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JUST SAYING NO IS NOT ENOUGH:
HUD'S INADEQUATE RESPONSE TO THE
DRUG CRISIS IN PUBLIC HOUSING

FORTY-EIGHTH REPORT

BY THE

COMMITTEE ON GOVERNMENT
OPERATIONS



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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, June 15, 1988.

Hon. JIM WRIGHT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Operations, I submit herewith the committee's forty-eighth report to the 100th Congress. The committee's report is based on a study made by its Employment and Housing Subcommittee.

JACK BROOKS, *Chairman.*

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RESPONSE TO THE DRUG CRISIS IN PUBLIC HOUSING

JUNE 15, 1988.—Committed to the Committee of the Whole House on the State of
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Mr. Brooks, from the Committee on Government Operations,
submitted the following

FORTY-EIGHTH REPORT

BASED ON A STUDY BY THE EMPLOYMENT AND HOUSING SUBCOMMITTEE

On June 9, 1988, the Committee on Government Operations approved and adopted a report entitled "Just Saying No Is Not Enough: HUD's Inadequate Response to the Drug Crisis in Public Housing." The chairman was directed to transmit a copy to the Speaker of the House.

I. INTRODUCTION

More than at any time in memory, the United States is grappling with the problem of substance abuse and its effects on our society. Illicit drugs are more available, more widely used, and cheaper than ever before. It is not possible to read a newspaper or watch television without becoming aware of the very profound and shocking way in which illegal drugs are altering the fabric of American life.

Drug abuse has already left an indelible mark claiming lives ranging from John Belushi to Len Bias. It is leaving a scar on American life that shows no sign of healing. In New York State it is now estimated that at least 97,000 young people under the age of 16—many of them residents of public housing—are heavy crack users. Two and one-half years ago crack was virtually unknown in New York City. Now it is the drug of choice in the largest city in the United States. Crack is cheap, plentiful, and deadly. Nowhere is the problem of drug abuse more evident than in our Nation's public housing projects where brightly colored crack vials are delib-

erately strewn on the ground to attract the attention of young children.

In response to the drug abuse crisis in public housing, the Employment and Housing Subcommittee held a field hearing in White Plains, NY, on March 21, 1988, to assess the impact of substance abuse upon public housing residents, and examine the efforts and programs by the Department of Housing and Urban Development [HUD] to combat drug abuse and drug-related damage in public housing. The hearing was held in the Thomas Slater Center adjacent to Winbrook housing project. Witnesses at the hearing included HUD General Counsel Michael Dorsey, residents with first-hand experience of the problems posed by drugs, law enforcement officials, and local housing officials.

II. BACKGROUND

The Department of Housing and Urban Development has no single program available to public housing agencies [PHA's] for resolving problems associated with drug abuse in public housing. For most PHA's the only source of HUD funding available is through the Comprehensive Improvement Assistance Program [CIAP].

Enacted in 1980, the CIAP was the response developed by Congress for PHA's in need of short term improvements but unable to afford extensive modernization. Under the CIAP, HUD "provides financial assistance to Public Housing Agencies to improve the physical condition and upgrade the management and operation of existing public housing projects."

The CIAP is a short term capital improvement program in which funding is available to PHA's for a maximum of 5 years. It is not available to housing projects that are currently undergoing federalization—a process to upgrade a facility to bring it in line with the physical requirements of a federally sponsored facility—or to projects that have been modernized within the last 5 years. CIAP regulations provide that:

Physical improvements eligible for modernization funding may include alterations, betterments, additions, replacements and nonroutine maintenance that are necessary to meet the Modernization and Energy Conservation Standards prescribed in paragraph 968.18 for decent, safe and sanitary living conditions in public housing projects.

(CFR, 24, Part 968.4.)

In response to growing concern about drug related crime and damage occurring in public housing, HUD has made changes in permissible expenditures under the CIAP. Following the first National Drug-Free Public Housing Conference in 1987, HUD announced that PHA's can use up to 10 percent of CIAP funds for management improvements, including certain components of anti-drug programs. The 1988 CIAP permits hiring additional staff to "coordinate" such services as drug education programs. It does not, however, permit the hiring of staff to provide these services.

The Congress has also made changes in the CIAP eligibility to give PHA's greater flexibility in determining how CIAP funds are used. In the Housing and Community Development Act of 1987

(Public Law 100-242), Congress expanded the physical improvements covered by the CIAP to include "replacing or repairing major equipment systems or structural elements, *upgrading security*. * * *" (Emphasis added.)

