

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4062

To amend the United States Housing Act of 1937 to provide for referenda among residents of public housing developments to determine whether firearms shall be prohibited or limited in such developments, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1994

Mr. WYDEN (for himself and Mr. LEWIS of Georgia) introduced the following bill; which was referred jointly to the Committees on Banking, Finance and Urban Affairs and the Judiciary

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## A BILL

To amend the United States Housing Act of 1937 to provide for referenda among residents of public housing developments to determine whether firearms shall be prohibited or limited in such developments, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Safe Public Housing  
5       Act”.

6       **SEC. 2. CONGRESSIONAL FINDINGS.**

7       The Congress finds that—

1 (1) a disproportionate amount of violent crime,  
2 including crime with guns, is committed in or near  
3 public housing developments;

4 (2) public housing developments are funded and  
5 regulated by the Federal Government;

6 (3) many guns responsible for violence in public  
7 housing have been transported between States; and

8 (4) under the commerce clause of the Constitu-  
9 tion of the United States, the Congress has the au-  
10 thority to regulate the presence of guns in public  
11 housing and establish crimes relating to guns in  
12 public housing.

13 **SEC. 3. REFERENDA REGARDING PROHIBITING AND REG-**  
14 **ISTERING FIREARMS IN PUBLIC HOUSING DE-**  
15 **VELOPMENTS.**

16 (a) IN GENERAL.—Title I of the United States Hous-  
17 ing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by  
18 adding at the end the following new section:

19 **“SEC. 26. REFERENDA REGARDING PROHIBITING AND REG-**  
20 **ISTERING FIREARMS IN PUBLIC HOUSING DE-**  
21 **VELOPMENTS.**

22 **“(a) PROHIBITION AND REGISTRATION OF FIRE-**  
23 **ARMS.—**

24 **“(1) PROHIBITION.—**No resident of a covered  
25 public housing development described in subsection

1 (b)(1)(A) may knowingly possess or cause to be  
2 present a firearm in the covered public housing de-  
3 velopment, or attempt to do so.

4 “(2) REGISTRATION OF FIREARMS.—No resi-  
5 dent of a covered public housing development de-  
6 scribed in subsection (b)(1)(B) may knowingly pos-  
7 sess or cause to be present a firearm in the covered  
8 public housing development, or attempt to do so, un-  
9 less the resident has registered such firearm with  
10 the public housing agency, as the Secretary shall re-  
11 quire.

12 “(3) REGISTRATION OF FIREARMS OWNERS.—  
13 No resident of a covered public housing development  
14 described in subsection (b)(1)(C) may knowingly  
15 possess or cause to be present a firearm in the cov-  
16 ered public housing development, or attempt to do  
17 so, unless the resident has registered with the public  
18 housing agency as a possessor of firearms, as the  
19 Secretary shall require.

20 “(4) REGISTRATION STANDARD.—A public  
21 housing agency may refuse to register a firearm for  
22 a resident under paragraph (2) or to register a resi-  
23 dent to possess firearms under paragraph (3), if the  
24 agency has probable cause to believe that possession  
25 of a firearm by such resident will be a threat to the

1 safety of residents of the covered public housing  
2 development.

3 “(5) LAW ENFORCEMENT EXCEPTIONS.—Para-  
4 graphs (1), (2), and (3) shall not apply to the pos-  
5 session of a firearm by—

6 “(A) a law enforcement officer acting in  
7 his or her official capacity; or

8 “(B) a Federal official or a member of the  
9 Armed Forces if such possession is otherwise  
10 authorized by law.

11 “(b) COVERED PUBLIC HOUSING DEVELOPMENT.—  
12 For purposes of this section, the term ‘covered public  
13 housing development’ means a qualified public housing  
14 development for which—

15 “(1) a referendum under subsection (c) or  
16 (j)(1) has been held to determine whether the devel-  
17 opment shall be subject to—

18 “(A) the prohibition under subsection  
19 (a)(1) regarding the possession of firearms by  
20 residents;

21 “(B) the requirements under subsection  
22 (a)(2) regarding registration of firearms by  
23 residents; or

1           “(C) the requirements under subsection  
2           (a)(3) regarding registration of residents who  
3           possess firearms;

4           “(2) the Secretary of Housing and Urban De-  
5           velopment has certified under subsection (i)(1) or  
6           (j)(4) that the referendum was approved;

7           “(3) the 30-day period beginning upon such  
8           certification has expired; and

9           “(4) notice that the development shall cease to  
10          be a covered public housing development has not  
11          subsequently been published pursuant to subsection  
12          (j)(5)(B)(i).

