

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2340

To amend the United States Housing Act of 1937 to provide for more expeditious evictions from public housing, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1995

Ms. MOLINARI introduced the following bill; which was referred to the Committee on Banking and Financial Services

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## A BILL

To amend the United States Housing Act of 1937 to provide for more expeditious evictions from public housing, 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 Housing Safety  
5 Act of 1995”.

6 **SEC. 2. EXCLUSION OF EVICTIONS FROM GRIEVANCE PRO-**  
7 **CEDURE.**

8 Section 6(k) of the United States Housing Act of  
9 1937 (42 U.S.C. 1437d(k)) is amended by striking the

1 first sentence of the matter following paragraph (6) and  
2 inserting the following:

3 “A public housing agency shall exclude from its procedure  
4 any grievance concerning an eviction or termination of  
5 tenancy in any jurisdiction that requires that, prior to  
6 eviction, a tenant be given a hearing in court which the  
7 Secretary determines provides the basic elements of due  
8 process. The Secretary shall establish such basic elements  
9 of due process by rule under section 553 of title 5, United  
10 States Code.”.

11 **SEC. 3. GROUNDS FOR EVICTION.**

12 Section 6(l)(5) of the United States Housing Act of  
13 1937 (42 U.S.C. 1437d(l)(5)) is amended—

14 (1) by striking “criminal” the first place it ap-  
15 pears; and

16 (2) by striking “on or near such premises”.

17 **SEC. 4. REQUIRED EVICTIONS FOR CRIMINAL CONVIC-**  
18 **TIONS.**

19 (a) REQUIREMENT.—Section 6(n) of the United  
20 States Housing Act of 1937 (42 U.S.C. 1437d(n)) is  
21 amended—

22 (1) by inserting “(1)” after “(n)”; and

23 (2) by adding at the end the following new  
24 paragraph:

1       “(2) Each public housing agency administering a  
2 public housing project shall terminate the tenancy of, and  
3 evict, any tenant of the project who, at any time during  
4 the tenant’s tenancy in the project that is after the date  
5 of the enactment of the Public Housing Safety Act of  
6 1995, is convicted of a felony. This paragraph may not  
7 be construed to require a public housing agency to evict  
8 any other persons who occupy the same dwelling unit as  
9 the person required to be evicted.”.

10       (b) LEASE PROVISIONS.—Section 6(l) of the United  
11 States Housing Act of 1937 (42 U.S.C. 1437d(l)) is  
12 amended—

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

15           (2) in paragraph (6), by striking the period at  
16 the end and inserting “; and”;

17           (3) by adding at the end the following new  
18 paragraph:

19           “(7) require the public housing agency to termi-  
20 nate the tenancy of, and evict, any tenant convicted  
21 of a felony as provided in subsection (n)(2).”.

1 **SEC. 5. AVAILABILITY OF RECORDS FOR SCREENING AND**  
2 **EVICTION.**

3 Section 6 of the United States Housing Act of 1937  
4 (42 U.S.C. 1437d) is amended by adding at the end the  
5 following new subsection:

6 “(q) AVAILABILITY OF RECORDS.—

7 “(1) PROVISION OF INFORMATION.—Notwith-  
8 standing any other provision of law, except as pro-  
9 vided in paragraph (2), the National Crime Informa-  
10 tion Center, a police department, and any other law  
11 enforcement agency shall, upon request, provide in-  
12 formation to public housing agencies regarding the  
13 criminal conviction records of adult applicants for,  
14 or residents of, public housing for purposes of appli-  
15 cant screening, lease enforcement, and eviction.

16 “(2) EXCEPTION.—No law enforcement agency  
17 described in paragraph (1) shall provide information  
18 under this paragraph relating to any criminal con-  
19 viction if the date of such conviction occurred 5 or  
20 more years prior to the date on which the request  
21 for the information is made.

22 “(3) OPPORTUNITY TO DISPUTE.—Before an  
23 adverse action is taken on the basis of a criminal  
24 record, the public housing agency shall provide the  
25 resident or applicant with a copy of the criminal

1 record and an opportunity to dispute the accuracy  
2 and relevance of the record.

3 “(4) FEE.—A public housing agency may be  
4 charged a reasonable fee for information provided  
5 under paragraph (1).

6 “(5) RECORDS MANAGEMENT.—Each public  
7 housing agency shall establish and implement a sys-  
8 tem of records management that ensures that any  
9 criminal record received by the public housing agen-  
10 cy is—

11 “(A) maintained confidentially;

12 “(B) not misused or improperly dissemi-  
13 nated; and

14 “(C) destroyed, once the purpose for which  
15 the record was requested has been accom-  
16 plished.

17 “(6) DEFINITION.—For purposes of this sub-  
18 section, the term ‘adult’ means a person who is 18  
19 years of age or older, or who has been convicted of  
20 a crime as an adult under any Federal or State  
21 law.”.

22 **SEC. 6. APPLICABILITY.**

23 The amendments made by this Act shall apply not-  
24 withstanding any consent judgment entered before the  
25 date of the enactment of this Act relating to actions and

1 procedures subject to the provisions of law amended by  
2 this Act.