For most PHA's this constitutes the limit of Federal funding available to initiate antidrug programs. However, some PHA's, such as New York City, use a portion of their operating subsidy to help pay for housing police. In 1974 HUD implemented a new formula, the Performance Funding System, for calculating the operating subsidy. Any PHA which at that time used part of its Federal subsidy for paying housing police could continue to include this expense in the new calculations. Those PHA's that did not have housing police in 1974 were precluded from seeking funds to pay for housing police. Presently, many PHA's have a tremendous need for security but apparently do not have the funds to pay for housing police.

III. FINDINGS AND CONCLUSIONS

1. HUD's response to the drug crisis in public housing has been woefully inadequate. While HUD considers itself the "lead agency in combating drug abuse in public housing," there is little evidence to support fulfillment of this responsibility by HUD. While HUD *should be* the lead agency, its efforts to date fall far short of what would constitute meaningful assistance.

2. For many public housing residents—particularly in urban areas—living conditions continue to be intolerable with day-to-day dangers posed by drug abuse and drug dealers. Despite long waiting lists and a growing homeless problem, many PHA's are experiencing problems filling vacant units because of the dangerous living conditions.

3. HUD has not taken adequate steps to protect its substantial investment in public housing property. This Nation's stock of public housing is worth many billions of dollars. Drug-related crime and violence is causing enormous damage to public housing stock. Yet, HUD is denying PHA's the means to protect this property with day-to-day security.

4. While HUD has promoted conferences to combat drug abuse in public housing, it has made only very limited funding available to assist either PHA's or local residents in addressing drug-related problems. The only HUD funding to combat drug abuse is available through the Comprehensive Improvement Assistance Program. But use of the CIAP funds to combat drug problems is severely restricted and many PHA's are ineligible for funding. While some public housing residents have initiated antidrug programs, such as "Mothers Against Crack," these programs receive no funding from HUD and survive on sheer willpower. At Winbrook, for example, HUD refused to provide liability insurance for three recreation rooms, so they remain unused while children play on streets frequented by drug dealers.

5. While HUD General Counsel, Michael Dorsey, stated that "Any solution to the drug problem would have to be desired, and developed, locally," we believe that drug abuse is a national problem that demands a national response as well as active local in-

volvement. The Federal Government has already taken a leading role in confronting the problem of drug abuse through other agencies, including the Drug Enforcement Administration and the Department of Health and Human Services. There is no reason for this Federal effort to halt on HUD's doorstep.

IV. RECOMMENDATIONS

1. HUD, working with the Congress, must commit adequate resources to make public housing decent, safe, and sanitary. A critical part of this process is providing public housing agencies with the equipment they need to win the war against drugs. PHA's need access to funding for repair and modernization of units, improving security for residents and educating public housing residents about the dangers of drug abuse.

2. The Comprehensive Improvement Assistance Program should be opened up so that all Public Housing Agencies may apply for funding. The capital intensive nature of this program automatically precludes certain PHA's from applying for CIAP funds. Many of these PHA's desperately seek drug assistance funding and resources should be made available on the basis of need.

3. HUD should give all public housing agencies a meaningful opportunity to use a portion of their operating subsidy to pay for housing police. HUD should reassess the formula under which PHA's receive operating subsidies. Current calculations are based on expenses in 1974. Since then, the security needs of many PHA's have changed dramatically.

4. HUD should take a national leadership role in promoting a drug-free environment in public housing. Specifically we recommend:

(a) A clearinghouse should be established in the Office of Public Housing to provide a national resource for information on substance abuse in public housing. This office would compile and disseminate information on all aspects of drug abuse including recommendations as to where further assistance is available.

(b) A regional training program should be established by HUD to supply training to public housing officials in techniques to combat drug abuse.

V. DISCUSSION

A. DRUG-RELATED CONDITIONS IN PUBLIC HOUSING

Ron Jackson, a resident of Winbrook, described living conditions at the housing project:

At night, when people are trying to rest, hallways are being used [for smoking crack], stairwells are being slept in, elevators are being mutilated with people using them for personal bathrooms. * * * There are brand new doors that have been put on that have been taken off. There is crack being sold openly.