13          “(c) REFERENDUM.—Not later than the expiration of  
14          the 60-day period beginning upon the certification under  
15          subsection (e)(2) of a petition requesting a referendum  
16          under this section for a qualified public housing develop-  
17          ment to ascertain whether the development shall be a cov-  
18          ered public housing development and subject to paragraph  
19          (1), (2), or (3) of subsection (a), such a referendum shall  
20          be conducted among the residents of the development who  
21          are adults. The referendum shall be conducted by the pub-  
22          lic housing agency, except that, at the request of the resi-  
23          dent council for the qualified public housing development,  
24          the public housing agency may designate a nonprofit orga-

1 nization to conduct the referendum if the agency deter-  
2 mines such organization is qualified to do so.

3 “(d) SUBMISSION OF PETITION AND REVIEW.—Upon  
4 submission to the Secretary of a petition for a referendum  
5 under this section, the Secretary shall immediately notify  
6 the public housing agency that administers the public  
7 housing to which the petition relates that the petition has  
8 been submitted and shall review the petition to determine  
9 if it complies with the requirements for certification of the  
10 petition under subsection (e)(1) or (j)(2), as applicable.  
11 The Secretary shall make such determination before the  
12 expiration of the 30-day period beginning upon the sub-  
13 mission of the petition to the Secretary. The public hous-  
14 ing agency responsible for administering the public hous-  
15 ing to which the petition relates shall provide to the Sec-  
16 retary any information necessary for the Secretary to  
17 make such a determination.

18 “(e) CERTIFICATION OF PETITION.—

19 “(1) REQUIREMENTS FOR CERTIFICATION.—  
20 The Secretary may certify a petition for a referen-  
21 dum under subsection (c) only if the petition meets  
22 the following requirements:

23 “(A) CONTENTS OF PETITION.—The peti-  
24 tion shall—

1           “(i) clearly state that the purpose of  
2 the petition is to request the Secretary to  
3 conduct a referendum under subsection (c)  
4 to ascertain whether the public housing de-  
5 scribed in the petition shall be—

6                   “(I) a covered public housing de-  
7 velopment for purposes of this section;  
8 and

9                   “(II) subject to the provisions of  
10 paragraph (1), (2), or (3) of sub-  
11 section (a), and shall specify which  
12 paragraph;

13           “(ii) clearly describe the limitations  
14 regarding firearms that will apply to the  
15 public housing development if the referen-  
16 dum is approved and the penalties for vio-  
17 lations of such limitations;

18           “(iii) clearly describe the public hous-  
19 ing to which the petition relates in a man-  
20 ner sufficient for the Secretary to deter-  
21 mine whether such housing is a qualified  
22 public housing development;

23           “(iv) clearly state that each of the sig-  
24 natories represents that, as of the date of  
25 signing the petition, the signatory is a law-

1           ful resident of the public housing described  
2           in the petition and is an adult; and

3           “(v) contain the name and address of  
4           each signatory.

5           “(B) SIGNATURE REQUIREMENTS.—Not  
6           less than 10 percent of the adults who, as of  
7           the date that the petition is submitted to the  
8           Secretary, reside in the public housing de-  
9           scribed in the petition have signed the petition  
10          during the 12-month period ending upon such  
11          date of submission.

12          “(C) QUALIFIED PUBLIC HOUSING DEVEL-  
13          OPMENT.—The public housing to which the pe-  
14          tition relates is a qualified public housing devel-  
15          opment under subsection (l).

16          “(2) CERTIFICATION.—Upon determining that  
17          a petition under this section complies with the re-  
18          quirements for certification under paragraph (1) of  
19          this subsection or subsection (j)(2), as applicable,  
20          the Secretary shall immediately certify such compli-  
21          ance and notify, in writing, the public housing agen-  
22          cy for the qualified public housing development to  
23          which the petition relates of such certification.

