

REPORT: THE WAR ON DRUGS MEETS HOUSING

(a Drug Policy Alliance publication)



INTRODUCTION

Stable housing is essential to ensure people can lead healthy, fulfilling lives. Without stable housing, it is much more difficult for people to obtain education and employment.¹ It is especially important to ensure that children have a stable place to live, as research shows that young people who experience homelessness are more likely to confront mental health issues and poor cognitive outcomes.² Policies that stem from the war on drugs, however, deny housing to many in need based on misguided ideals of deterring people from using or being around drugs. Underlying these ideals are the illogical assumptions that people who use drugs and their families do not deserve housing; cannot be good tenants or neighbors; and punishing them will persuade others not to use drugs. On the contrary, harsh penalties that remove and restrict people from housing contribute to the very negative outcomes the drug war supposedly seeks to prevent: harm to children, reduced education and employment, and deteriorating health (including increased drug use and overdose death).³ Instead of shutting people out, we should be opening the doors so that everyone has a place to call home and access to the services that will help them stay housed and healthy.

Throughout the 1980s and 1990s, arrests for drug law violations tripled nationwide, with more than four-fifths of them being for possession.⁴ In New York State, drug arrests and prosecutions fueled an unprecedented increase in the incarcerated population, from 13,437 in 1973 to 71,472 in the peak year of 1999.⁵ As people came out of prison and jail having served their sentences, they

faced the enormous challenge of finding an affordable place to live. One of the most insidious features of the war on drugs was the creation of a web of harsh civil impacts attendant to a conviction for a drug law violation. Exclusionary housing laws and practices that targets people with convictions and their families are among the harshest impacts of the drug war.

People who have been incarcerated for drug law violations are not the only people impacted by these draconian laws: people who use drugs (or are even suspected of using drugs), people who engage in drug-related activity, and their families can be temporarily or permanently evicted from their homes. The war on drugs has shaped public housing policy at both the federal and state levels and spilled over into the private housing market as well, pushing many people who use drugs into homelessness, the public shelter system, and, in New York City, into the private and predatory three-quarter housing market.

The war on drugs spawned a raft of far-reaching exclusionary laws and practices that separate and dispossess families and that discriminate harshly against the many thousands of people who have been convicted of drug law violations, people who use drugs, and their families. This report explores how the war on drugs has intersected with housing, both federally and in New York State. The Drug Policy Alliance offers this report in the hopes that it will lead to a deeper discussion of the individual and collective harms that have been caused by a half-century of the drug war and its infiltration into housing policy.

THE FEDERAL STORY

WHO LIVES IN FEDERALLY ASSISTED HOUSING?⁶

- 4.8 million households receive housing assistance through Housing and Urban Development (HUD), constituting 4 percent of all households in the United States. About 1.1 million households live in public housing and 3.7 million live in federally subsidized units (i.e., units subsidized through voucher programs).
- The vast majority earn less than \$20,000 a year.
- Thirty percent of public housing residents and 46 percent of residents in Section 8 housing are elderly. Thirty-five percent of public housing households and 43 percent of voucher households include children under the age of 18. Three-quarters of households living in public housing are headed by women, and 21 percent include a member who is disabled.
- Across all public housing, about 45 percent of residents are Black, 32 percent are white, and 20 percent are Latinx.
- Black and Latinx public housing residents are four times more likely than white public housing residents to live in high poverty neighborhoods, and Black and Latinx voucher recipients are three times as likely as their white counterparts to live in high poverty neighborhoods.

Public Housing and Section 8 Housing

Pervasive, misleading, and racist media accounts of the horrors of drug use, particularly of crack cocaine use, led to nationwide hysteria and to politicians eager to prove their anti-drug warrior credentials, and public housing was among their immediate targets. During the last year of the Reagan presidency, Congress overwhelmingly passed the Anti-Drug Abuse Act of 1988. Title V, called “User Accountability,” included a section on “Preventing Drug Abuse in Public Housing.” It required public housing authorities (PHAs), operating under the Federal Department of Housing and Urban Development (HUD), to include new rules in their leases that required the termination of tenancy if “a public housing tenant,

any member of the tenant’s household, or a guest or other person under the tenant’s control” engaged in any “drug-related criminal activity, on or near public housing premises,” including drug possession and use.⁷ The following year, HUD launched the Drug Elimination Program (DEP) which made funds available to PHAs solely to address drug problems, including sales, use, and drug-related violence.⁸ Funding was to be used to support police enforcement, drug treatment, and drug prevention, with the police receiving the lion’s share over time.⁹

