What Should Law Enforcement Role Be In Addressing Quality of Life Issues Associated With Section 8 Housing?

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Abstract

The purpose of this research project is to discuss the challenges law enforcement face when attempting to address quality of life issues for residents residing in and around Section 8 federal housing. The paper introduces readers to the purpose of Section 8 housing, the process in which residents choose subsidized housing, and the legal challenges presented when law enforcement agencies are assisting city government to address quality of life issues.

For purposes of this research project, studies were sampled to illustrate where law enforcement participation worked and where law enforcement participation leads to unintended legal ramifications.
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Law enforcement’s role in addressing quality-of-life issues such as poverty, crime, and the rules governing section 8 housing is very complex and contentious. While it may not be the intent of city governments to create rifts between the city’s quality of life agencies, law enforcement, and the communities they serve, policing agencies are often times used as the tool city governments rely on to ensure the safety and orderly utilization of subsidized housing services. Section 8 housing is mandated by the federal government and requires every city in the United States provide adequate housing to qualified citizens who otherwise cannot afford average to high market rent rates. The question of what law enforcement’s role should be in addressing quality of life issues is often contested. Arguments have been made in both courts and city hall open forums regarding law enforcement’s presence in low-income housing communities. It is still unclear if law enforcement should have a role in enforcing city codes as they pertain to subsidized housing. Recent current events seem to illustrate the conflict between law enforcement’s willingness to enforce the laws, ensure a fair, healthy, and safe environment for all residents and the desire by certain individuals to manipulate the system in a way that muddies the issues contributing to a lower standard of living. Low income housing is often thought to be synonymous with minority ethnic groups, therefore, bringing race to the forefront of this discussion. This research paper will address what role should law enforcement play in addressing quality of life issues in Section 8 housing. Which methods have been tried? And what changes can be made to current enforcement efforts?

In 1937 the United States government’s Federal Housing Administration passed the “Housing Act of 1937”. The Act is sometimes called the Wagner-Steagall Act, after its sponsoring
legislators, Representative Henry B. Steagall and Senator Robert F. Wagner. The act allowed for subsidies to be paid by the federal government to fund local housing agencies whose purpose is to improve the quality of life for low income families. The Housing Act of 1937 is continuously amended to meet the funding needs of the United States Department of Housing and Urban Development (HUD). The goal is to provide assistance to landlords who chose to open their property as low-income housing for qualified residents. (Programs of HUD, 2013). The money is provided in the form of vouchers. In a separate program, HUD also provides vouchers to landlords who provide low income housing to veterans. In addition, vouchers are provided directly to veterans for subsidized health care, counseling, and mental health services. (VHA Office of Mental Health, 2016).

In a 2007 article titled, “Police say most complaints about Section 8 homes: ANTIOCH:”, Antioch police department announced that 65 percent of crime reported in their city came from low income Section 8 housing units. Antioch is a California city located in the East Bay region of the San Francisco Bay. The policing agency’s findings came after creating a group titled Community Action Team, or CAT. CAT was a collaborative between the local police department, Contra Costa Housing Authority, and the city’s code enforcement office. The goal of the team was to address the blight presented by eyesore properties and resulting criminal activity. Antioch Police Captain, Steven McConnell noted that the findings came from complaints made by neighborhood residents. A majority of crimes reported included robberies, burglaries, and drug use. CAT also discovered that many Section 8 recipients abused the voucher program. More specifically, Captain McConnell stated, "There are a lot of people on [sic] the program who shouldn't be… We came across one guy in federal custody who was receiving a subsidy."
Neighbors also complained about municipal code violations such as gang loitering, drinking in public, and lack of property maintenance by property owners.

