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# COMBATING DRUGS IN HOUSING

## A MANAGER'S HANDBOOK

**Sponsored by:**

New York State Division of Housing and Community Renewal  
*Richard L. Higgins, Commissioner*

New York State Association of Renewal and Housing Officials, Inc.  
*James Wallace, President*  
*Craig M. Burrige, Executive Director*

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# COMBATING DRUGS IN HOUSING



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and to the following persons for their invaluable contributions:*

John Stellar, Esq., Office of Legal Affairs

Ken Henschien, Office of Consumer Affairs

Marilyn Rivera-Chin, Office of Consumer Affairs

## ***Message from the Governor***

It should be clear to all of us that decent, safe housing in many of our communities stands in danger of ruin by the spread of drug abuse, crime and violence. Our homes are one of our most cherished possessions. If they are endangered, the very fabric of our society is harmed. Every effort that is made to preserve the integrity of the State's housing stock is a critical one, and I wholeheartedly support the Division of Housing and Community Renewal's program initiatives to combat drugs in housing, as described in this Handbook for New York State's housing managers.

***Mario M. Cuomo***

## ***Message from the Commissioner***

Today's housing managers in the State and in the nation face an unprecedented challenge in striving to keep their housing developments free of illegal drugs. I have personally seen the tragedy of communities damaged and destroyed by the crime, violence and family dislocation that accompany drug abuse. We cannot afford such losses. Clearly, we must be more effective in preventing the drug plague from gaining a foothold in our housing stock.

We must share our experiences and knowledge, use every resource available, and form alliances with those who have common goals. Housing officials, site managers, tenants and community groups all have a vital stake in combating drugs and preserving the quality and safety of our communities.

In this Handbook the New York State Division of Housing and Community Renewal, and the New York State Association of Renewal and Housing Officials, Inc., describe a wide range of comprehensive, collaborative anti-drug strategies that managers of State-assisted housing can implement. You will find descriptions of successful programs already in operation and sources of technical assistance and funding for such programs. And you will find a discussion of new, streamlined procedures for evictions, as a last resort, of tenants who deal in drugs. As we develop more material in these areas, it will be added to this Handbook.

This is a fight that cannot be fought alone. Let us join forces in the battle to make our housing drug-free.

*Richard L. Higgins*  
June, 1989

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# **CHAPTER 1**

## **MODEL PROGRAMS: TO COMBAT DRUGS IN HOUSING**

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The following pages describe award winning drug abuse prevention and elimination programs. These noteworthy programs were developed by staff and management of each of the Public Housing Authorities. They are presented here for other multi-family project managers who may want to reproduce or modify these examples to suit their needs in combating illegal drugs in their housing developments.

The awards were presented to these Housing Authorities by the U.S. Department of Housing and Urban Development in February 1989, in recognition of their outstanding drug prevention and elimination programs. Of the 92 award recipients nationally, 12 Housing Authorities were recognized in the HUD Region II area. New York State was represented in 7 of the 12 award recipients. They are described here.

## **MODEL PROGRAM 1**

**National Award Winner: Buffalo Municipal Housing Authority  
901 City Hall  
Buffalo, New York 14202**

### **Program Description**

The Buffalo Municipal Housing Authority utilized a \$1,025,000 grant to implement a comprehensive drug abuse treatment, rehabilitation and counseling program for public housing residents. The Authority has contracted with the City of Buffalo, Division of Substance Abuse Services (BOSAS), to administer the program. The City, with assistance and oversight from the New York State Division of Substance Abuse Services (DSAS), contracted with an inner-city hospital, Sheehan Memorial, to operate a drug-free outpatient treatment and counseling center, as well as an inpatient detoxification rehabilitation facility. The City of Buffalo's Department of Substance Abuse Services complements the Sheehan Memorial Hospital location with four satellite offices made available by the Buffalo Municipal Housing Authority at housing project sites. These satellite offices are used for outreach, education, prevention, general referral services and community efforts. On December 1, 1988, overview training was provided for PHA and HUD/Buffalo staff on drug abuse and a kick-off rally was held at the projects to register tenants for education programs and to rally support for the fight against drug abuse.

### **Target Audience**

The Buffalo Municipal Housing Authority's program serves approximately 9,000 to 10,000 tenants from the four satellite offices and Sheehan Memorial Hospital's treatment and rehabilitation facility. The program covers all ages.

