public housing residents and assisted tenants to have peaceful enjoyment of the premises will face certain and swift eviction and/or termination of assistance.
4. Public housing residents, assisted tenants and their neighbors will be free from threats to their personal and family safety.
5. Residents of households receiving housing assistance can pursue the work and educational opportunities necessary to remove themselves from dependence upon housing assistance and attain self-sufficiency.

A. The Guiding Principles of the Policy

1. All individuals whether or not residents of an assisted housing unit or complex have the right to live in peace and be free from fear, intimidation and abuse.
2. Because of the extraordinary demand for affordable rental housing, public and assisted housing should be awarded to responsible individuals.
3. Because those residents who engage in criminal, alcohol, or drug related activities are often members of the household of the applicant, people receiving assistance should be screened and all residents should remain under scrutiny in order to deter illegal activity by all residents, their guests or any person under the tenant's control instead of only the applicant or head of the household.
4. Applicants and current residents who receive housing assistance must be protected from discrimination and violation of their right to privacy.

B. Implementation of the Policy

1. All applicants and members of their household should be screened for evidence of criminal activity, alcohol abuse and drug related activity prior to being granted housing assistance as an indication of future conduct.

Screening may be performed by:

- a) Questioning the applicant and all members of the applicant's household as to any criminal, drug related or alcohol related activity in which they have been involved in or in which any member of their household has been involved.
- b) Obtaining the consent of the applicant and all adult members of the applicant's household to obtain and review credit or payment histories, references of prior landlords, the National Crime Information Center, police and court records, probation officer, parole officer and local social service provides relating to all persons over the age of 16 who wish to receive, whether directly or indirectly, housing assistance. Under Federal law an adult is defined as a person who is 18 years of age or older or has been convicted of a crime as an adult under any Federal or State law although state law may allow review of criminal records of persons under the age of 18 in certain instances. The Authority or landlord may also receive information as to juveniles to the extent that the release of such information is authorized by state or local law. The Authority may rely upon any evidence it deems credible, including but not limited to, newspaper reports, complaints of neighbors and evidence of criminal activity or evidence of criminal complaints filed against the assisted tenant, even if the criminal complaint did not result in a conviction.

- c) Assuring that applicants, assisted tenants, and members of their household understand the importance of the One Strike Policy prior to the granting of assistance to the applicant or prior to continuing assistance to a tenant.
 - d) Having each applicant and member of the applicant's household who is 16 years old or older acknowledge, in writing, their understanding of the One Strike Policy prior to a determination of the applicant's request for assistance. This acknowledgment should be accomplished through the policy disclosure form attached hereto as Exhibit "A".
 - e) In screening the applicant or tenant, the Authority's focus should not be on whether the applicant or tenant happens to have a disability.
2. All persons currently receiving assistance and/or living in one of the Authority buildings and all members of their household must be advised of the One Strike Policy at the time that any housing assistance agreement or lease is executed or amended. This should be accomplished as follows:
- a) By assuring that the lease or agreement provided to assisted tenants contains references to this One Strike Policy and specifies that those persons engaged in criminal or drug or alcohol related activities will be evicted and/or deprived of future assistance. The lease and/or lease addendum must also provide that housing assistance will be terminated and/or the assisted resident will be evicted if criminal activity is engaged in by an assisted tenant or assisted resident either on or off such premises. Assistance will also be terminated and/or the assisted resident will be evicted if a guest, visitor, member of the assisted tenant's household or any other person under the assisted tenant's control engages in criminal activity while on or at the leased premises.
 - b) By posting in conspicuous locations at housing authority offices and residential premises signs describing the nature and effect of the One Strike Policy in the form attached hereto as Exhibit "B".
 - c) By having each head of the assisted household and each member of the household of 16 years of age or older acknowledge, in writing, their understanding of the One Strike Policy. This should be accomplished by having each resident execute the form attached hereto as Exhibit "A".

