

103^D CONGRESS
2^D SESSION

H. R. 4254

To amend the United States Housing Act of 1937 to provide for the termination of tenancy of persons residing in public housing or housing assisted under section 8 of such Act who engage in firearm-related criminal activity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 1994

Mr. MACHTLEY introduced the following bill; which was referred to the Committee on Banking, Finance and Urban Affairs

A BILL

To amend the United States Housing Act of 1937 to provide for the termination of tenancy of persons residing in public housing or housing assisted under section 8 of such Act who engage in firearm-related criminal activity, 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 “Public and Federally
5 Assisted Housing Security Act of 1994”.

1 **SEC. 2. DEFINITION OF “FIREARM-RELATED CRIMINAL AC-**
2 **TIVITY”.**

3 Section 3(b) of the United States Housing Act of
4 1937 (42 U.S.C. 1437a(b)) is amended by adding at the
5 end the following new paragraphs:

6 “(13) The term ‘firearm-related criminal activity’
7 means any activity—

8 “(A) that violates any Federal criminal law re-
9 lating to manufacture, sale, transfer, use, or posses-
10 sion of a firearm;

11 “(B) that violates any State law under which
12 the manufacture, sale, transfer, use, or possession of
13 an article that is a firearm is punishable as a crimi-
14 nal offense; or

15 “(C) (i) that violates any Federal or State crimi-
16 nal law, and (ii) in which a firearm is used or in-
17 tended to be used.

18 “(14) The term ‘firearm’ has the meaning given the
19 term in section 921 of title 18, United States Code.”.

20 **SEC. 3. TERMINATION OF TENANCY IN PUBLIC HOUSING**
21 **FOR FIREARM-RELATED CRIMINAL ACTIVITY.**

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

24 (1) in subsection (c)(4)(A)—

25 (A) in clause (iii), by striking “and” at the
26 end;

1 (B) by redesignating clause (iv) as clause
2 (v); and

3 (C) by inserting after clause (iii) the fol-
4 lowing new clause:

5 “(iv) prohibit any individual or family
6 evicted from housing assisted under this
7 Act by reason of firearm-related criminal
8 activity from having a preference under
9 any provision of this subparagraph for 3
10 years, except that the agency may waive
11 the application of this clause under stand-
12 ards established by the Secretary (which
13 shall include waiver for any member of a
14 family of an individual prohibited from
15 tenancy under this clause who the agency
16 determines clearly did not participate in
17 and had no knowledge of such criminal ac-
18 tivity or when circumstances leading to
19 eviction no longer exist); and”;

20 (2) in subsection (k), in the matter following
21 paragraph (6), by striking “drug-
22 related” and inserting “drug- or firearm-related”;

23 (3) in subsection (l)(5), by striking “drug-relat-
24 ed” and inserting “drug- or firearm-related”; and

1 (4) in subsection (n), by inserting “and fire-
2 arm-related criminal activity” after “drug-related
3 criminal activity”.

4 **SEC. 4. TERMINATION OF TENANCY IN SECTION 8 HOUSING**
5 **FOR FIREARM-RELATED CRIMINAL ACTIVITY.**

6 Section 8 of the United States Housing Act of 1937
7 (42 U.S.C. 1437f) is amended as follows:

8 (1) CERTIFICATE PROGRAM.—In subsection
9 (d)(1)—

10 (A) in subparagraph (A)—

11 (i) in clause (ii), by striking “and” at
12 the end;

13 (ii) in clause (iii), by inserting “and”
14 after the semicolon at the end; and

15 (iii) by inserting after clause (iii) the
16 following new clause:

17 “(iv) prohibit any individual or family
18 evicted from housing assisted under this
19 Act by reason of firearm-related criminal
20 activity from having a preference under
21 any provision of this subparagraph for 3
22 years, except that the agency may waive
23 the application of this clause under stand-
24 ards established by the Secretary (which
25 shall include waiver for any member of a

1 family of an individual prohibited from
2 tenancy under this clause who the agency
3 determines clearly did not participate in
4 and had no knowledge of such criminal ac-
5 tivity or when circumstances leading to
6 eviction no longer exist);” and

7 (B) in subparagraph (B)(iii), by striking
8 “drug-related” and inserting “drug- or firearm-
9 related”.

10 (2) VOUCHER PROGRAM.—In subsection (o)(3),
11 by adding at the end the following new sentence:
12 “Any individual or family evicted from housing as-
13 sisted under this Act by reason of firearm-related
14 criminal activity shall not be eligible for a preference
15 under any provision of this subparagraph for 3
16 years, except that the agency may waive the applica-
17 tion of this clause under standards established by
18 the Secretary (which shall include waiver for any
19 member of a family of an individual prohibited from
20 tenancy under this clause who the agency determines
21 clearly did not participate in and had no knowledge
22 of such criminal activity or when circumstances lead-
23 ing to eviction no longer exist).”.

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