### **Funding Source(s)**

The U.S. Department of Housing and Urban Development's Comprehensive Improvement Assistance Program (CIAP) awarded a total of \$1,025,000, for the 1987 CIAP round. In addition, the New York State Division of Substance Abuse Services provided approximately \$1 million over three years.

### **Contact Person**

For further information concerning this program, please contact: Andres Garcia, Program Director, Buffalo Municipal Housing Authority, 901 City Hall, Buffalo, New York 14202 or Telephone (716) 855-4014.

## **MODEL PROGRAM 2**

**National Award Winner: Freeport Housing Authority  
3 Buffalo Avenue  
Freeport, New York 11520**

### **Program Description**

The Freeport Housing Authority works closely with the Freeport Family Center in space provided in one of its projects for a drug education and prevention program. Counseling, lectures, job training and after-school activities are provided for its youth. Currently 35 participants are involved in the program and the number is growing. The program's many activities are enthusiastically supported by the Authority's Board, the staff and the tenants.

The Freeport Housing Authority has close working relations with the Freeport Police, which has led to an effective exchange of information on drug dealing and other undesirable activities on the project's grounds. This has led to 6 successful evictions to date.

Through its successful anti-drug programs and strategies which include a drug/security coordinator position, the Freeport Housing Authority has assumed a leadership role on Long Island on the preventive and legal aspects of drug abuse control. In the spring of 1988 the Authority sponsored an anti-drug conference covering New York City, Nassau and Suffolk Counties.

### **Target Audience**

The anti-drug programs serve the tenants of the Housing Authority's Moxey A. Rigby Apartments consisting of 100 family units.

### **Funding Source**

The Freeport Housing Authority received \$50,000 from the U.S. Department of Housing and Urban Development's Comprehensive Improvement Assistance Program in FY '88 for its anti-drug program.

### **Contact Person**

For further information concerning this program, please contact: Gloria Walker, Executive Director, Freeport Housing Authority, 3 Buffalo Avenue, Freeport, New York 11520 or Telephone (516) 623-2508.



## MODEL PROGRAM 3

**National Award Winner: Glen Cove Housing Authority**  
140 Glen Cove Avenue  
Glen Cove, New York 11542

### Program Description

The Glen Cove Housing Authority developed a comprehensive anti-drug education, prevention and referral program which involves a drug coordinator, a tenants' patrol, local police, the Office of the Mayor and various social service agencies. The program is primarily educational. However, a referral service for substance abusers is provided.

At the Kennedy Heights Dan Daily project, an active tenant organization formed a "Grannies" patrol, consisting of the senior residents at the project, which provides a constant vigil against the influx of drugs. Armed with nothing more than notebooks and walkie-talkies, the patrol has the ability to discourage not only the loitering of their own youth within the project, most of whom they have known for their entire lives, but outside drug dealers and users from entering the premises.

The Glen Cove Housing Authority coordinates its anti-drug efforts with partners in the community such as: Glen Cove Citizens Against Substance Abuse, Inc.; United Parents Against Drug Abuse; Glen Cove Housing Authority's Tenant Organization; Office of the Mayor; and Glen Cove Police Department. Since the program's introduction in June 1988, the Housing Authority has experienced an estimated 50% reduction in drug activities and a 66% reduction in vandalism. In addition, four evictions have been processed involving tenants selling and using drugs, and three more cases were pending as of early this year.

### Funding Source(s)

Funding for the Anti-Drug Program came from the U.S. Department of Housing and Urban Development's Comprehensive Improvement Assistance Program (CIAP). The award totaled \$40,000. Also, the Glen Cove Citizen's Against Substance Abuse, Inc., received a \$125,000 three-year grant from New York State.

### Target Audience

This program serves approximately 400 residents of all ages.

### Contact Person

For further information concerning this program, please contact: Willis McCartney, Executive Director, Glen Cove Housing Authority, 140 Glen Cove Avenue, Glen Cove, New York 11542 or Telephone: (516) 671-3161.