3. A copy of this policy should be provided to the Judge of the Superior Court of New Jersey, Law Division, Gloucester County who presides over the County' landlord/tenant Court. A copy of this policy should also be provided to the police chiefs in the municipalities where the Authority owns, manages, or subsidizes residential units as well as to the Gloucester County Adult Probation Department, the Gloucester County Prosecutor, the Department of Corrections Bureau of Parole and Judges in the Municipal Courts in municipalities where the Authority owns or manages rental units. The Authority should also attempt to communicate with the recipients of copies of this policy to explain the purpose of the policy and to request their assistance with the implementation of this policy as it is recognized that this policy can only deter criminal behavior if there is a common understanding of the policy and cooperative enforcement effort by all those involved in effectuating this policy.

C. Prohibited Activities/Reasons for Denial or Termination

1. The following is a list of prohibited activities. This list is intended to offer guidelines as to prohibited conduct. Specific causes for denial/termination, by individual program, follow the list of prohibited activities. Determinations shall be made on a case by case basis and based upon the best evidence available to the Authority. The individual's propensity to commit crime, engage in criminal behavior, engage in the illegal use of a controlled substance, or abuse alcohol may be considered based upon the individual's history.

Generally, no one shall pose a threat to the life, health, safety or peaceful enjoyment of the residents and neighbors. This applies to the assisted tenants, members of their household, guests, and persons over whom the assisted tenant has control. Such prohibited activities include, but are not limited to the following:

- a. Crimes against property such as burglary, larceny, and robbery;
 - b. Violent crimes such as murder, accessory to murder, battery, and assault;
 - c. Crimes that impose a financial hardship such as vandalism, arson, and malicious mischief;
 - d. Crimes that disturb the peace such as nuisance, loitering, prostitution, excessive noise, fighting, harassment, and child abandonment;
 - e. Drug-related criminal activity such as the sale, manufacture, possession, or use of illegal controlled substances, or the illegal sale, possession, or use of other controlled substances not in accordance the prescribed use of the substance; and
 - f. Alcohol-related abuse.
2. For all programs, all instances related to drug and alcohol activity, the Authority shall

consider rehabilitation in determining whether to deny admission or terminate assistance to any person. The Authority shall consider whether such person:

- a. Has successfully completed a supervised drug and alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abusing alcohol (as applicable); or
 - b. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abusing alcohol (as applicable); or
 - c. Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abusing alcohol (as applicable).
3. For all programs, the Authority shall provide the applicant or assisted family the opportunity to exclude a household member in order to be admitted to the housing program (or continue to reside in the assisted unit), where the household member has participated in or been culpable for action or failure to act that warrants denial (or termination).
 4. For all programs, the Authority shall request and obtain information regarding applicants from drug treatment facilities in accordance with federal regulations.
 5. Prior to the Authority denying admission to any program on the basis of a criminal record, the Authority must notify the household of the proposed action to be based on the information. The Authority must provide the subject of the record and the applicant with a copy of the criminal record and an opportunity to dispute the action in accordance with “Section D. Determination of Violation; Ineligibility for Assistance to Applicants For HAGC Subsidized Programs or Participants Receiving Assistance Pursuant to the Section 8 Program” of this policy.
 6. For all programs and the purposes of this policy, covered person shall mean a tenant, any member of the tenant’s household, a guest, or other person under the tenant’s control.
 7. For all programs and the purposes of this policy, the Authority shall determine 3 years as the period of time which an applicant must not have engaged in prohibited activities.
 8. For all programs and the purposes of this policy, the term “currently engaging in” shall mean that the person has engaged in the behavior recently enough to justify reasonable belief that the behavior is current
 9. For the *Public Housing Program* only, when the Authority evicts an individual or family for

criminal activity, it must notify the local post office that serves the dwelling unit in which the individual or family is no longer residing.

10. For the *Public Housing Program*, the Authority must perform sufficient screening to determine that the behavior of the family is suitable for tenancy. The Authority MAY prohibit admission if it is not satisfied with the applicant's screening, which includes, but not limited to, the following.
 - a. An applicant's past performance in meeting financial obligations, especially rent.
 - b. A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants; and
 - c. A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

11. For the *Public Housing Program*, the Authority MUST prohibit admission for the following reasons:
 - a. Three (3) years from the date of eviction from federally assisted housing for drug-related criminal activity.
 - (1) The Authority may admit the household if it determines:
 - i The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Authority; or
 - ii The circumstances leading to the eviction no longer exist.
 - b. The Authority determines that any household member is currently engaging in illegal drug use. For the purposes of this policy, "currently engaging in" shall mean "that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current."
 - c. The Authority has reasonable cause to believe that a household member's illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

