

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Special Attention of:
Public Housing Agencies;
HUB Director of Public Housing
PIH Program Center Coordinators;
PIH Division Directors, RMCs

Notice: PIH 2002-9 (HA)
Issued: March 29, 2002
Expired: March 31, 2003

Subject: PIH 2001-8 (HA) Termination of Tenancy for Criminal Activity

1. Purpose:

This notice cancels Notice PIH 2001-8 (HA).

2. Applicability:

This Notice applies to all Public Housing Agencies (PHAs) administering public housing within California, Washington, Montana, Oregon, Idaho, Nevada, Arizona, Hawaii, Alaska, Northern Mariana Islands and Guam.

3. Policy:

On March 26, 2002, in the *Department of Housing and Urban Development v. Rucker et al.*, the Supreme Court of the United States reversed the decision of the United States Court of Appeals for the Ninth Circuit in *Rucker v. Davis*. The Supreme Court held that Section 6(1)(6)'s "plain language unambiguously requires lease terms that give local public housing authorities the discretion to terminate the lease of a resident when a member of the household or a guest engages in drug related activity, regardless of whether the resident knew or should have known of the drug-related activity."

PHAs are authorized to terminate tenancy in accordance with HUD's regulation (24 CFR 966.4) published in the Federal Register at 66 FR 28776 on May 24, 2001. The Supreme Court's ruling is consistent with HUD's interpretation of Section 6(1)(6) of the U.S. Housing Act of 1937, as amended, and its implementing regulation. A copy of this decision is attached.

If you have questions regarding this guidance, please contact your PIH local HUD Field Office.

/s/

Michael M. Liu
Assistant Secretary
Public and Indian Housing

Attachment (Dept. of HUD v. Rucker ET AL. Supreme Court of the U.S. will be attached to the official printed Notice.)