## MODEL PROGRAM 4

**National Award Winner: Housing Authority of the City of Newark**  
**57 Sussex Avenue**  
**Newark, New Jersey 07103**

### Program Description

The City of Newark Housing Authority developed an anti-drug program for its public housing residents that includes an out-patient clinic servicing the medically needy in the Central Ward area. Services include individual counseling, group counseling, family therapy, psychological services, job training, and referrals. The Newark HA's program emphasizes drug treatment prevention, education and employment training. Its services are coordinated with the following groups in the area: College of Medicine and Dentistry; International Youth; Newark Police Department; Essex County Welfare Board; Newark Tenant Council; Boys and Girls Clubs; Tri-City; United Community Corporation; Family Services; Division of Family and Community Services; and the Health Department.

The Newark HA's program has been rated excellent by the State of New Jersey's Division of Family Services, and the Police Foundation, and has won praise from the City of Newark.

### Target Audience

The Newark Housing Authority's anti-drug program has been in place since 1974 and services a population of 16,000 youth under the age of 18. Youths under 16 years of age are specifically targeted for the prevention and education portion of the program. Public housing residents who are IV drug users are targeted for treatment of drug abuse and AIDS, regardless of age.

### Funding Source(s)

The City of Newark Public Housing Authority received funding from several sources: \$218,000 from the State of New Jersey; \$45,000 for the AIDS program from the State of New Jersey; \$66,000 for AIDS from the Federal Government; and \$48,000 from the New Jersey Division of Family Services.

### Contact Person

For further information concerning this program contact: Edna Thomas, Program Director, Housing Authority of the City of Newark, 178 Prince Street, P.O. Box 3278, Newark, New Jersey 07102 or call Dr. Daniel W. Blue, Jr., Executive Director, at: (201) 430-2427.

## MODEL PROGRAM 5

**National Award Winner: New York City Housing Authority**  
250 Broadway  
New York, New York 10007

### Program Description

In September of 1986, the New York City Housing Authority launched its Narcotics Task Force consisting of four action groups: Law Enforcement, Tenant Remedies, Employee Remedies and Information and Education. This type of a programmed, comprehensive attack against the cocaine derivative "Crack" was the first of its kind in the nation.

During the first twenty-seven months of the program, there were twenty-seven city-wide drug sweeps of the NYCHA housing projects. This was the result of an innovative use of the Federal Forfeiture and Seizure statutes to eject drug dealers. These forfeiture actions enabled NYCHA to circumvent the endless eviction procedures and strike directly at the active drug trade occurring in the projects by seizing their leases and effectively shutting them out.

In the information and education field, the NYCHA conducted major television and poster campaigns. The latest poster directed at drug dealers features a group of residents at a project playground, including a mother surrounded by teens and young children telling drug dealers to "Stay out of public housing, we'll fight for our homes and our kids." Buttons, tee-shirts, audio-visual programs and lectures in community centers, and the massive distribution of "warning" posters threatening eviction for dealers have been promoted. Altogether, including the focus on project staff through its employee remedies program, the New York City Housing Authority is pursuing a comprehensive program to combat drugs at all levels.

During 1988, over 300 meetings of public housing tenants, young and old, were conducted in churches and community centers. The Authority's 150 community centers are variously sponsored by Settlement Houses, the Board of Education, private welfare agencies, other City agencies and the Authority itself. With this program in place, NYCHA has experienced a dramatic increase in arrest statistics and a clear rise in the consciousness of the community, specifically as it relates to the dangers of Crack.

### Target Audience

The New York City Housing Authority's program serves a population of well over 600,000 people, including tenants and employees. However, NYCHA's TV spots can reach out to over 10 million people.

### **Funding Source(s)**

The New York City Housing Authority's statement of funding and expenditures on their anti-drug efforts indicates that its police budget alone exceeds \$54 million, of which it is estimated that close to one-third (approximately \$17.8 million) is dedicated to narcotics. Funding for the NYCHA Police Department comes from the City of New York and the HUD. The informational and educational endeavors cost \$150,000 in 1988. Funds for these programs came from Federally funded CIAP grants. The cost of "in-house" lawyers, drug counselors, etc., is impossible to extract, according to NYCHA. Funding for legal staff comes from a combination of Federal, State and City subsidy funds and out of operating revenues.

### **Contact Person**

For further information concerning this program, please contact: Charles Owens, Chief, Narcotics Task Force, New York City Housing Authority, 250 Broadway, New York, New York 10007 or Telephone (212) 306-8006.