- d. The Authority must permanently prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
 - e. The Authority must prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The Authority must perform necessary criminal history background checks in New Jersey and in any other State where the household members are known to have resided.
 - f. The Authority must prohibit admission if it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the enjoyment of the premises by other residents.
12. The Authority **MUST** terminate the tenancy of any *Public Housing resident*, in accordance with the provisions of the Public Housing lease, who engages in the following drug related or criminal activity.
- a. If the Authority determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
13. The Authority **MAY** terminate tenancy, in accordance with the lease, of a *Public Housing resident* under the following circumstances.
- a. If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or is a high misdemeanor, or violating a condition of probation or parole imposed under Federal or State law.
 - b. The Authority may evict the tenant by judicial action for criminal activity if it determines that the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.
 - c. The Authority may evict a family when it determines that a household member is illegally using a drug or when it determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

- d. Drug related criminal activity engaged in, on or off the premises, by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control, is grounds for the Authority to terminate tenancy.
 - e. Any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, including the Authority's management, or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.
 - f. If the Authority determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - g. Furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.
14. For the *Section 8 Housing Choice Voucher Program*, the Authority MUST prohibit admission for the following reasons:
- a. Three (3) years from the date of eviction from federally assisted housing for drug-related criminal activity.
 - (1) The Authority may admit the household if it determines:
 - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Authority; or
 - ii. The circumstances leading to the eviction no longer exist.
 - b. The Authority determines that any household member is currently engaging in illegal drug use. For the purposes of this policy, "currently engaging in" shall mean "that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current."
 - c. The Authority has reasonable cause to believe that a household member's illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - d. The Authority has reasonable cause to believe that a household member's abuse or

pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

- e. The Authority must permanently prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
 - f. The Authority must prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The Authority must perform necessary criminal history background checks in New Jersey and in any other State where the household members are known to have resided.
15. The Authority MAY prohibit admission to the *Section 8 Housing Choice Voucher Program* it determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission:
- a. Drug-related criminal activity;
 - b. Violent criminal activity;
 - c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - d. Other criminal activity which may threaten the health or safety of the owner, property management staff, or Authority staff performing administrative functions.
16. The Authority MAY terminate the assistance of any *Section 8 Housing Choice Voucher Participant* who engages in the following drug related or criminal activity.
- a. If any household member is currently engaged in any illegal use of a drug; or
 - b. A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - c. If the Authority determines that any tenant, household member, guest, or other person under the tenant's control engages in drug-related criminal activity, on or near the premises, that threatens the health, safety or right to peaceful enjoyment of the residents and persons residing in the immediate vicinity of the premises.
 - d. If any household member engages in violent criminal activity or other criminal

activity that threatens the health, safety or right to peaceful enjoyment of the residents and persons residing in the immediate vicinity of the premises.

- e. If any household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises by other residents.
17. The Authority MUST terminate the assistance of any *Section 8 Housing Choice Voucher Participant* who engages in the following drug related or criminal activity.
- f. If the Authority determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
18. For the *Section 8 Moderate Rehabilitation Program*, the Authority MUST prohibit admission for the following reasons:
- a. Three (3) years from the date of eviction from federally assisted housing for drug-related criminal activity.
 - (1) The Authority may admit the household if it determines:
 - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Authority; or
 - ii. The circumstances leading to the eviction no longer exist.
 - b. The Authority determines that any household member is currently engaging in illegal drug use. For the purposes of this policy, "currently engaging in" shall mean "that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current."
 - c. The Authority has reasonable cause to believe that a household member's illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - d. The Authority has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - e. The Authority must permanently prohibit admission if any household member has

ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

- f. The Authority must prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The Authority must perform necessary criminal history background checks in New Jersey and in any other State where the household members are known to have resided.
19. The Authority MAY prohibit admission to the *Section 8 Moderate Rehabilitation Program* it determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission:
- a. Drug-related criminal activity;
 - b. Violent criminal activity;
 - c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - d. Other criminal activity which may threaten the health or safety of the owner, property management staff, or Authority staff performing administrative functions.
20. The Authority MAY terminate assistance of any *Section 8 Moderate Rehabilitation Participant* who engages in the following activity;
- a. If any tenant, household member, guest, or other person under the tenant's control is currently engaged in any drug-related criminal activity on or near the premises;
 - b. If a household member is illegally using a drug or if a pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - c. If the Authority determines that any household member is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor;
 - d. If the Authority determines that any household member is violating a condition of probation or parole imposed under Federal or State Law;

- e. If the Authority determines that any household member is engaging in criminal activity that threatens the health, safety, or right of peaceful enjoyment of the premises by other residents or by persons residing in the immediate vicinity of the premises;
 - f. If the Authority determines that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.
21. The Authority MUST terminate the assistance of any *Section 8 Moderate Rehabilitation Participant* who engages in the following drug-related or criminal activity.
- a. If the Authority determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing it must immediately and permanently terminate assistance.
22. For the *Section 8 New Construction Program*, the Authority MUST prohibit admission for the following reasons:
- a. Three (3) years from the date of eviction from federally assisted housing for drug-related criminal activity.
 - (1) The Authority may admit the household if it determines:
 - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Authority; or
 - ii. The circumstances leading to the eviction no longer exist.
 - b. The Authority determines that any household member is currently engaging in illegal drug use. For the purposes of this policy, "currently engaging in" shall mean "that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current."
 - c. The Authority has reasonable cause to believe that a household member's illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

- d. The Authority has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - e. The Authority must permanently prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
 - f. The Authority must prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The Authority must perform necessary criminal history background checks in New Jersey and in any other State where the household members are known to have resided.
23. The Authority MAY prohibit admission to the *Section 8 New Construction Program* if it determines that:
- a. Any household member is currently engaged in, or has engaged in any of the following during a reasonable time before the admission:
 - (1) Drug-related criminal activity;
 - (2) Violent criminal activity;
 - (3) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - (4) Other criminal activity which may threaten the health or safety of the owner, property management staff, or Authority staff performing administrative functions.
24. The Authority MUST terminate the tenancy of any *Section 8 New Construction Participant* who engages in the following drug related or criminal activity.
- a. If the Authority determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
25. The Authority MAY terminate the tenancy of any *Section 8 New Construction Participant* who engages in the following drug or criminal activity.
- a. If any tenant, household member, guest, or other person under the tenant's control engages in drug-related criminal activity, on or near the premises, that threatens

the health, safety or right to peaceful enjoyment of the premises by other residents.

- b. If any household member is illegally using a drug or a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- c. If any household member engages in any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises).
- d. If any household member engages in any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences in the immediate vicinity of the premises.
- e. If any household member is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor.
- f. If any housing member is violating a condition of probation or parole imposed under Federal or State Law.
- g. If any household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises by other residents.

**D. Determination of Violations; Ineligibility for Assistance
to Applicants For HAGC Subsidized Housing Programs or
Participants Receiving Assistance
Pursuant to the Section 8 Program**

1. **PRELIMINARY INITIAL DETERMINATION:** A preliminary initial determination of a violation of the One Strike Policy and thus, a determination of ineligibility for assistance for an applicant or assisted tenant shall be made by an HAGC staff person having responsibility for the applicant or assisted tenant and shall be based upon the evidence available to the Authority from the sources set forth in Section (B)1 above.
2. Following a preliminary initial determination that an applicant for assistance or assisted tenant, or a member of the assisted tenant's household has violated the One Strike Policy and thus, is ineligible to receive assistance from the Authority or that their current

assistance should be terminated by the Authority, the findings of the case worker or administrative officer shall be presented to a designated Superior so that a formal initial determination of ineligibility may be made.

3. **NOTICE OF PRELIMINARY INITIAL DETERMINATION:** If the Authority determines that the applicant, assisted tenant or a member of the applicant or assisted tenant's household is ineligible for assistance, the Authority shall, within five (5) days of making such a determination, provide written notice to the applicant or assisted tenant, of the initial determination. The notice of this initial determination shall be mailed to the applicant or assisted tenant by certified mail, return receipt requested and ordinary mail. In the alternative, the notice of the initial determination may be personally served or personally delivered to the applicant or assisted tenant, provided that the applicant or assisted tenant or member of the assisted tenant's household acknowledges receipt of the notice in writing or the Authority employee who personally serves the Notice executes a certification of service in the form attached hereto as Exhibit "C".