Concern about the effect of such conditions on children living in public housing was voiced by many witnesses. Ron Jackson testified:

And when you talk about children, our children go to school every day, and they get on that bus right across the street from this building, and in the morning times, there is not a day that passes that one won't pick up a little vial and ask the little boy on the bus "What is this?" and the little boy on the bus might say, "Oh, don't bother with this, that's an empty crack vial."

Mildred Seegars, founder of "Mothers Against Crack" described the incident that prompted her to take a lead role in fighting drugs in her community:

The final straw for me was one Sunday afternoon at 1 pm in the afternoon. My daughter, who was eight at the time * * * had to come around to the window—I live on the first floor. She said "Mommy, I can't come in because there is so much smoke in the hallway."

The National Housing Task Force report "A Decent Place To Live," describes the effect of such conditions:

[T]he persistence of intolerable conditions in even a very few projects blights not only the lives of the people who live in them and the neighborhoods in which they fester, but the entire effort to house low-income people in the United States.

B. IF NOT HUD, THEN WHO?

In 1937 the Federal Government made a commitment to citizens of the United States to provide them with decent housing. "It is hereby declared that the policy of the United States to * * * remedy the unsafe and insanitary housing conditions and acute shortage of decent, safe and sanitary dwelling for families of low income" (Section I, Declaration of Policy). This pledge constitutes a cornerstone of our Federal housing policy. However, 50 years later, it is questionable whether HUD is honoring this commitment to provide secure and sanitary housing.

More than 1.4 million low-income families depend on public housing. Yet they can no longer be guaranteed a decent place to live. Many public housing projects have been transformed into drug infested nightmares.

Following the first annual National Conference on Drug Free Public Housing in 1987, held by HUD in association with the National Association of Housing and Redevelopment Officials [NAHRO], HUD Secretary Samuel Pierce sent a letter to all public housing authorities encouraging them to take an active role in eliminating illegal drugs from public housing communities. Yet for the PHA wanting to take such a role—and there can be little doubt that most facing drug problems do—they can anticipate little assistance from HUD. Only one program, the Comprehensive Improvement Assistance Program [CIAP], exists within HUD where PHA's can expect any type of financial assistance. Furthermore,

access to the CIAP funds is so limited that many PHA's are, in reality, ineligible.

In February 1987, HUD announced that up to 10 percent of CIAP funds would be available to PHA's with existing or proposed plans to achieve a drug-free environment. However, this money cannot be used to pay staff to provide drug education or rehabilitation. The PHA can only use this money to hire staff to coordinate the provision of such services. HUD does not indicate where or how such services are to be provided. Moreover, HUD states in its literature outlining efforts to promote drug-free public housing: "The Department does not favor the permanent dedication of a percentage of CIAP funds to drug-related programs."

In the Housing and Community Development Act of 1987 Congress expanded the list of eligible special purpose activities under CIAP to include upgrading security. Acceptable work items under this provision include installing security lighting, replacing apartment doors, repairing elevators, and installing locks. Despite this clear statement of congressional intent, HUD has not yet acted to implement this provision that expands the activities eligible for CIAP funding. In the March 4, 1988, CIAP round VIII applications, HUD field offices did not consider items authorized by this legislation to be eligible under the special purpose modernization provisions of the CIAP. This meant that many PHA's had to revise their applications to delete proposals for the repair of vacant units and the replacement of damaged equipment. Numerous housing authorities have been affected by this decision. In Philadelphia, 1,600 units—or half the vacant stock—could be returned to use; in Topeka, KS, smoke detectors could be installed; in Greensboro, NC, 400 units of public housing that have sinking foundations could be saved. Despite the urgency of these needs, HUD does not anticipate regulations until sometime in fiscal year 1989.

In a letter of support to the April 1987 conference on drug free public housing, President Reagan stated "This Conference * * * will give you the tools and techniques needed to reach our goal of a drug free nation." From the evidence to date, few "tools and techniques" seem to be available to public housing agencies confronted by mounting problems of substance abuse and drug-related crime.

C. THE FEDERAL INVESTMENT

According to HUD General Counsel Dorsey, "The Federal Government has a contractual right to, and an enormous financial stake in, seeing that the Federal investment is actually buying good housing: drug activity denies good housing."