## **MODEL PROGRAM 6**

**National Award Winner: Passaic Housing Authority**  
**333 Passaic Street**  
**Passaic, New Jersey 07055**

### **Program Description**

The Passaic Housing Authority launched its "Illegal Drug Prevention and Elimination Program" with a Narcotics Task Force. The program consists of prevention, education and law enforcement. The prevention aspect includes lectures, individual consultation, positive alternative activities (e.g., recreational and other special events), and referrals to other service providers (e.g., hospitals, social service agencies, employment referral programs, etc.). The law enforcement aspect which includes three detectives on staff, has intensified the apprehension of drug users and drug dealers and eviction of undesirable tenants.

The Passaic Housing Authority has joined efforts with the Passaic Boys Club which established a satellite center at the Authority's largest family project. The Authority has an excellent relationship with the City Police Department.

### **Target Audience**

The Passaic Housing Authority's Illegal Drug Prevention and Elimination Program serves children, teens and adults; both tenants and employees of the Housing Authority.

### **Funding Source(s)**

Funding for the Passaic Housing Authority is provided by a multi-year U.S. Department of Housing and Urban Development Comprehensive Improvement Assistance grant of \$406,250.

### **Contact Person**

For further information concerning this program, please contact: Donald Pieri, Program Director, Passaic Housing Authority, 333 Passaic Street, Passaic, New Jersey 07055 or Telephone (201) 473-4900.

## MODEL PROGRAM 7

**National Award Winner: Peekskill Housing Authority**  
807 Main Street  
Peekskill, New York 10566

### **Program Description**

The Peekskill Housing Authority developed a Tenant Reporting Form for use by tenants who suspect that an illegal drug activity is taking place. This form was sent to all tenants in the PHA. When a tenant sends in the completed form the Authority conducts a surveillance of the suspected apartment and either confidentially calls the suspect tenant(s) in for a meeting or refers the suspect household to the local police. A significant part of the surveillance force is comprised of tenants living in the project whose surveillance is conducted, in part, with the aid of walkie-talkies. Usually, the PHA meets with the suspect families and refers them to the Peekskill Health Center for counseling. If counseling fails and the problem continues, the PHA sends a notice to cure and allows the tenants time to resolve the problem. If it is not resolved, a PHA Hearing is requested. If the Hearing outcome is negative, court eviction procedures are started. As of early 1989, seventeen households were evicted for drug related violations. (For recent developments in eviction procedures in Federally assisted Housing Authority projects, please see page .. on Evictions.)

The Authority coordinates its anti-drug actions with the local Police Department, Department of Social Services, the Peekskill Health Center and local schools. The Police Department provides law enforcement and counseling. Social Services provides direct rent payments for affected families, the Peekskill Health Center provides counseling services and local schools provide counseling and referrals. The staff and residents have noticed a significant reduction of drug use and crime in the project.

### **Target Audience**

The Peekskill PHA's program is primarily targeted to the PHA's residents, but includes staff also. The program also includes education, prevention, employment training and security enforcement. The program serves 280 households.

### **Funding Source(s)**

Since 1985, the Peekskill Housing Authority has received approximately \$118,000 from the U.S. Department of Housing and Urban Development's Comprehensive Improvement Assistance Program.

### **Contact Person**

For further information concerning this program, please contact: Mr. William Shands, Executive Director, Peekskill Housing Authority, 807 Main Street, Peekskill, New York 10566 or Telephone: (914) 739-1700.

## MODEL PROGRAM 8

**National Award Winner: Schenectady Housing Authority**  
375 Broadway  
Schenectady, New York 12305-2595

### Program Description

The Schenectady Municipal Housing Authority's anti-drug program consists of three parts. The education component began with a demonstration project with the City of Schenectady and the School District, called D.A.R.E. - Drug Abuse Resistance Education. For this, a city police officer was on site at least once a week, educating over 500 children at the Authority's three family projects.

The security component of the program was used to reduce drug trafficking in target areas. The third component of the program involves prevention and contains a counseling and special events feature. The Authority acquired the services of ex-pro`athletes who addressed PHA youths and families on the dangers of drug use. Additionally, the Schenectady MHA intends to contract with the School District for a "peer leader" counseling program to be initiated at its three family sites. There are also four VISTA workers actively engaged in drug prevention activities at the sites.

### Funding Source(s)

The Schenectady Municipal Housing Authority received \$292,000 in 1988 from the Comprehensive Improvement Assistance Program funds of the U.S. Department of Housing and Urban Development. The Schenectady MHA also received a \$100,000 grant from VISTA to hire the four VISTA workers for drug prevention measures at their three family sites.