24          “(3) DENIAL OF CERTIFICATION.—Upon deter-  
25          mining that a petition fails to comply with the re-

1        requirements for certification, the Secretary shall im-  
2        mediately notify, in writing, the public housing agen-  
3        cy for the qualified public housing development to  
4        which the petition relates of such failure.

5            “(4) FAILURE TO NOTIFY.—If, pursuant to the  
6        submission of a petition for a referendum under this  
7        section to the Secretary, the Secretary fails to deter-  
8        mine whether the petition complies with the require-  
9        ments for certification before the expiration of the  
10       30-day period under subsection (d) and provide no-  
11       tice of the determination in accordance with para-  
12       graph (2) or (3) of this subsection before such date,  
13       the petition shall be considered as certified for pur-  
14       poses of this section.

15           “(f) REQUIREMENTS OF REFERENDUM.—The Sec-  
16       retary shall, by regulation, establish requirements for  
17       referenda held under this section. Such regulations shall  
18       provide, with respect to a referendum for a qualified public  
19       housing development—

20            “(1) that the referendum shall be restricted to  
21       residents of the development who are adults;

22            “(2) for giving reasonable notice to residents of  
23       the development of the time, place, and manner of  
24       the referendum;

1           “(3) for holding the referendum at such time  
2           and place and in such a manner that the adult resi-  
3           dents of the development have a reasonable oppor-  
4           tunity to participate;

5           “(4) that the referendum shall be conducted by  
6           secret ballot; and

7           “(5) that the referendum shall be administered  
8           by officials or employees of the public housing agen-  
9           cy or the nonprofit organization designated pursuant  
10          to subsection (c).

11          “(g) TALLY.—The public housing agency or non-  
12          profit organization conducting a referendum under this  
13          section shall determine the result of the referendum and  
14          immediately upon such determination notify the Secretary  
15          of the result.

16          “(h) STANDARDS FOR APPROVAL.—The proposition  
17          presented in a referendum under this section shall be con-  
18          sidered to have been approved only if—

19                 “(1) a majority of the residents of the develop-  
20                 ment who are adults voted in the referendum; and

21                 “(2) a majority of such residents voting in the  
22                 referendum voted in favor of the proposition pre-  
23                 sented in the referendum.

24          “(i) REVIEW AND CERTIFICATION OF RESULTS BY  
25          SECRETARY.—

1           “(1) IN GENERAL.—Not later than 30 days  
2 after receiving notice of the result of a referendum  
3 under subsection (c), the Secretary shall—

4                   “(A) review the referendum to determine  
5 whether the referendum was held in accordance  
6 with the requirements of this section and the  
7 regulations issued pursuant to this section; and

8                   “(B) if the Secretary determines that the  
9 referendum was held in accordance with such  
10 requirements and regulations, certify the result  
11 of the referendum.

12           “(2) NOTICE.—If the Secretary certifies a ref-  
13 erendum under subsection (b) as having been ap-  
14 proved for a qualified public housing development,  
15 the Secretary shall—

16                   “(A) immediately notify the public housing  
17 agency that administers the qualified public  
18 housing development of the certification and the  
19 firearms limitation effective date (as defined in  
20 subsection (o)) for the development;

21                   “(B) before the firearms limitation effec-  
22 tive date for the development, cause to be pub-  
23 lished in the Federal Register notice—

1           “(i) that the development shall be  
2           classified as covered public housing devel-  
3           opment for purposes of this section;

4           “(ii) that the prohibition or limitation  
5           under paragraph (1), (2), or (3) of sub-  
6           section (a) that was approved under the  
7           referendum shall take effect with respect  
8           to the public housing development; and

9           “(iii) describing the specific obliga-  
10          tions and effects resulting from such clas-  
11          sification (including the effects of section  
12          922(s) of title 18, United States Code and  
13          of the lease provisions required under sec-  
14          tion 6(l)(6) of this Act), the firearms limi-  
15          tation effective date for the development,  
16          and the boundaries of the development;

17          “(C) before the firearms limitation effec-  
18          tive date for the development, provide written  
19          notice to each resident of the development con-  
20          taining the information required in notice pub-  
21          lished under subparagraph (B); and

22          “(D) require the public housing agency to  
23          post notice of the prohibitions or limitation that  
24          shall apply to the covered public housing devel-  
25          opment in prominent places in the development

1 before the firearms limitation effective date for  
2 the development.