The Notice of Initial Determination shall follow the form attached hereto as Exhibit "D" and shall state that the Authority has made an informal determination of a violation of the One Strike Policy and thus ineligibility for assistance based upon the evidence available to the Authority. A brief description of the evidence shall be provided to the applicant or assisted tenant together with notice that the applicant or assisted tenant may request an informal hearing to dispute the evidence relied upon by the Authority or to offer evidence of mitigating factors. The Notice shall further provide that the applicant or assisted tenant may request an informal hearing before the designated Hearing Officer provided that the hearing is requested within 10 days of receipt by the applicant or assisted tenant of the Notice of the informal determination. If requested by the applicant or assisted tenant, the evidence relied upon by the Authority in making its initial determination and a copy of this policy shall be provided to the applicant or assisted tenant prior to the informal hearing.

Before taking any adverse action based upon conduct prohibited by this policy, the Authority must provide the applicant or assisted tenant with the evidence relied upon by the Authority and an opportunity to dispute the accuracy and relevancy of the evidence. This opportunity to dispute the evidence can be at the informal hearing.

4. **APPEAL BY APPLICANT OR ASSISTED TENANT:** If an applicant or assisted tenant files a request with the Authority within ten (10) days, the Authority shall schedule the matter for an informal hearing within ten (10) days of receipt of the applicant's or assisted tenant's request for an informal hearing. The applicant or assisted tenant shall be given written notice of the date, time and location for the informal hearing at least five (5) days prior to the date of the informal hearing. Further, said notice shall also state that the applicant or

assisted tenant may be represented by any person, including an attorney of their choice, at the hearing but that the applicant or assisted tenant must still appear at the informal hearing.

5. **INFORMAL HEARING:** The informal hearing shall be conducted by the designated Hearing Officer for the Authority and will be tape recorded. As this hearing will be an informal one, the rules of the Superior Court of New Jersey will not be applicable. During the hearing, the Authority and/or the Authority's legal counsel shall present the evidence relied upon by it in making its initial determination which supports its initial determination that there was a violation of the One Strike Policy. Such evidence may include but is not limited to testimony from law enforcement officials, probation officers, parole officers, Authority employees, landlords, local service employees relied upon by the Authority, news reports and stories that support the Authority's initial determination. Such testimony may be live or sworn written testimony. The applicant or assisted tenant or their attorney or other representative may present evidence in order to dispute or mitigate the Authority's evidence. Further, the applicant or assisted tenant or their attorney will have the opportunity to question the Authority's witnesses and likewise the Authority will have the opportunity to question the applicants or assisted tenant's witness.
6. **NOTICE OF FINAL DETERMINATION:** Within five (5) days of the informal hearing, the Authority shall mail by ordinary mail and certified mail, return receipt requested, or hand deliver, a Notice of Final Determination to the applicant or assisted tenant. The Notice shall state the reason for the Authority's final determination and specify the evidence relied upon. If the final determination is that the One Strike Policy was violated and thus, the tenant's assistance will be terminated, the Authority shall specify the date when the Authority's assistance will cease. The date that the Authority's assistance will terminate will be at least 30 days from the date of the applicant's or assisted tenant's receipt of the final determination. If it is determined that the One Strike Policy was violated and thus the tenant's assistance will be terminated, the assisted tenant's landlord shall be notified, in writing, that the tenant is no longer eligible to receive housing assistance after a certain date. The notice to the landlord will not specify why the tenant is no longer eligible for assistance.
7. **APPEAL TO THE EXECUTIVE DIRECTOR:** If the Notice of Final Determination states that the Authority finds the One Strike Policy was violated and that thus, the applicant is not eligible to receive assistance or the assisted tenant's assistance will be terminated, the Notice shall also state that the applicant or assisted tenant may request an appeal of the Final Determination to the Executive Director of the Authority. The Notice shall state that the applicant's or assisted tenant's request for an appeal shall be in writing and received by the Authority within ten (10) days after the applicant's or assisted tenant's receipt of the Notice

of Final Determination. The request for appeal to the Executive Director shall not operate to stop the running of the thirty (30) days from the date of the final determination upon which the Authority's assistance to the tenant will be terminated as stated herein in paragraph number 6.