### Target Audience

The Schenectady MHA's programs target all MHA residents and employees.

### Contact Person

For further information concerning this program, please contact: Ms. Sharon Jordon, Executive Director, Schenectady Municipal Housing Authority, 375 Broadway, Schenectady, New York 12305-2595 or Telephone (518) 372-3346.

## MODEL PROGRAM 9

**National Award Winner: Syracuse Housing Authority**  
516 Burt Street  
Syracuse, New York 13202

### **Program Description**

The Syracuse Housing Authority's anti-drug program included broadening its tenant application screening policies to include a committee of tenants. Also, part-time police investigators were hired to verify and follow-up on other drug-related information developed by the committee. Currently, there are 30 drug related complaints pending investigation.

The local police department provided a foot patrol unit for the PHA's most troubled project. This resulted in a better relationship with the police and a major drug bust. Also, the foot patrols have resulted in more arrests for other crimes and undesirable activities. The PHA's security personnel's cooperation with local police in surveillance activities, using undercover and video camera efforts, have resulted in drug-related evictions.

The Syracuse Housing Authority utilizes a vast array of resources for its drug prevention program. These resources include: Al-Anon (City Agency); New York State Association for Human Services; Onondaga Council on Alcoholism and Substance Abuse; Syracuse City School District; Syracuse Community Health Center; Central New York Council on Adolescents; Syracuse Police Department; Adolescent Pregnancy and Service Program; Onondaga City Public Library System; a social services agency, "RESOLVE"; Planned Parenthood; Dunbar Center; Syracuse University; New York State Youth Council; Oliver Johnson Enterprises; Alcoholics Anonymous; Boy Scouts of America; Dr. Martin Luther King Community School Program; Cooperative Extension through Cornell University; and Syracuse Department of Parks and Recreation.

### **Target Audience**

The Syracuse Housing Authority's programs serve a tenant population of 1,000 youths and 500 adults.

### **Funding Sources**

The U.S. Department of Housing and Urban Development's Comprehensive Improvement Assistance Program provided \$1,025,000 from 1987 CIAP funds. In addition, the New York State Division of Substance Abuse Services provided approximately \$1,000,000 over three years.

### **Contact Person**

For further information concerning this program, please contact: Carol Sheppard, Program Director, 516 Burt Street, Syracuse, New York 13202 or Telephone (315) 475-6181.



## **CHAPTER 2**

# **SOURCES OF FUNDING AND TECHNICAL ASSISTANCE**

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The following pages outline Federal, State and local sources of funding and technical assistance for programs to combat drugs.

## SOURCE

### U.S. Department of Housing and Urban Development

#### Comprehensive Improvement Assistance Program (CIAP)

HUD strongly encourages all Public Housing Authorities (PHA's) to take an active leadership role in eliminating illegal drugs from public housing projects. HUD recognizes that the elimination of drugs and the protection of public housing property require the cooperation of the local government and the provision of resources beyond that which are currently available to support the Public Housing Program.

The eligible uses of CIAP funds in the effort to achieve drug-free public housing include 1) physical improvements under special purpose, emergency, and comprehensive modernization, and 2) management improvements under comprehensive modernization.

#### 1) Physical Improvements

Under special purpose, emergency, and comprehensive modernization, eligible physical improvements related to eliminating drugs include installation of security hardware and additional lighting; creation of defensible space through redesign of entrances; provision of fencing around the perimeter of the project; and conversion of a dwelling unit into nondwelling space for use by project management or tenant patrols. Under emergency modernization, a determination as to the eligibility of the physical improvement (e.g., correction of an imminent threat to tenant life, health and safety) must be made on an individual work item basis.

#### 2) Management Improvements

Section 14 of the U.S. Housing Act of 1937, as amended, allows for the funding of "improvements needed to upgrade the management and operation" of each project being comprehensively modernized. Implementing regulations at 24 CFR 968.5(b) state that:

\* Management improvements that are project specific or PHA-wide in nature are eligible modernization costs where they are necessary to correct identified management problems and to sustain the physical improvements at the project being modernized. This condition reflects the statutory intent that management improvements be in support of the physical improvements.