3 “(j) REFERENDUM TO ALTER FIREARMS PROHIBI-  
4 TION OR LIMITATION.—

5 “(1) IN GENERAL.—Not later than the expira-  
6 tion of the 60-day period beginning upon the certifi-  
7 cation under subsection (e)(2) of a petition that re-  
8 quests a referendum under this subsection for a cov-  
9 ered public housing development to—

10 “(A) ascertain whether the development  
11 shall cease to be a covered public housing devel-  
12 opment for purposes of this section, or

13 “(B) ascertain whether the prohibition or  
14 limitation under paragraph (1), (2), or (3) of  
15 subsection (a) that applies to the development  
16 at such time shall cease to apply and another  
17 such prohibition or limitation shall apply,

18 such a referendum shall be conducted among the  
19 residents of the development who are adults. The  
20 referendum shall be conducted by the public housing  
21 agency, except that, at the request of the resident  
22 council for the covered public housing development,  
23 the public housing agency may designate a nonprofit  
24 organization to conduct the referendum if the agency  
25 determines such organization is qualified to do so.

1           “(2) REQUIREMENTS FOR CERTIFICATION OF  
2           PETITION.—The Secretary may certify a petition for  
3           a referendum under paragraph (1) only if—

4                   “(A) the petition clearly states that the  
5                   purpose of the petition is to request the Sec-  
6                   retary to conduct a referendum under para-  
7                   graph (1) to ascertain whether the development  
8                   shall—

9                           “(i) cease to be a covered public hous-  
10                           ing development for purposes of this sec-  
11                           tion; or

12                           “(ii) instead of being subject to the  
13                           prohibition or limitation under paragraph  
14                           (1), (2), or (3) of subsection (a) that ap-  
15                           plies to the development at such time, be  
16                           subject to another prohibition or limitation  
17                           under one of such paragraphs, and shall  
18                           specify which paragraph;

19                           “(B) the petition clearly describes any limi-  
20                           tations regarding firearms that will apply to the  
21                           covered public housing development if the ref-  
22                           erendum is approved and the penalties for viola-  
23                           tions of such limitations;

1           “(C) the petition clearly describes the cov-  
2           ered public housing development to which the  
3           petition relates;

4           “(D) the petition clearly states that each  
5           of the signatories represents that, as of the date  
6           of signing the petition, the signatory is a lawful  
7           resident of the covered public housing develop-  
8           ment described in the petition and is an adult;

9           “(E) the petition contains the name and  
10          address of each signatory;

11          “(F) not less than 10 percent of the adults  
12          who, as of the date that the petition is submit-  
13          ted to the Secretary, reside in the covered pub-  
14          lic housing development described in the peti-  
15          tion have signed the petition during the 12-  
16          month period ending upon such date of submis-  
17          sion; and

18          “(G) the public housing to which the peti-  
19          tion relates is a covered public housing develop-  
20          ment.

21          “(3) PROCEDURE FOR CERTIFICATION OF PETI-  
22          TION.—The provisions of paragraphs (2) through  
23          (4) of subsection (e) and subsections (f), (g), and (h)  
24          shall apply to any petition for a referendum under  
25          paragraph (1) of this subsection submitted to the

1 Secretary and any referendum conducted pursuant  
2 to certification of such petition.

3 “(4) REVIEW OF AND CERTIFICATION OF REF-  
4 ERENDUM RESULTS BY SECRETARY.—Not later than  
5 30 days after receiving notice of the result of a ref-  
6 erendum under paragraph (1), the Secretary shall—

7 “(A) review the referendum to determine  
8 whether the referendum was held in accordance  
9 with the requirements of this section and the  
10 regulations issued pursuant to this section; and

11 “(B) if the Secretary determines that the  
12 referendum was held in accordance with such  
13 requirements and regulations, certify the result  
14 of the referendum.