In 1990, the National Affordable Housing Act expanded the authority and discretion granted to PHAs to terminate the tenancies of households where the PHA suspects a family member or guest is engaging in “drug-related criminal activity.”¹⁰ Whole families were vulnerable to eviction based on suspicion and rumor about one member’s activities. The Act also prohibited a household from receiving public housing for a period of three years if they were previously evicted based on drug-related criminal activity “unless the evicted tenant successfully completes a rehabilitation program approved by the agency.”¹¹

In his January 1996 State of the Union address, President Bill Clinton issued a challenge to local housing authorities and tenant associations: “Criminal gang members and drug dealers are destroying the lives of decent tenants. From now on, the rule for residents who commit crime and peddle drugs should be ‘one strike and you’re out.’”¹² Congress swiftly responded by passing the Housing Opportunity Program Extension Act of 1996, further strengthening eviction rules and, for the first time, urging that *applicants* be excluded based on their criminal records. It called on the National Crime Information Center and local police departments to provide criminal records to PHAs for “purposes of applicant screening, lease enforcement, and eviction.”¹³ It allowed PHAs to bar applicants believed to be using drugs or abusing alcohol.¹⁴ HUD followed up with “One Strike and You’re Out Guidelines,” distributed to all PHAs, which promoted stringent criminal screening procedures for all public housing applicants.¹⁵ To ensure compliance, the guidance noted that PHA ratings and funding would be tied to whether they are “adopting and implementing effective applicant screening.”¹⁶

"[The One Strike rule] requires grandparents taking care of grandchildren, who constitute many of the projects' residents, to regard their own family members with panicked suspicion; to monitor their activities, even when they are not at home. And if the grandparents detect bad behavior, they have to stop it, or lose their apartments. This was the dilemma of plaintiffs in the Supreme Court case. Willie Lee and Barbara Hill were threatened with eviction when their grandchildren—first-time offenders—were caught smoking marijuana in the parking lot of their Oakland, Calif., apartments. Grandmother Pearlie Rucker came to the brink of eviction because her...daughter was caught smoking crack [cocaine] three blocks from Rucker's apartment. Disabled senior Herman Walker is in trouble because his caretaker secretly brought crack [cocaine] into Walker's home."¹⁷

In 1998, Congress passed and President Clinton signed the Quality Housing and Work Responsibility Act (QHWRA), the primary purpose of which was the deregulation of PHAs generally. Among other policies, it imported rules that apply to public housing programs to HUD's Housing Choice Voucher Program (i.e., Section 8 housing), extending the "One Strike" rule into the private housing sector.

Taken together, these policies have created significant barriers for low-income people seeking public housing. They are so broad that one need not even be arrested, much less convicted, of a drug crime to be banned. Mere suspicion of drug-related criminal activity is enough. In its zeal to be tough on drugs, the federal government created a web of punishments for poor and predominantly Black and Latinx families who were suspected of drug use or otherwise stigmatized and criminalized for substances under the war on drugs, gutting their already limited affordable housing options. Wealthier families dealing with a family member or guest who uses or sells drugs rarely have to face such dire consequences. And with the Housing Opportunity Program Extension Act of 1996, even *applicants* to public housing are allowed to be excluded based on criminal records. Individuals and families are being punished and harmed based on unsupported assumptions about their fitness as tenants and neighbors. Rather than making neighborhoods safer, these kinds of policies merely contribute to housing instability and homelessness.

Whole families were vulnerable to eviction based on suspicion and rumor about one member's activities.



CASE STUDY: THE NEW YORK STORY

New York State was already on a drug war footing when crack cocaine appeared in the illicit market. In 1973, the Rockefeller Drug Laws were adopted, which gave the state the distinction of having the toughest drug sentencing laws in the country. Changes in drug law enforcement in the 1980s and 1990s swept tens of thousands of people who use drugs into the criminal legal system. In the early 1980s, the New York City Police Department began a campaign of massive street sweeps in low-income Black and Latinx neighborhoods. In January 1984, the NYPD launched Operation Pressure Point on the Lower East Side, assigning hundreds of uniformed and plainclothes officers to the area. For the first six weeks, they averaged 65 arrests per day. Most of the people arrested were small-time sellers and buyers. By August 1986, the police had made a total of 21,000 arrests.¹⁸ In 1988, the NYPD launched a new anti-drug program called the Tactical Narcotics Team (TNT) in low-income communities of color throughout the city. TNT flooded the streets with investigators and undercover officers who conducted so-called buy and bust operations, arresting mostly low-level drug sellers.¹⁹ Similar police tactics were employed in urban centers throughout the state. Drug arrests soared.