Upon the Executive Director's receipt of the request for appeal, the Executive Director will review the evidence from the informal hearing and will make a determination to either uphold the Final Determination or reverse it. The applicant or assisted tenant will then be notified of the Executive Director's decision by ordinary mail and certified mail, return receipt requested.

8. **NO APPEAL BY APPLICANT OR ASSISTED TENANT:** If the applicant or assisted tenant does not dispute the Authority's initial determination with ten (10) days of receipt of the notice of the initial determination it shall become the Authority's final determination. The Authority shall then provide the applicant or assisted tenant with written notice of the final determination by certified mail, return receipt requested and ordinary mail.
9. **CONTINUED HOUSING ASSISTANCE BY AGREEMENT:** If the evidence relied upon by the Authority in making an initial determination, as set forth in paragraph (a) herein, relates to a member of the assisted tenant's or applicant's household, or a guest of the assisted tenant, the Authority and the assisted tenant or applicant may agree that the Authority will continue housing assistance or commence housing assistance payments conditioned upon the removal of the offending family member or guest from the residential unit or agree that the offending family member or guest will be excluded from receiving either direct or indirect assistance from the Authority. Said Agreement must be in writing, signed by the Authority, the head of the household and the offending family member or guest. The agreement shall provide that the offending family member or guest may not visit or stay overnight in the assisted rental unit and may not enter upon the Authority's property or property occupied by the assisted tenant whose residence therein is facilitated by the assistance provided by the Authority.

The agreement should also acknowledge that, if the offending family member or guest does enter Housing Authority property or property occupied by the assisted tenant, the offending family member or guest shall be treated as a trespasser and prosecuted to the fullest extent of the law.

**E. Determination of Violations; Evictions of Persons Who Violate
One Strike Policy**

1. **PRELIMINARY DETERMINATION:** A preliminary initial determination of a violation of the One Strike Policy and thus, a determination that an assisted tenant that is a resident (hereinafter an "assisted resident") of one of the Authority's buildings should be evicted from said building shall be made by an HAGC staff person having responsibility for the resident. Said preliminary initial determination shall be based upon the best evidence then available to the Authority.
2. **FORMAL DETERMINATION:** Following a preliminary initial determination that an assisted resident or a member of the household has violated the One Strike Policy and thus, the assisted resident should be evicted from the Authority's building, the findings of the HAGC staff person shall be presented to a designated Superior so that a formal initial determination of violation and resultant eviction may be made.
3. **NOTICE OF TERMINATION OF LEASE:** If the Authority determines that there has been a violation of the One Strike Policy by the assisted resident or a member of the assisted resident's household and thus, the assisted resident should be evicted, the Authority shall, within five (5) days of making such a determination, provide a written notice of termination of lease to the assisted resident. The notice of termination shall be mailed to the assisted resident by certified mail, return receipt requested and ordinary mail. In the alternative, the notice may be personally served or personally delivered to the assisted resident or member of the assisted resident's household provided that the assisted resident or member of the assisted resident's household acknowledges receipt of the notice in writing or the Authority employee who personally serves the notice executes a certification of service in the form attached hereto as Exhibit "C".

The Notice of Termination of the Lease shall follow the form attached hereto as Exhibit "E" and shall state that the Authority has made a determination of a violation of the One Strike Policy and thus a determination of ineligibility for Public Housing Assistance upon the evidence available to the Authority. The notice shall also state that the Authority has also determined that the assisted resident should be evicted and that thus, eviction proceedings, against the assisted resident will be commenced within the Superior Court of New Jersey, Gloucester County, Special Civil Part, by way of a summary dispossession action. The notice shall also make a demand for possession telling the assisted resident that he/she must leave and vacate the Authority's property on or before the date stated for termination of the lease.

The Notice of Termination shall also state that as HUD has determined that the eviction procedures in the Special Civil Part, Superior court of New Jersey provide the opportunity for a hearing and affords the assisted resident with due process and thus, the assisted

resident is not entitled to a grievance hearing on the termination of the lease.