Antioch is just one example of a city that chose to use law enforcement to address problems with Section 8 housing. Often times, Section 8 housing is home to individuals who have difficulty finding employment or difficulty making ends meet. Some enlist help from family members and allow them to move in while misreporting monthly income. Additionally, residents bring in family members who otherwise would not qualify on their own. Some individuals are restricted from residing in subsidized housing if they spent any amount of time in prison or jail for committing violent crimes and are released under parole or probation conditions. Bringing in family members who have a history of violence endangers the safety of law abiding qualified residents and neighbors. Another example of abuse includes bringing in family members who earn higher than qualified incomes as the person who was granted the subsidy misrepresents the aid the family member provides. Individuals who abuse the system in this manner make the waiting list for qualified residents lengthy. Qualified residents may give up as their feeling of frustration with the system builds.

Qualified residents on the waiting list are in constant desperate need for the subsidized housing. However, they are still selective in their search. Doctor Barbra Teater, lecturer at the Department of Social & Policy Sciences, University of Bath conducted a study in which she found recipients of Section 8 vouchers go through a six step process. The steps include (1) evaluating whether they can find a residence similar to one where they resided in prior to apply for the Section 8 program, (2) taking inventory of specific wants in the new residence, (3) finding a residence that fulfills those specific wants, (4) assessing the outcome of the home search, (5) experiencing the unforeseen outcomes and circumstances that come with having the wants fulfilled, and (6) re-
evaluating whether the wants are to their liking. In step 6, residents assess whether or not the housing is worth staying in or leaving. According to the same study, safety was the most important want for residents seeking Section 8 housing. Therefore, crime was one of the most frequent unforeseen outcomes of their search. (Teater, pg. 6). According to the study, crime is the most influential factor that causes the resident to reinitiate the search for adequate subsidized housing.

For some time, law enforcement has been attempting to play a role in addressing crime and other quality of life issues in Section 8 housing. But their efforts sometimes clash with the goals of the housing authority. Residents fortunate enough to find subsidized housing they are satisfied with expect the housing authority to play an active role in protecting their privacy and ensuring they are not discriminated against based on their income and race. But these same residents also expect law enforcement to ensure their safety. An example of competing objectives played out in 2007 when Antioch Police Department asked the Contra Costa Housing Authority for a list of Section 8 properties throughout the city so that they could track criminal activity occurring in the city more easily. (Read, May 2007). In an article titled, “Section 8 stonewalling upsets police: County says identifying low-income homes would violate federal law”, housing authority officials cited they would open themselves up to civil and criminal liability if they released the records requested by the police department. Even though the housing authority requested that police and CAT begin tracking the criminal behavior throughout the city so that they can better identify where law enforcement resources were most needed, once the data validated nearly two-thirds of criminal activity revolved around subsidized housing, the Contra Costa Housing Authority refused to cooperate. During the interview, a frustrated Police Chief Jim Hyde said,
“The county requested we provide information to them about problem Section 8 properties, but they won't share information with us. It's ridiculous that the impact of the mismanaged housing authority is dramatically impacting in a negative way the neighborhoods of Antioch. This is irresponsible and is hurting our community.”

Hyde summarized the lack of assistance from the housing authority as “…a stupid Catch-22.”

But the housing authority’s County Counsel, Silvano Marchesi, characterized it quite differently. In a report, Marchesi stated, “…The practice of targeting criminal enforcement based on a statistical profile of a class of individuals, before having evidence of a particular crime, is legally suspect.” (Read, May 2007). Marchesi’s statement underlines the level of distrust between law enforcement and housing authority officials, even though they were mutually recruited to play a role in fixing the quality of life issues in Section 8 housing. Not only does Marchesi’s response contradict the mission they agreed to carry out, but it insinuated that enforcement efforts are solely based on income or social class despite evidence that proves there is a nexus to crime and Section 8 housing locations.