In 1988, Robert Morgenthau, the Manhattan District Attorney, initiated the Narcotics Eviction Program (NEP) in an effort to shut down "crack houses" throughout the borough. He resurrected the city's 100-year-old nuisance abatement statutes, also known as "Bawdy House" laws, giving landlords and public officials the power to evict tenants who were engaging in illicit activity on the premises. When originally enacted, the main "nuisances" were brothels, but the laws were broad enough to encompass drug selling, even small amounts, as grounds for eviction.²⁰

Under NYCHA's guidelines, a mere arrest, even one that does not result in a conviction, is enough to trigger eviction or permanent exclusion from public housing.

The NEP strategy was soon adopted by other district attorneys both in New York City and other cities and towns in the state. The NEP is still in force, and about 1,000 nuisance cases are filed each year in New York City. Since this is a civil procedure, evictions can and do occur in the absence of any finding of guilt, or even an arrest.²¹

The New York City Housing Authority (NYCHA)

In 1990, NYCHA launched its Drug Elimination Program (DEP) with funding from Housing and Urban Development (HUD). NYCHA is by far the nation's largest housing authority with a population of more than 600,000 residents in 334 public housing developments.^{22*} By 1995, DEP was a presence in most of the public housing developments in the city. Operation Safe Home (OSH) was considered the linchpin of the DEP.²³ The program emphasized vertical patrols of problem areas in the buildings carried out by teams of police officers, and residents were encouraged to form tenant patrols to "take back" the building. DEP also included a substance use disorder intervention and prevention program focused on adolescents and pregnant or postpartum people.²⁴

"The policing strategy was well-funded and heavily resourced at a high level of patrol strength. It was active both within public housing and the surrounding areas. The non-enforcement components of DEP (tenant patrols and drug treatment for its residents)... were poorly funded and the efforts diluted, considering NYCHA's vast landscape.... Moreover, the reaction of [people of color] to the NYPD's aggressive police tactics may have led to adverse responses by residents to the intensive drug patrols, animating their withdrawal from their own participation in social control and security."²⁵

* NYCHA had its own police department, the New York City Housing Authority Police Department, from 1952 to 1995, when it merged with the NYPD.

Over the years, more and more of the budget was devoted to police interventions and enforcement.²⁶ Understandably, resentment towards police presence in their homes and neighborhoods grew.

Prior to 1996, NYCHA's ability to evict tenants on the grounds of drug activity was constrained by the *Escalera* consent decree, the 1971 outcome of a constitutional challenge brought by public housing residents who argued that their evictions based on "undesirable acts" violated their right to due process.²⁷ The *Escalera* decree required NYCHA to adhere to several procedural safeguards before it could terminate a lease, including a full evidentiary hearing with the opportunity to cross-examine witnesses. NYCHA attempted to undo the decree several times and finally succeeded in 1996 when a federal judge modified the procedures so that tenants could be more easily evicted. The judge cited "the appearance of crack [cocaine]" and a "quantum leap in the drug problem" as a basis for the decision.²⁸

Once *Escalera* was no longer an obstacle, and encouraged by HUD's "One Strike" policy, NYCHA adopted regulations that streamlined the eviction process and allowed the authority to terminate the tenancy of any resident who engaged in drug-related activity on or even near a housing project.²⁹ Under NYCHA's guidelines, a mere arrest, even one that does not result in a conviction, is enough to trigger eviction or permanent exclusion from public housing.³⁰ Eviction proceedings are initiated before charges are adjudicated, and once someone's name is on the permanent exclusion list, it is almost impossible to get the ban lifted.³¹ More than 5,000 people are permanently excluded from NYCHA housing.³² In some cases, even young people under the age of 18 can be excluded.

NYCHA conducts criminal background checks on all applicants who are applying for housing and also on family members who want to join a NYCHA household, whether temporarily or permanently. Depending on the conviction, a person has to wait between three and six years after release from prison or jail before gaining eligibility for NYCHA housing.³³ Admission is denied if any member of a household is illegally using a controlled substance.³⁴

Affordable housing in New York is a challenge for many, and these policies exclude New Yorkers who could most

benefit from it. Our drug laws have unfairly penalized thousands of New Yorkers, targeting mostly low-income Black and Latinx communities. These housing policies are adding insult to injury, punishing those who are trying against the odds to reunite their families and regain stability.

