

# SNAPSHOT: THE WAR ON DRUGS MEETS THE HOUSING SYSTEM

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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.<sup>1</sup> It is especially important to ensure that children have a stable place to live. Research shows that young people who experience homelessness are more likely to have mental health issues and poor cognitive outcomes.<sup>2</sup> These negative impacts translate into significant costs to the public. People who experience homelessness are much more likely to use high-cost emergency services and to be targeted by police and put in jail.<sup>3</sup>

Everyone should have access to stable, affordable housing. However, policies that stem from the war on drugs deny housing to many based on misguided ideals of deterring people from using or being around drugs. Underlying these ideals are the 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).<sup>4</sup> 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.

Housing maintained by federal and state governments and rented to people with low incomes, known as public

housing, provides a place to live for many who would otherwise not be able to afford it. However, federal law requires that leases for public housing prohibit tenants and other people deemed to be under the tenants' control from engaging in "any drug-related criminal activity," on or off the housing premises.<sup>5</sup> Federal "One Strike" policies encourage immediate eviction after suspected drug activity, regardless of whether such activity is problematic.<sup>6</sup> Eviction for drug-related activity does not even require an arrest or criminal conviction.<sup>7</sup> Once evicted for drug-related activity, federal law requires housing authorities to ban access to public housing for three years, though authorities in at least 12 states impose even longer bans.<sup>8</sup> When first employed in the mid-1990s, the One Strike policies had an immediate effect. Six months after authorities implemented One Strike policies, nearly 20,000 people were denied housing for criminal or drug-related activities: more than double in the preceding six months.<sup>9</sup>

Similar restrictions exist in the federal Section 8 program, which provides vouchers to help people pay for rentals of private property. People who have been evicted for drug activity are disqualified from receiving Section 8 vouchers for a minimum of three years, even if never convicted of a drug offense.<sup>10</sup> These policies have forced many people onto the street and put many families in the impossible position of choosing whether to forego housing or to turn away family members who would make the entire family ineligible for assistance.

Private landlords also perpetuate the war on drugs mentality by denying leases to people with criminal

convictions, including drug convictions. There are very limited protections against discrimination based on criminal record, giving wide discretion to landlords to deny housing based on often old and irrelevant convictions. In one survey, nearly half of landlords said they would not overlook a person's record.<sup>11</sup> Closing private housing options to people with criminal records disproportionately harms people of color, who are far more likely to be targeted and prosecuted for drug offenses.

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.<sup>12</sup> 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.

The relationship between homelessness and substance use is complex, but research shows that providing immediate housing and access to supportive services without requiring abstinence from drugs (known as "Housing First") to people who have serious substance

use needs improves health and safety and saves money.<sup>13</sup> 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.<sup>14</sup>

The war on drugs has forced families from their homes and prevented people from finding stable housing for at least three decades. These cruel policies have only harmed health and safety and increased costs to the public. **We should focus on making sure everyone has a stable place to call home, regardless of whether they use drugs. In particular, we should prioritize:**

- Ending evictions and removing bans on housing based solely on drug-related activity.
- Investing in Housing First programs and permanent supportive housing.
- Restricting landlords from using criminal background checks to deny prospective tenants, like the city of Berkeley, CA has done.<sup>15</sup>
- Providing eviction protection to people who call for help during an overdose emergency (i.e., expanding 911 Good Samaritan laws).
- Funding legal assistance for people facing eviction.



## MEDIA HEADLINES DETAILING EVICTIONS FOR OVERDOSE, DRUG USE, AND DRUG ACTIVITY

**Across the United States**, there are increasing accounts of landlords evicting people who overdose or people suspected of drug use or activity, even if landlords are not explicitly mandated to do so. These evictions can come without a drug arrest or conviction. Drug use should not determine access to stable, safe, affordable housing.

## 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](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](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](https://www.usich.gov/resources/uploads/asset_library/Impact_of_Family_Homelessness_on_Children_2016.pdf).
- 3 Margot Kushel, Sharon Perry, David Bangsberg, Richard Clark, and Andrew Moss, “Emergency Department Use Among the Homeless and Marginally Housed: Results from a Community-Based Study,” *American Journal of Public Health* 92, no. 5 (May 2002): 778–784, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447161/#:~:text=Homeless%20persons%20are%20at%20high,and%20high%20rates%20of%20morbidity,;https://pubmed.ncbi.nlm.nih.gov/18245159>.
- 4 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> (finding that overdose is the leading cause of death among Adults Experiencing Homelessness in Boston); and B. E. Wyant, S. S. Karon, and S. G. Pfefferle, “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> (noting that people who have stable housing are more likely to access medications for opioid use disorders).
- 5 42 U.S.C. § 1437d(l)(6).
- 6 Lahny R. Silva, “Collateral Damage: A Public Housing Consequence of the War on Drugs,” *UC Irvine Law Review* 5, no. 4 (November 2015): 783–812, <https://scholarship.law.uci.edu/ucilr/vol5/iss4/6>.
- 7 24 C.F.R. § 5.861.
- 8 24 C.F.R. § 5.854; and Marah A. Curtis, Sarah Garlington, and Lisa S. Schottenfeld, “Alcohol, Drug, and Criminal History Restrictions in Public Housing,” *Cityscape: A Journal of Policy Development and Research* 15, no. 3 (2013), <https://www.huduser.gov/portal/periodicals/cityscape/vol15num3/ch2.pdf>.
- 9 U.S. Department of Housing and Urban Development, “Meeting the Challenge: Public Housing Authorities Respond to the ‘One Strike and You’re Out’ Initiative,” U.S. Department of Housing and Urban Development, September 1997, <https://www.ncjrs.gov/pdffiles1/Photocopy/183952NCJRS.pdf>.
- 10 24 C.F.R. § 982.553.
- 11 TransUnion SmartMove, “26 Renting Statistics That Every Landlord Needs to Know,” TransUnion SmartMove, March 21, 2017, <https://www.mysmartmove.com/SmartMove/blog/26-rental-stats-landlords-need-know-infographic.page>.
- 12 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>.
- 13 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>.
- 14 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>.
- 15 Natalie Orenstein, “Landlords Can’t Conduct Criminal Background Checks in Berkeley Anymore,” *Berkeleyside*, March 11, 2020, <https://www.berkeleyside.com/2020/03/11/landlords-cant-conduct-criminal-background-checks-in-berkeley-anymore>.