4. **CONTINUED OCCUPANCY BY AGREEMENT:** If the evidence relied on by the Authority in making an initial determination, as set forth in paragraph 1 herein, relates to a member of the Assisted Resident's Household, or a guest of the assisted resident, or some other person under the assisted resident's control, the Authority and the assisted resident may agree that the lease under which the assisted resident occupies the leased premises, can be amended to include a restriction barring the offending family member, guest or other party from the residential unit. Said agreement must be in the form of an Amended Lease, in writing, signed by a representative of the Authority and the assisted resident. The Amended Lease shall provide that the offending family member, guest, or other party, may not visit or stay overnight on the leased premises and may not enter upon the authorities property or property occupied by the assisted resident. The Amended Lease shall also acknowledge that, if the offending family member, guest, or other party does enter the leased premises, such party shall be treated as a trespasser and prosecuted to the fullest extent of the law, and that such action shall also be a substantial violation of the lease that may allow an eviction action to be taken against the assisted resident.

F. Records Management

1. The Authority shall establish and implement a system of records management that ensures that any criminal record received by the Authority is:
 - a) maintained confidentially;
 - b) not improperly disseminated; and
 - c) destroyed, once the purpose for which the record was requested has been accomplished.

G. Definitions

Authority: means Housing Authority of Gloucester County, its agents, servants or

employees.

Applicant: means any applicant to the Authority for prospective housing assistance under any housing assistance program.

Assisted tenant: means any tenant who is currently receiving some form of housing assistance from the Authority.

Assisted resident: means any assisted tenant who lives in a unit owned or managed by the Authority.

Drug-related criminal activity: shall include the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Head of the household: means the primary beneficiary of the housing assistance from the Authority.

Housing Assistance: means any form of assistance or subsidy provided by the Housing Authority.

Members of the head of the household's household: shall include anyone else residing in the same residential unit occupied by the head of the household.

Violation (In the case of Section 8 Recipient or Assisted Resident in units other than Public Housing Units) of One Strike Policy: A finding that prohibited activities have been committed at or near the leased premises.

Violation (In the case of Assisted Resident in Public Housing Units) of One Strike Policy: A finding that prohibited drug related or violent criminal activities have been committed on or off the leased premises, or, any other prohibited activities have been committed on or near the leased premises.

(EXHIBIT "A")

**For Termination of Assistance
in Section 8 Leases Pursuant to
"One Strike You're Out" Policy**

**Participant's Name
Address
City, NJ XXXXX**

Dear Participant:

This form is to acknowledge that you have received and read the attached "One Strike & You're Out Policy." Further, by signing this acknowledgement below, you are stating that if you or any member of your household, or other person under your control, violates the attached "One Strike & You're Out Policy", the Housing Authority of Gloucester County will have the right to terminate your assistance.

Participant's Name

Date

Household Member

Date

Household Member

Date

Household Member

Date

Household Member

Date

(EXHIBIT "B")

THE HOUSING AUTHORITY OF GLOUCESTER COUNTY

"ONE STRIKE & YOU'RE OUT POLICY"

BE WARNED! The Housing Authority of Gloucester County has the legal right to terminate assistance to the tenants and members of their household that receive same and has the legal right to have tenants and members of their household evicted if you or a member of your household or other person under your control have engaged in or been convicted of criminal activity, drug-related criminal activity, or alcohol abuse, regardless of whether such activity occurs on the residential premises. In addition, your assistance may be terminated and/or you and members of your household may be evicted if a guest or person under your control engages in criminal activity, drug-related criminal activity, or alcohol abuse while on the residential premises.

If your assistance is terminated based upon violation of this One Strike & You're Out Policy, you will not be eligible for housing assistance for three years.