Private Housing

New Yorkers who use drugs and who have conviction records face barriers accessing the private rental market as well. Given the inflationary rental markets in New York City and around the state, even apartments in traditionally low-income neighborhoods are unaffordable. As of January 2019, New York State had an estimated 92,091 unhoused people on any given day.³⁵

Even if it were possible to find an affordable place to rent, the chances are that criminal records discrimination would stand in the way. The state's criminal history files on close to 10 million individuals are fully automated and easily accessible to private landlords through the proliferation of hundreds of commercial databases.³⁶ In a study conducted by the National Multifamily Housing Council, an organization of large apartment companies, 80 percent nationwide reported that they screen prospective tenants for criminal histories.³⁷ With New York's history of drug law enforcement, many applicants are rejected outright due to drug convictions on their record. Although in theory renters in New York have some protection from overt discrimination on the basis of a criminal conviction,³⁸ landlords are not required to reveal the reason for a denial, and people have little recourse if they are turned down. The Fair Housing Act prohibits a blanket ban, but enforcement through HUD or the courts is time consuming and expensive.

Three-quarter Houses

The gap between the huge need for housing for formerly incarcerated people with substance use disorders (SUDs) – 25,000 people are released from New York State prisons each year – and the shortage of affordable options has created a new scourge: three-quarter houses. These are essentially illegal boarding houses run by opportunistic landlords who make a profit by not only collecting their residents' monthly rental allowance but by billing Medicaid for inferior or non-existent SUD treatment services. Because three-quarter houses exist outside any regulatory system, no one knows how many

At a time when people most need safe, stable, affordable housing, they face barriers in every segment of the housing market.

of them there are, but in 2013, the John Jay Institute for Justice and Opportunity collected an incomplete list of 317 known addresses.³⁹ The conditions in these places are known to be deplorable, and dangerous overcrowding is the rule.

The war on drugs has impacted every sector of New York's housing market – from public housing to private real estate transactions. The difficulty that people with drug law violation charges face in finding housing is so severe that it has even given rise to a whole sector – three quarter houses – one widely viewed as corrupt and exploitative. At a time when people most need safe, stable, affordable housing, they face barriers in every segment of the housing market.

WHERE WE ARE TODAY

Reforms to housing policies are incremental but happening at both the federal and the local levels. Increasingly, policymakers seem to understand that punitive approaches only make it harder for individuals and families to get back on their feet.

For example, in June 2011, HUD Secretary Shaun Donovan published a letter to all PHA executive directors that urged a more humane approach to criminal record exclusions. Noting that more than half a million people are released from prisons and seven million from jails each year, Secretary Donovan wrote:

“The Department is engaged in several initiatives that seek a balance between allowing [formerly incarcerated people] to reunite with families that live in HUD subsidized housing and ensuring the safety of all residents of its programs. To that end, we would like to remind you of the discretion given to PHAs when considering housing people leaving the criminal [legal] system. The Department encourages you to allow [formerly incarcerated people] to rejoin their families...when appropriate.”⁴⁰

Permanent supportive housing, which provides a place to live and available supportive services for as long as a person needs, is a particularly promising model for people with chronic substance use needs.

In October 2014, as the number of overdose deaths in the U.S. hit record levels,⁴¹ the Corporation for Supportive Housing and the National Council for Behavioral Health held a three-day Leadership Forum at the Hall of the States Building in Washington, D.C. The goal of this gathering was to bring policy leaders, researchers, and practitioners together “to fuel new thinking and innovation around housing, service approaches and recovery support for individuals affected by substance use disorders (SUDs).”⁴² The convening report published following the forum observed that:

“More than ever, behavioral health systems are recognizing that safe and affordable housing in the community is a foundational component of recovery for people with SUDs...Much knowledge has been gleaned over the last two decades about effective housing programs and needed system changes and there is still much to learn.”⁴³

Perhaps one of the most hopeful signs is the increasing recognition of “Housing First” approaches. Housing First is a recent intervention, and it represents a paradigm shift that is rapidly taking hold among policymakers and service providers alike. First described by Sam J. Tsemberis, the founder of Pathways to Housing, Housing First positions housing as a human right that should not be based on any preconditions. The approach is based on five principles: ⁴⁴

- HOUSING: Immediate access to housing with no readiness conditions
- CHOICE: Consumer choice and self-determination
- RECOVER: Recovery orientation
- SUPPORT: Individualized and person-driven support
- COMMUNITY: Social and community integration

Housing First is consistent with harm reduction in that it is non-coercive and non-judgmental and emphasizes minimizing the harms associated with drug use. Research shows that providing immediate housing and access to supportive services without requiring abstinence from drugs to people who have serious substance use needs improves health and safety and saves money.⁴⁵ Permanent supportive housing, which provides a place to live and available supportive services for as long as a person needs, is a particularly promising model for people with chronic substance use needs.⁴⁶ Today, Housing First is endorsed not only by mainstream advocacy organizations like the National Alliance to End Homelessness⁴⁷ but by governmental agencies including HUD,⁴⁸ the United States Interagency Council on Homelessness,⁴⁹ and the New York State Office of Alcoholism and Substance Abuse Services (OASAS).⁵⁰ This progress is the fruit of decades of hard work by advocates, activists, and service providers who have always known that stable housing was a critical key to a better quality of life, and that non-judgmental support and self-determination would produce far better outcomes than coercion and punishment.