Unfortunately, in 2008, the Bay Area Legal Aid filed suit against the Antioch Police Department claiming they conspired to seek evidence that could lead to resident’s termination of Section 8 voucher benefits. (Bovard, 2011). But the suit did not stop black middle class residents of the region living in and near Section 8 housing from voicing their concerns. According to James Bovard, author of “Attention Deficit Democracy”, resident Sheldon Carter of Antelope Valley, California appeared before HUD officials where he said, “This is not a racial issue. It is a color issue. The color is green and it's my dollars.” It is worth noting that the cities of Lancaster, California, and Palmdale, California recently settled law suits wherein they were accused of unfairly targeting Section 8 recipients on basis of race. The Los Angeles County Sheriff’s
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Department, the contracted law enforcement agency, is thus far the only party to the suit ordered to pay restitutions to the plaintiffs. Both Lancaster and Palmdale city governments escaped monetary liability when they shifted the blame toward the probation department and department of corrections who sought to uncover probationees and parolees illegally receiving housing subsidies. The final phase of litigation is still ongoing. In a 2009 interview with Iowa’s Dubuque Telegraph Herald, Shirlee Bolds said, “I moved away from the city to get away from all this crap. Dubuque's getting rough. I think it's turning into a little Chicago, like they're bringing the street rep here.” Residents like those sampled by Bovard are concerned about the lack of law enforcement’s ability to enforce the rules and laws governing Section 8 housing. In fact, Bovard points out that in early 2011 HUD officials announced that Section 8 tenants who are evicted from subsidized housing because of domestic violence incidents may sue landlords under the Fair Housing Act because “women are the overwhelming majority of domestic violence victims.” (Bovard, 2011). Statements such as this make it difficult for landlords and law enforcement to confidently address criminal behavior and protect the renters who desperately want peace.

Perhaps the answer to what law enforcement’s role is in dealing with quality of life issues is that they change the target. Instead of focusing their attention on who is residing in the subsidized housing, they should focus their enforcement efforts on the landlords running the subsidized housing. An example of this kind of refocus was illustrated by Robert Samuels in a 2006 article titled, “Apartment complex fixes some flaws: Pressure from police and federal housing officials on the owners of the Section 8 Gardens Apartments has brought some improvements to the housing complex.” In it, Samuels recounts when Mayor Joseph Kelley and Police Chief James Wright of Opa-locka, Florida walked Armando Fana, Housing and Urban Development’s Miami
Field Office Director through an unlit Section 8 Housing complex. A few days prior, two police officers had been ambush while conducting a narcotics interdiction operation. Samuels recalls how after the tour, improvements were made to the poorly maintained property. (Samuels, 2006).

It is also worth mentioning that, in the same article, Alexander Heckler, a representative for Creative Choice Homes, stated that one of the problems with Section 8 housing is that tenants allow friends and family not on the lease to live in the subsidized housing. He mentions that those who are not on the lease are usually the problem.

Peter Dreier, Professor of Politics at Occidental College offers another solution. He encourages the federal government to provide funding to local community groups and allow them to act as intermediaries when addressing quality of life issues in Section 8 housing. Community groups can create block clubs and grassroots programs to bring low-income residents together and give them a place to voice their concerns. Victims and witnesses to crime can be encouraged to help law enforcement and identify criminals. Residents can be organized to take back their streets, create drug free zones, beautify their living space, improve street and lighting conditions, establish resident-only parking zones, and make improvements that may reduce crime. (Dreier, 1996). He also suggested providing additional funding to city governments for dedicated code enforcement resources. The funding can be used specifically for making improvements and give law enforcement the education needed to force landlords to address deteriorating conditions before they become worse.

Residence in need of subsidized housing deserve safe places to live and should be made to feel they have the same protection of law enforcement and city governments that is afforded to residents living outside of the Section 8 program. The United States Department of Housing and Urban Development should establish a clear plan to address quality of life issues in subsidized
housing units. The plan should include law enforcement and education on how to identify and address crime without violating the privacy rights promised by the Housing Act of 1937. Delegating the organizing and representation of low-income residents to community groups could build positive leadership within the community and reduce the impression of an adversarial relationship between the police, city governments, and the housing authority. Education and training of residents in crime prevention techniques could form the basic building blocks to foster a sense of community, pride, and responsibility within the areas where subsidized housing exist.
References