HUD General Counsel Dorsey's testimony concerning the use of housing police by public housing authorities was inconsistent. At the March 21 hearing, he testified unequivocally that a PHA cannot fund housing police if such a force is not already in existence. However, in response to written questions following the hearing, Dorsey wrote:

No public housing agencies [PHA's] are prohibited from using either locally generated income or operating subsidies to pay for security services either through contracts or PHA personnel hired for that purpose.

HUD should clarify its conflicting positions regarding the use of operating subsidies by PHA's for security purposes.

There is a proven link between drugs and crime. A recent study by the National Institute of Justice found a high rate of drug abuse among men at the time of their arrest. In New York, 79 percent of those arrested tested positive for drug abuse. Prior to this study, police had estimated the rate to be nearer 20 percent. Many of those tested were arrested for street crimes such as burglary, grand larceny, and assault—crimes common in public housing projects.

Public housing is on the front line of the war against drugs. Yet HUD has not made any changes to address the need for security since 1974. HUD recommends cooperation with already overburdened police departments. This constitutes an unacceptable shifting of the responsibility to agencies already facing financial cutbacks and rising demands. HUD's current policy denies many PHA's the ability to protect and secure the Federal investment.

D. LOCAL PROBLEM?

The committee recognizes that drug abuse is a problem that can only be countered if addressed at all levels. However, General Counsel Dorsey's picture of a "local problem needing a local solution" misses the mark. The Federal Government is already deeply committed to fighting drug abuse, and HUD should not be an exception to this effort.

Public housing residents repeatedly voiced their anger and dissatisfaction with HUD, saying they felt neglected and abandoned by the agency. They characterized HUD as a bureaucratic institution with little interest in improving their living conditions. Elsie Harry, chairperson of the tenants association at Winbrook, said:

People living in municipal housing are a lost and forgotten colony of people * * * because in their [HUD's] eyes they are a lawless, shiftless group of people who don't deserve the basic service which municipal housing was designed to give—safe, decent and sanitary housing.

Charles Booth, executive director of the Slater Center, expressed similar frustration with HUD:

HUD—can't say enough about HUD—probably one of the sorriest agencies ever legislated because they are interested in the paper trail, they're interested in tacking responsibility on top of responsibility.

Ron Jackson, a resident of Winbrook, said:

The Secretary of HUD said in Atlanta, GA, "Go back to your communities and be creative." Now, when a Secretary of HUD can tell me to go back to my community and be creative, I then tell the colleague on the board of the Housing Authority that the Secretary is either out to lunch at McDonalds, or he is just not understanding. The bottom line is money. We all understand the bottom line in America. You pay the cost to be the boss.

HUD should take steps to increase its involvement at the local level in order to alleviate this isolation and frustration. The estab-

lishment of a national clearinghouse to provide information on narcotic abuse would be the first step in linking the local and Federal levels. This would give community activists a place to turn when seeking detailed, accurate information about different types of drugs, their effects, and resources available to counter problems associated with drug abuse.

An additional step would be to set up a regional program to provide training in drug prevention programs. This program should be held in each of the 10 public housing regions and drug education and rehabilitation experts together with law enforcement officials should participate. Bringing resources to the local level would provide residents with both substantive help, and also provide an incentive for existing local initiatives.

HUD's failure to evolve a national response has led many local residents to take matters into their own hands. Charles Booth, executive director of the Slater Center and resident of Winbrook, described one popular method:

You know, people have armed themselves since I have been here. Do you know what the weapon is? Bottles of ammonia. They have so many people smoking in the neighborhood from time to time, they will open the bottle of ammonia, open their door quick, throw it down in the stairwell, cause a stench, and that causes the smokers and people to run. A hell of a weapon isn't it? A bottle of ammonia, but that is what it is.

In other communities, self-appointed vigilante groups are actively patrolling public housing projects. While the objectives may be laudable, the methods practiced by these groups are often questionable. HUD's continued failure to address the drug problem on a national level can only prompt more citizens to take the matter—rightly or wrongly—into their own hands.

VI. SUMMARY

HUD's response to date to the drug crisis in public housing has been woefully inadequate. While billing itself as the lead agency to combat drug abuse in public housing, HUD has failed to take a leadership role. Instead, the agency has abdicated responsibility for a national problem and shifted the onus to local agencies. Coupled with HUD's failure to make meaningful resources available at any level, this has resulted in the deterioration of the Nation's public housing stock. In urban regions, many public housing residents walk in fear. Their lives, and those of their families, are in danger.