There are other signs of movement in New York. In 2013, NYCHA began the Family Reentry Pilot Program in collaboration with the Vera Institute, HUD, the NYC Department of Homeless Services, and the Corporation of Supportive Housing. According to NYCHA, “the program is designed to reunite individuals leaving prison and/or jail with their families who live in NYCHA public housing and to provide them with re-entry services.”⁵¹ After two years, if the participant completes the requirements of the program, the family can request that they be added to the lease on a permanent basis.⁵² An evaluation by Vera in 2016 found that the pilot program met its goals: only one participant was convicted of a new offense, and the program helped people leaving prison or jail with reentry services beyond stable housing.⁵³ Brought to scale, this program could benefit thousands of families. On March 3, 2017, Governor Andrew Cuomo announced that pilot programs would be introduced by three more PHAs: Schenectady, Syracuse, and White Plains.⁵⁴

We are also seeing progress at the city level. In the fall of 2020, New York City Councilman Stephen Levin and 18 cosponsors introduced a bill to ban landlords from running criminal background checks on potential

tenants. Levin explained that people who have criminal convictions deserve a fair chance to restart their lives, adding that “our system of laws does not allow the state to punish people in perpetuity.”⁵⁵

While these reforms and proposals are welcome, a recent troubling iteration of the war on drugs in housing has taken form. Cities are using local ordinances to evict people who call for emergency services to respond to an overdose.⁵⁶ Instead of ensuring that people who survive overdose are connected with appropriate follow-up services, cities are focused on kicking people to the curb where they are more likely to experience negative health outcomes, including another overdose. These laws will jeopardize lives by deterring people from seeking help during an overdose and will only compound homelessness. Despite some policy reforms made at the federal and local levels (albeit with some setbacks as well), it will take years of concerted effort to undo the damage wrought by decades of punitive housing policies aimed at penalizing and excluding people who use and sell drugs and their families.

CONCLUSION

Instead of offering people a home, the war on drugs has promoted kicking people to the curb, depriving them of the housing stability; increasing the likelihood of family disunification; exacerbating health problems, like overdose; and contributing to this country’s homelessness crisis. As a society, we should implement policies to provide safe, stable housing to everyone in need. The drug war’s infiltration of housing policy has prevented this, causing great harm to individuals, families, and communities. We must uproot the drug war from our housing systems and provide the support individuals and families need to live safe, healthy lives.

Acknowledgments

Almost five years after Drug Policy Alliance’s “White Faces, Black Lives” conference and 50 years after Richard Nixon’s declaration of the war on drugs, DPA releases these historical reports and accompanying resources to document the massive reach of the drug war, both within and beyond the criminal legal system. As more and more of the public calls for an end to decades of punitive drug policy, we must understand the deep roots of the drug war across systems, and we must stay attuned to ways in which the drug war warps and sinks its roots deeper into our lives.

In 2016, DPA’s New York Policy Office and the Department of Research and Academic Engagement hosted “White Faces, Black Lives,” a conference that convened organizers, researchers, and policymakers to combat the increasingly popular but misguided viewpoint that we were entering a kinder, gentler era of the drug war because the face of the opioid crisis was white. Black people, particularly Black people who use drugs and their family members, knew that not only were Black people being impacted by the overdose crisis but that, despite decades of positive reforms, the drug war was far from over. After meetings with people directly impacted by the drug war and family law, education, employment, immigrant, housing, treatment, and justice movement partners, DPA then launched “Color of Pain,” a website documenting the role of racism in drug policy and mapping the wide scope of the drug war.