Some examples of prohibited conduct are:

Burglary	Assault	Malicious Mischief
Larceny	Battery	Drug(s): use
Robbery	Vandalism	possession
Murder	Arson	manufacture
Fighting	Nuisance	distribution
Loitering	Excessive noise	alcohol abuse
Harassment		

**For Personal Service of Notice of Initial
Determination of a Violation of the Housing
Authority of Gloucester County "One Strike
and You're Out" Policy for Section 8 Leases**

**This will acknowledge that on this date I personally served upon _____,
an assisted tenant, a Notice of Initial Determination relating to the Authority's
determination that assistance be terminated as a result of a member of his/her
household's or guest's violation of the Authority's "One Strike & You're Out Policy".**

DATED _____ BY:

Position

Additional remarks:

**For Personal Service of Notice of Lease
Termination of a Violation of the
Housing Authority of Gloucester County**

This will acknowledge that on this date I personally served upon _____, an assisted resident, a Notice Terminating Lease relating to the Authority's determination that the lease be terminated as a result of the violation of the Authority's "One Strike & You're Out Policy".

DATED _____

BY:

Position

Additional remarks:

(EXHIBIT "C")

**NOTICE OF INITIAL DETERMINATION OF A VIOLATION
OF THE HOUSING AUTHORITY OF GLOUCESTER COUNTY
"ONE STRIKE & YOU'RE OUT POLICY"**

**Name
Address**

Date

Dear

This will advise you of the initial determination reached by the Housing Authority of Gloucester County that you, a guest, or member of your household has violated the Authority's "One Strike & You're Out Policy". As a result of the violation, the Authority intends to terminate your housing assistance thirty (30) days from the date of this notice.

The Authority has based its informal determination upon the following evidence and information:

If you wish to dispute the above-referenced finding in order to continue receiving housing assistance, you must do so by requesting an informal hearing before the Authority's designated Hearing Officer. If you wish to have an informal hearing on this matter, you must make a written request to the Authority which must be received by the Authority within ten (10) days of receipt by you of this notice. If you fail to make a timely request for an informal hearing, the Authority will terminate its assistance to you without further notice. You should be aware that if your assistance by the Authority is terminated, you will not be eligible to receive housing assistance from the Housing Authority of Gloucester County or another Housing Authority for a period of three years.

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If you have made a timely request for an informal hearing, a hearing date will be scheduled by the Authority. Prior to the informal hearing, you may request the opportunity to review the evidence relied upon by the Authority in making its informal determination. You also have a right to receive a copy of the Authority's "One Strike & You're Out" Policy prior to the informal hearing you will have the opportunity to dispute the evidence relief upon by the Authority and you may also present your own evidence and witnesses to dispute the Authority's initial determination. You must bring all witnesses and evidence, upon which you intend to rely, to the informal hearing.

Very truly yours,

HOUSING AUTHORITY OF
GLOUCESTER COUNTY

BY:

Certified & Regular Mail

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(EXHIBIT "D")

(FOR TERMINATION OF LEASE FOR VIOLATION OF "ONE STRIKE & YOU'RE OUT" POLICY)

NOTICE TERMINATING LEASE

TO: _____, Tenant

This is to advise you that I am Counsel for the Housing Authority of Gloucester County. Further, the purpose of this notice is to advise you as follows:

1. **Present Lease.** You now rent Apartment ___, located at _____.
2. **Termination of Lease.** Your lease is TERMINATED (ended) as of _____, 20__.
3. **Demand for Possession.** You must leave and vacate this rented property on or before that date (date of termination). This means you must move out and deliver possession to the Housing Authority of Gloucester County.
4. **Reason.** Your lease is terminated because you engaged in criminal activity or drug related criminal activity in the apartment building where you reside. That activity is prohibited pursuant to the "One Strike You're Out Policy".
5. **PLEASE TAKE NOTE** that pursuant to the One Strike You're Out Policy, you are not entitled to a grievance hearing on this termination of your lease.
6. **Eviction.** The Authority is simultaneously filing, with the Superior Court of New Jersey, Special Civil Part, a Summary Dispossess Complaint against you in order to obtain a judgment of possession and have you evicted from the apartment.
7. **Hearing.** H.U.D. has determined that the Special Civil Part, Superior Court of New Jersey, eviction procedure provides the opportunity for a hearing that affords the basic elements of due process as defined by H.U.D. in 24 C.F.R. § 966.53(C).

Very truly yours,

ANGELINI, VINIAR & FREEDMAN

By:

CARL B. VINIAR, ESQUIRE
Counsel for the Housing Authority
of Gloucester County

Dated:
CBV/