

104TH CONGRESS
2D SESSION

H. R. 3865

To require the Secretary of Housing and Urban Development to withhold public housing funding from public housing agencies in States that prevent or impede the eviction of a public housing tenant upon the initial violation of the terms of the tenant's lease.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1996

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

A BILL

To require the Secretary of Housing and Urban Development to withhold public housing funding from public housing agencies in States that prevent or impede the eviction of a public housing tenant upon the initial violation of the terms of the tenant's lease.

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 "One Strike Enforce-
5 ment Act".

1 **SEC. 2. AUTHORITY TO WITHHOLD PHA FUNDING.**

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

5 “(s) **AUTHORITY TO WITHHOLD AMOUNTS.**—

6 “(1) **IN GENERAL.**—Notwithstanding any other
7 provision of law, upon determining that a State has
8 in effect any law, regulation, policy, or directive
9 which prohibits, prevents, or impairs any public
10 housing agency from terminating the tenancy of a
11 public housing tenant because the tenant has, on one
12 occasion, engaged in any conduct or violation of the
13 terms of the lease that is sufficient grounds for such
14 termination, the Secretary shall withhold public
15 housing assistance amounts (in an amount deter-
16 mined by the Secretary) from each public housing
17 agency that owns or operates public housing located
18 within such State.

19 “(2) **PUBLIC HOUSING ASSISTANCE.**—For pur-
20 poses of this subsection, the term ‘public housing as-
21 sistance’ includes, with respect to a public housing
22 agency, any amounts made available under this title
23 for assistance for development, operation, or mod-
24 ernization of public housing (including amounts for
25 capital improvements) for such agency.

1 “(3) RELEASE OF WITHHELD AMOUNTS.—After
2 withholding amounts pursuant to paragraph (1)
3 from the public housing agencies of a State, upon
4 determining that the law, regulation, policy, or direc-
5 tive referred to in paragraph (1) is no longer in ef-
6 fect, the Secretary shall release, to each such public
7 housing agency, any amounts withheld from the pub-
8 lic housing agency.

9 “(4) ADMINISTRATIVE PROCEDURE.—The de-
10 terminations under paragraphs (1) and (3) regard-
11 ing a State law, regulation, policy, or directive shall
12 be made on the record after opportunity for a hear-
13 ing.”.

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