The publication of “Uprooting the Drug War” is possible because of a rich legacy of writers, thinkers, partners, and doers within and beyond the drug policy reform movement. This project - and past, present, and future organizing and advocacy to end the drug war - is enriched by the experience and expertise of people who use drugs, incarcerated and formerly incarcerated people, and all people harmed by the drug war. A profound thank you to Elizabeth Brico, Lauren Johnson, Steven Mangual, Miguel Perez Jr., Emily Ramos, and Jasmin Reggler for sharing and documenting their stories in these reports of how the drug war has impacted their lives and the lives of their loved ones. Deep gratitude to our movement partners who shared their insight and expertise and were willing to review drafts of these reports and provide indispensable feedback: Mizue Aizeki, Erin Burn-Maine, Gabrielle de la Guéronnière, Jeanette Estima, Tommasina Faratro, Kesi Foster, Nancy Ginsburg, Shayna Kessler, Emma Ketteringham, Amber Khan, Pamela Lachman, Marie Mark, Roberta “Toni” Meyers Douglas, Erin Miles Cloud, Tracie Gardner, Johanna Miller, Jeffrey A. Nemetsky, Victoria Palacio, Lisa Sangoi, Christopher Watler, and Alison Wilkey. We are also grateful to the organizations who took part in building our understanding in so many areas: Bronx Defenders, Brooklyn Community Housing and Services, Center for Employment Opportunities, Federation of Protestant Welfare Agencies, Immigrant Defense Project, John Jay College Institute for Justice and Opportunity, Legal Action Center, Legal Aid Society, Make the Road New York, Movement for Family Power, National Advocates for Pregnant Women, New York Civil Liberties Union, and Vera Institute. Current and former members of DPA’s New York Policy Office conceptualized this project and saw it through until its publication: thank you to Chris Alexander, Kassandra Frederique, Dionna King, Kristen Maye, Melissa Moore, Elena Riecke, Christiana Taylor, and Tejas Venkat-Ramani. Members of DPA’s Policy Team Aliza Cohen, Lindsay LaSalle, Jules Netherland, and Kellen Russoniello assisted in editing these reports. DPA expresses profound appreciation to Loren Siegel, a longtime DPA thought partner and the principal author of these historical reports.

Principal Author: Loren Siegel

Endnotes

- 1 U.S. Interagency Council on Homelessness, “The Evidence Behind Approaches That Drive an End to Homelessness,” U.S. Interagency Council on Homelessness, December 2017, https://www.usich.gov/resources/uploads/asset_library/evidence-behind-approaches-that-end-homelessness.pdf; and U.S. Department of Housing and Urban Development, “Family Options Study 3-Year Impacts of Housing and Services Interventions for Homeless Families,” U.S. Department of Housing and Urban Development, October 2016, http://www.housingnm.org/assets/content/Library/housing_reports/Family-Options-Study-Full-Report.pdf.
- 2 U.S. Interagency Council on Homelessness, “Ending Family Homelessness, Improving Outcomes for Children,” U.S. Interagency Council on Homelessness, July 2016, https://www.usich.gov/resources/uploads/asset_library/Impact_of_Family_Homelessness_on_Children_2016.pdf.
- 3 Ashley C. Bradford and W. David Bradford, “The Effect of Evictions on Accidental Drug and Alcohol Mortality,” *Health Services Research* 55, no. 1 (February 2020): 9–17, <https://doi.org/10.1111/1475-6773.13256>; T. P. Baggett, S. W. Hwang, J. J. O’Connell, B. C. Porneala, E. J. Stringfellow, E. J. Orav, et al., “Mortality Among Homeless Adults in Boston: Shifts in Causes of Death over a 15-Year Period,” *JAMA Internal Medicine* 173, no. 3 (2013): 189–195, <https://doi.org/10.1001/jamainternmed.2013.1604>; and B. E. Wyant, S. S. Karon, and S. G. Pfeifferle, “Housing Options for Recovery for Individuals with Opioid Use Disorder: A Literature Review,” Office of the Assistant Secretary for Planning and Evaluation, 2019, <https://aspe.hhs.gov/basic-report/housing-options-recovery-individuals-opioid-use-disorder-literature-review#findings>.
- 4 Division of Criminal Justice Services, “New York State Felony Drug Arrest, Indictment, and Commitment Trends, 1973–2008,” Drug Law Reform Series, Report No. 1, February 2010, http://www.criminaljustice.ny.gov/pio/annualreport/baseline_trends_report.pdf.
- 5 *Ibid.*
- 6 Figures are from HUD’s Public Use Microdata Sample as reported by the National Low Income Housing Coalition, “Housing Spotlight,” Vol. 2, Issue 2, November 2012.
- 7 Title V, Subtitle C, Chapter 1, Sec. 5101. Termination of Tenancy in Public Housing. The U.S. Supreme Court upheld a PHA’s authority to evict tenants who had raised an innocent tenant defense in its decision in *Department of Housing and Urban Development v. Rucker*, 535 U.S. 125 (2002).
- 8 Jeffrey Fagan, Gareth Davies, and Jan Holland, “The Paradox of the Drug Elimination Program in New York City Public Housing,” *Georgetown Journal on Poverty Law & Policy* XIII, no. 3 (Fall 2006).
- 9 *Ibid.*
- 10 Cranston-Gonzalez National Affordable Housing Act, Pub. L. No. 101-625, sec. 501 and 503.
- 11 *Ibid.*
- 12 The American Presidency Project, “Address Before a Joint Session of the Congress on the State of the Union,” January 23, 1996, <https://www.presidency.ucsb.edu/documents/address-before-joint-session-the-congress-the-state-the-union-10>.
- 13 Pub. L. No. 104-120, 110 Stat. 834 (1996).
- 14 *Ibid.*
- 15 *Ibid.*
- 16 National Drug Strategy Network, “HUD Announces ‘One Strike’ Rule for Public Housing Tenants,” News Briefs, May 1996, <https://www.ndsn.org/may96/onestrik.html>.
- 17 Janelle Brown, “Evicting Grandma,” *Salon*, April 11, 2022, https://www.salon.com/2002/04/10/eviction_risk. The Supreme Court case referred to was *HUD v. Rucker*, 535 US 125 (2002).
- 18 Peter Kerr, “War on Drugs Shifting Focus to Street Deals,” *New York Times*, April 13, 1987, <https://www.nytimes.com/1987/04/13/nyregion/war-on-drugs-shifting-focus-to-street-deals.html>.
- 19 George James, “Drug Crackdown Is Expanded to East Harlem,” *New York Times*, November 16, 1988, <https://www.nytimes.com/1988/11/16/nyregion/drug-crackdown-is-expanded-to-east-harlem.html>.