15 “(5) NOTICE.—If the Secretary certifies a ref-  
16 erendum under paragraph (1) as having been ap-  
17 proved for a covered public housing development, the  
18 Secretary shall—

19 “(A) immediately notify the public housing  
20 agency that administers the covered public  
21 housing of the certification and, if applicable,  
22 the firearms limitation effective date for the  
23 new firearms prohibition or limitation that will  
24 apply to the development;

1           “(B) before the expiration of the 30-day  
2 period beginning upon such certification, cause  
3 to be published in the Federal Register—

4           “(i) in the case of a referendum con-  
5 ducted for the purpose under paragraph  
6 (1)(A), notice that, effective upon such  
7 publication, the development shall cease to  
8 be a covered public housing development  
9 for purposes of this section and describing  
10 the boundaries of the development; or

11           “(ii) in the case of a referendum con-  
12 ducted for the purpose under paragraph  
13 (1)(B), notice—

14           “(I) that the prohibition or limi-  
15 tation under paragraph (1), (2), or  
16 (3) of subsection (a) that applies at  
17 such time to the development shall  
18 cease to apply;

19           “(II) that the prohibition or limi-  
20 tation that was approved under the  
21 referendum shall take effect with re-  
22 spect to the public housing develop-  
23 ment; and

24           “(III) describing the specific obli-  
25 gations and effects resulting from

1 such classification (including the ef-  
2 fects of section 922(s) of title 18,  
3 United States Code and of the lease  
4 provisions required under section  
5 6(l)(6) of this Act), the firearms limi-  
6 tation effective date under paragraph  
7 (5) of this subsection for the new fire-  
8 arms prohibition or limitation that  
9 will apply to the development, and the  
10 boundaries of the development;

11 “(C) before the expiration of such 30-day  
12 period, provide written notice to each resident  
13 of the qualified public housing development that  
14 contains the information required in notice  
15 under clause (i) or (ii) of subparagraph (B),  
16 whichever is applicable; and

17 “(D) in the case of a referendum con-  
18 ducted for the purpose under paragraph (1)(B),  
19 require the public housing agency to post notice  
20 of the new prohibitions or limitation that shall  
21 apply to the covered public housing development  
22 in prominent places in the development before  
23 the firearms limitation effective date for the de-  
24 velopment under paragraph (5).

1           “(6) FIREARMS LIMITATION EFFECTIVE DATE  
2           FOR ALTERATION OF FIREARMS PROHIBITION OR  
3           LIMITATION.—In the case of referendum conducted  
4           for the purpose under paragraph (1)(B) that is cer-  
5           tified by the Secretary as having been approved, the  
6           prohibition or limitation under paragraph (1), (2),  
7           or (3) of subsection (a) in effect for the covered pub-  
8           lic housing development at the time of the referen-  
9           dum shall cease to apply and the prohibition or limi-  
10          tation that was considered under the referendum  
11          shall take effect with respect to the development,  
12          upon the expiration of the 30-day period beginning  
13          upon such certification.

14          “(k) TIMING OF PROHIBITION REFERENDUM.—The  
15          Secretary may not certify a petition under this section for  
16          any public housing that is submitted before the expiration  
17          of the 12-month period beginning on the date of any ref-  
18          erendum under this section relating to any such housing  
19          that was certified by the Secretary as having been  
20          approved.

21          “(l) QUALIFIED PUBLIC HOUSING DEVELOP-  
22          MENTS.—Public housing for which a petition is submitted  
23          under subsection (d) shall be a qualified public housing  
24          development for purposes of this section only if the Sec-

1 retary determines that the boundaries of the housing de-  
2 scribed in the petition accurately describe—

3 “(1) a group of buildings (and the grounds and  
4 other appurtenances thereto) that comprise or are  
5 associated, treated, or administered as a single pub-  
6 lic housing development; or

7 “(2) a single building or a group of buildings  
8 comprising public housing, and the grounds and  
9 other appurtenances thereto, that, in the determina-  
10 tion of the Secretary, has a continuous or other  
11 boundary or other geographic or administrative asso-  
12 ciation that would allow treatment as a unitary de-  
13 velopment if the housing becomes a covered public  
14 housing development for purposes of this section.

15 The Secretary may make a determination of whether cer-  
16 tain public housing is a qualified public housing develop-  
17 ment before the submission of a petition under subsection  
18 (d) for the public housing.