- 20 Scott Duffield Levy, "The Collateral Consequences of Seeking Order Through Disorder: New York's Narcotics Eviction Program," *Harvard Civil Rights – Civil Liberties Law Review* 539 (8008), [https://heinonline.org/HOL/LandingPage?handle=hein.journals/hcrcl43&div=24&id=&page=.](https://heinonline.org/HOL/LandingPage?handle=hein.journals/hcrcl43&div=24&id=&page=)
- 21 Sarah Ryley, "The NYPD Is Kicking People Out of Their Homes, Even If They Haven't Committed a Crime," *ProPublica*, February 4, 2016, <https://www.propublica.org/article/nypd-nuisance-abatement-evictions>.
- 22 Jessica Dailey, "10 Surprising Facts About NYCHA, New York's 'Shadow City,'" *Curbed New York*, September 10, 2012, <https://ny.curbed.com/2012/9/10/10330984/10-surprising-facts-about-nycha-new-yorks-shadow-city>.
- 23 Jeffrey Fagan, Garth Davies, and Jan Holland, "The Paradox of the Drug Elimination Program in New York City Public Housing," *Georgetown Journal on Poverty Law & Policy* XIII, no. 3 (Fall 2006), 427.
- 24 *Ibid.*
- 25 Jeffrey Fagan, Garth Davies, and Jan Holland, "The Paradox of the Drug Elimination Program in New York City Public Housing," *Georgetown Journal on Poverty Law & Policy* XIII, no. 3 (Fall 2006), 453.
- 26 Jeffrey Fagan, Garth Davies, and Jan Holland, "The Paradox of the Drug Elimination Program in New York City Public Housing," *Georgetown Journal on Poverty Law & Policy* XIII, no. 3 (Fall 2006), 429.
- 27 425 F. 2d 853 – *Escalera v. New York City Housing Authority*, <https://openjurist.org/425/f2d/853/escalera-v-new-york-city-housing-authority-s-a-rolle>.
- 28 *Escalera v. New York City Housing Authority*, 924 F. Supp. 1323 (S.D.N.Y. 1996), <https://law.justia.com/cases/federal/district-courts/FSupp/924/1323/1471803/>
- 29 Casey Tolan, "NYCHA Stops Discriminating Against New Yorkers with Criminal Records," *Village Voice*, December 13, 2016.
- 30 Vera Institute of Justice, "Report to the New York City Housing Authority," Vera Institute of Justice, February 2017, <https://www.vera.org/publications/report-to-the-new-york-city-housing-authority-on-applying-and-lifting-permanent-exclusions-for-criminal-conduct>.
- 31 *Ibid.*
- 32 Corinne Ramey, "Permanent-Ban Policy in Public Housing Under Review," *Wall Street Journal*, May 27, 2016, <https://www.wsj.com/articles/permanent-ban-policy-in-public-housing-under-review-1464343201>.
- 33 Back to NYCHA, "Applying to NYCHA," Back to NYCHA, <https://www.backtonycha.org/applying-to-nycha> (accessed January 28, 2021).
- 34 *Ibid.*
- 35 U.S. Interagency Council on Homelessness, "New York Homelessness Statistics," U.S. Interagency Council on Homelessness, <https://www.usich.gov/homelessness-statistics/ny> (accessed January 28, 2021).
- 36 Becki R. Goggins and Dennis A. DeBacco, "Survey of State Criminal History Information Systems, 2016: A Criminal Justice Information Policy Report," Bureau of Justice Statistics, February 2018, <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>.
- 37 David Thacher, "The Rise of Criminal Background Screening in Rental Housing," *Law and Social Inquiry* 33, no. 5 (March 2008): 5–30.
- 38 Reentry.net/ny, "Housing and Reentry," Reentry.net/ny, https://www.reentry.net/ny/help/item.2912-Housing_and_Reentry (accessed January 28, 2021).
- 39 John Jay Institute for Justice and Opportunity, "Three Quarter Houses: The View from the Inside," October 2013, <https://justiceandopportunity.org/research/three-quarter-houses/>.
- 40 U.S. Department of Housing and Urban Development, Letter to PHA Executive Director, June 17, 2011, <https://www.hud.gov/sites/documents/SOHUDREENTRYLTR.PDF>.
- 41 CDC Newsroom, "Drug Overdose Deaths Hit Record Numbers in 2014," Centers for Disease Control and Prevention, December 18, 2015, <https://www.cdc.gov/media/releases/2015/p1218-drug-overdose.html>.

- 42 Substance Use and Housing National Leadership Forum, “Convening Report,” Washington, D.C., October 6–7, 2014.
- 43 *Ibid.*
- 44 Pathways, “Housing First,” <https://www.pathwayshousingfirst.org> (accessed January 28, 2021).
- 45 National Alliance to End Homelessness, “Fact Sheet: Housing First,” National Alliance to End Homelessness, April 2016, <http://endhomelessness.org/wp-content/uploads/2016/04/housing-first-fact-sheet.pdf>.
- 46 Debra J. Rog, Tina Marshall, Richard H. Dougherty, Preethy George, Allen S. Daniels, Sushmita Shoma Ghose, et al., “Permanent Supportive Housing: Assessing the Evidence,” *Psychiatric Services* 65, no. 3 (March 2014): 287–294, <https://ps.psychiatryonline.org/doi/full/10.1176/appi.ps.201300261>.
- 47 *Ibid.*
- 48 HUD Exchange, “Recovery Housing Policy Brief,” HUD Exchange, December 2015, <https://www.hudexchange.info/resource/4852/recovery-housing-policy-brief>.
- 49 U.S. Interagency Council on Homelessness, “Deploy Housing First Systemwide,” August 15, 2018, <https://www.usich.gov/solutions/housing/housing-first/> (accessed February 2, 2021).
- 50 Office of Addiction Services and Supports, “Permanent Supportive Housing Program Guidelines,” 2020, <https://oasas.ny.gov/providers/housing>.
- 51 Back to NYCHA, “Family Reentry Program,” Back to NYCHA, <https://www.backtonycha.org/family-reentry-program-1> (accessed January 28, 2021).
- 52 *Ibid.*
- 53 Vera Institute of Justice, “Coming Home: An Evaluation of the New York City Housing Authority’s Family Reentry Pilot Program,” November 2016, https://storage.googleapis.com/vera-web-assets/downloads/Publications/coming-home-nycha-family-reentry-pilot-program-evaluation/legacy_downloads/NYCHA_Factsheet_032917.pdf.
- 54 “Governor Cuomo Announces New Pilot Program to Increase Housing Opportunities For the Formerly Incarcerated,” New York State Government, June 7, 2017. <https://www.governor.ny.gov/news/governor-cuomo-announces-new-pilot-program-increase-housing-opportunities-formerly-incarcerated>.
- 55 Mythili Sampathkumar, “NYC Could Ban Criminal Background Checks on Potential Tenants,” *City & State*, October 13, 2020, <https://www.cityandstateny.com/articles/policy/housing/nyc-could-ban-criminal-background-checks-potential-tenants.html#:~:text=New%20York%20City%20Councilman%20Stephen%20Levin%2C%20with%2018%20cosponsors%2C%20has,individuals%20from%20securing%20stable%20housing>.
- 56 Lexi Cortes, “Granite City IL Evicts Tenants for 911 Overdose Calls,” *Belleville News-Democrat*, February 14, 2020, <https://www.bnd.com/news/local/article239538823.html>; Leora Smith, “West Virginia Cities Use Evictions to Combat the Opioid Epidemic,” *The Appeal*, June 9, 2020, <https://theappeal.org/west-virginia-evictions-opioids>; and Sessi Kuwabara Blanchard, “Surviving an Overdose Can Get Midwesterners Evicted,” *Filter*, February 27, 2020, <https://filtermag.org/overdose-eviction-midwest>.