19 “(m) WITHHOLDING OF AMOUNTS FOR FAILURE TO  
20 CONDUCT REFERENDUM.—If any referendum is required  
21 under this section to be conducted (pursuant to certifi-  
22 cation of petition for a referendum under subsection (e)  
23 or (j)(3)) and is not conducted in accordance with the pro-  
24 visions of this section, the Secretary may withhold any  
25 amounts provided under this Act for the public housing

1 agency that administers such housing until the referen-  
2 dum is conducted.

3 “(n) LIABILITY.—A public housing agency admin-  
4 istering a covered public housing development that makes  
5 a good faith effort to comply with the requirements under  
6 this section applicable to such agency regarding such de-  
7 velopment shall not be liable for any injury caused by a  
8 firearm because of any failure to prevent any activity in  
9 the development that violates any provision under this sec-  
10 tion or section 922(s) of title 18, United States Code.

11 “(o) DEFINITIONS.—For purposes of this section:

12 “(1) ADULT.—The term ‘adult’ means an indi-  
13 vidual who is 18 years of age or older.

14 “(2) DEVELOPMENT.—The term ‘development’,  
15 when used in reference to public housing, has the  
16 meaning given the term ‘project’ in section 3(b) of  
17 this Act.

18 “(3) FIREARMS LIMITATION EFFECTIVE  
19 DATE.—The term ‘firearms limitation effective date’  
20 means, with respect to a qualified public housing de-  
21 velopment or covered public housing development,  
22 the date under subsection (b)(3) or (j)(6), respec-  
23 tively, on which the prohibition or limitation under  
24 paragraph (1), (2), or (3) of subsection (a) that was

1 approved under the referendum takes effect with re-  
2 spect to the development.

3 “(4) NONPROFIT ORGANIZATION.—The term  
4 ‘nonprofit organization’ means a private organiza-  
5 tion no part of the net earnings of which inures to  
6 the benefit of any member, shareholder, founder,  
7 contributor, or individual.

8 “(5) QUALIFIED PUBLIC HOUSING DEVELOP-  
9 MENT.—The term ‘qualified public housing develop-  
10 ment’ means public housing that has been deter-  
11 mined by the Secretary under subsection (l) to be a  
12 qualified public housing development.

13 “(6) RESIDENT COUNCIL.—The term ‘resident  
14 council’ means any incorporated nonprofit organiza-  
15 tion or association that—

16 “(A) is representative of the residents of  
17 the housing;

18 “(B) adopts written procedures providing  
19 for the election of officers on a regular basis;  
20 and

21 “(C) has a democratically elected govern-  
22 ing board, elected by residents of the housing.

23 “(p) EFFECT ON STATE LAW.—The provisions of  
24 this section and section 6 do not annul, alter, or affect,  
25 or exempt any person subject to the provisions of such

1 sections from complying with, the laws of any State with  
2 respect to possession or registration of firearms, except  
3 to the extent that such laws are inconsistent with any pro-  
4 vision of this section or section 6, and then only to the  
5 extent of such inconsistency.”.

6 (b) REGULATIONS.—The Secretary shall issue any  
7 regulations necessary to carry out the provisions in the  
8 amendment made by subsection (a).

9 **SEC. 4. TERMINATION OF TENANCY IN PUBLIC HOUSING**  
10 **DEVELOPMENT FOR VIOLATION OF PROHIBI-**  
11 **TION OR LIMITATION ON POSSESSION OF**  
12 **FIREARMS.**

13 (a) EXPEDITED ADMINISTRATIVE GRIEVANCE PRO-  
14 CEDURE.—Section 6(k) of the United States Housing Act  
15 of 1937 (42 U.S.C. 1437d(k)) is amended in the 1st sen-  
16 tence of the matter that follows paragraph (6)—

17 (1) by striking “or any” and inserting “, in-  
18 volves any”; and

19 (2) by inserting after “such premises,” the fol-  
20 lowing: “or involves any activity that violates a lease  
21 provision required under subsection (l)(6),”.

22 (b) LEASE PROVISION.—Section 6(l) of the United  
23 States Housing Act of 1937 (42 U.S.C. 1437d(l)) is  
24 amended—

1 (1) in paragraph (5), by striking “and” at the  
2 end;

3 (2) by redesignating paragraph (6) as para-  
4 graph (7); and

5 (3) by inserting after paragraph (5) the follow-  
6 ing new paragraph:

7 “(6) provide that, if the public housing in which  
8 the dwelling unit subject to the lease is located in or  
9 becomes a covered public housing development for  
10 purposes of section 26, the tenancy may be termi-  
11 nated for any activity—

12 “(A) that violates the particular prohibi-  
13 tion or limitation under section 26(a) that ap-  
14 plies to such covered public housing develop-  
15 ment that is engaged in by a public housing  
16 resident, any member of the resident’s house-  
17 hold, or any guest or other person under the  
18 resident’s control, or

19 “(B) that violates the prohibition under  
20 section 922(s) of title 18, United States Code  
21 that is engaged in by any guest or other person  
22 under the resident’s control,

23 except that a resident shall not be considered to  
24 have control of any guest or other person for pur-  
25 poses of this paragraph if the resident makes a good

1 faith effort to notify the public housing agency for  
2 the development or an appropriate law enforcement  
3 agency of any activity described in subparagraph (A)  
4 or (B) that is engaged in by such guest or person;  
5 and”.

6 **SEC. 5. PROHIBITION OF POSSESSION OF FIREARMS IN**  
7 **CERTAIN PUBLIC HOUSING DEVELOPMENTS**  
8 **BY NON-RESIDENTS AND CRIMINAL PENALTY.**

9 (a) UNLAWFUL ACT.—Section 922 of title 18, United  
10 States Code, is amended by adding at the end the follow-  
11 ing new subsection:

12 “(s)(1) It shall be unlawful for any individual who  
13 is not a resident of the covered public housing development  
14 knowingly to possess a firearm in an area that is a covered  
15 public housing development.

16 “(2) Paragraph (1) shall not apply to the possession  
17 of a firearm—

18 “(A) by a law enforcement officer acting in his  
19 or her official capacity;

20 “(B) by a Federal official or a member of the  
21 Armed Forces, if such possession is otherwise au-  
22 thorized by law; or

23 “(C) if the individual possessing the firearm is  
24 specifically authorized to possess the firearm at the  
25 covered public housing development at such time by

1 the Federal Government, the government of the  
2 State or political subdivision of the State in which  
3 the development is located, or the public housing  
4 agency that administers the development, pursuant  
5 to a determination that such individual—

6 “(i) does not pose a threat to the safety of  
7 residents of the development; and

8 “(ii) is otherwise authorized under Federal  
9 law or the applicable law of the State or the po-  
10 litical subdivision in which the development is  
11 located, to possess the firearm.

12 “(3) As used in this subsection, the term ‘covered  
13 public housing development’ has the meaning given such  
14 term in section 26(b) of the United States Housing Act  
15 of 1937.”.

16 (b) PENALTY.—Section 924(a)(1)(B) of title 18,  
17 United States Code, is amended by striking “or (q)” and  
18 inserting “(q), or (s)”.

19 **SEC. 6. ELIGIBILITY OF ACTIVITIES TO ENFORCE PHA FIRE-**  
20 **ARMS LIMITATIONS FOR FUNDING UNDER**  
21 **PUBLIC AND ASSISTED HOUSING DRUG**  
22 **ELIMINATION GRANTS.**

23 Section 5124(a) of the Anti-Drug Abuse Act of 1988  
24 (42 U.S.C. 11903(a)) is amended—

1 (1) in paragraph (6), by striking “and” at the  
2 end;

3 (2) in paragraph (7), by striking the period at  
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new  
6 paragraph:

7 “(8) in the case of a grant to a public housing  
8 agency (or public housing resident management cor-  
9 poration) that administers a covered public housing  
10 development under section 26 of the United States  
11 Housing Act of 1937, costs of activities relating to  
12 enforcement of the prohibitions or limitations under  
13 such section 26 and section 922(s) of title 18, Unit-  
14 ed States Code, that apply to such development,  
15 which shall include only—

16 “(A) acquiring, maintaining, and operating  
17 metal detectors for covered public housing de-  
18 velopments;

19 “(B) acquiring, maintaining, and operating  
20 on-site or off-site storage facilities, as appro-  
21 priate, for firearms confiscated or relinquished  
22 in covered public housing developments;

23 “(C) providing for registration of firearms  
24 or possessors of firearms under such provisions;  
25 and

1           “(D) any other activities relating to en-  
2           forcement of such provisions for such develop-  
3           ments as the Secretary may approve.”.

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