\* Management improvements shall be fundable only for the implementation period of the physical improvements. In rare cases, HUD may approve a longer period, up to a maximum of five years, where it is clearly shown to be necessary to complete the initial installation and demonstrate that the management work item will bring about needed management improvements.

\* Where management improvements involve ongoing costs, HUD is not obligated to provide continued funding or an additional operating subsidy after the end of the implementation period. The PHA is responsible for finding other funding sources, reducing its ongoing management costs, or terminating the management activities.

Although the use of CIAP funds for management improvements involving drug-elimination activities has some limitations in the statute and regulations, there are activities which are eligible for CIAP funding and which, when coordinated with local government efforts, may contribute to the overall effort against drugs. Under comprehensive modernization, examples of eligible management improvements include:

- \* hiring of additional staff to coordinate the provision of appropriate social services such as drug education and treatment referral programs provided by local government or other public and private entities;
- \* hiring of security guards during the implementation period of the the physical improvements or longer (not to exceed five years);
- \* development of more timely management techniques for dealing with disruptive tenants and drug-related crime;
- \* development and implementation of improved screening procedures for prospective tenants;
- \* organization of unarmed tenant patrols to report suspicious activity to local law enforcement agencies (NOTE: purchase of nonexpendable equipment for tenant patrols is an eligible physical improvement cost); and
- \* development and implementation of improved communication and coordination with local law enforcement agencies.

Hiring of additional staff or use of existing staff to directly provide social services to the tenants of the project to be comprehensively modernized is an ineligible management improvement and, therefore, an ineligible CIAP expense. Examples of ineligible CIAP activities include:

- \* hiring of additional staff to directly provide social services such as drug education and treatment referral programs;
- \* provision of expendable materials and goods, such as "Just Say No" T-shirts, caps and buttons, to tenants; and
- \* development of drug education videos.

Under special purpose and emergency modernization, management improvements are ineligible for CIAP funding.

## **Local Government Cooperation and Other Public/Private Resources**

Under the terms of the Cooperative Agreement between the local government and the PHA, the local government is responsible for providing the same level of services (police, fire, trash collection) to public housing as are provided to other neighborhoods. Although Federal funds provide primary support, public housing cannot be operated successfully without the involvement of the local government and local community.

Accordingly, CIAP-funded improvements related to drug elimination should not be funded in a vacuum without such local involvement. PHA's that wish to use CIAP funds for drug elimination activities should justify how the activities relate to their own programs as well as to local strategies and programs for both project and neighborhood improvement. This justification and a letter from the local government explaining how the proposed PHA's activities fit into local strategies and programs should be provided during the Joint Review process between HUD and the PHA.

Since, nationally, modernization needs far exceed available funds, it is essential that all CIAP funds be used for activities that will have a long-term beneficial effect on the improvement of public housing.

For more information and assistance please contact:

Louis Mian, Director  
Office of Public Housing  
U.S. Department of Housing and Urban Development  
26 Federal Plaza  
New York, NY 10278  
Telephone (212) 264-0903

## **SOURCE**

### **U.S. Department of Health and Human Services Alcohol, Drug Abuse and Mental Health Administration Office for Substance Abuse Prevention**

The President's Anti-Drug Abuse Act of 1986 created the Office for Substance Abuse Prevention (OSAP) within the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA), and OSAP was given the mandate to implement a wide range of substance abuse prevention initiatives.

#### **OSAP's responsibilities include:**

1. Operation of demonstration grant programs targeting high-risk populations;
2. Management of the National Clearinghouse for Alcohol and Drug Information and related activities;
3. Support of community-based prevention programs;
4. Development and dissemination of prevention-related materials and media programs;
5. Development of a National Prevention Training System.

The major components of OSAP's programs and points of contact are listed below.

#### **1. Demonstration Grant Program**

In response to the newly signed Anti-Drug Abuse Act of 1988, OSAP was given a broadened mandate toward a more community-wide focus. With this new mandate, OSAP prepared a new announcement for demonstrations of effective models for prevention, treatment, and rehabilitation of alcohol and other drug abuse among high-risk youth. Under this legislation, priority must be given to applications that employ research designs adequate for evaluating the effectiveness of the model. With this new emphasis, OSAP will provide special emphasis on youth at high risk of using alcohol or drugs and who fall into the following groups: abused or neglected youngsters, youth who have committed a violent or delinquent act, experienced long-term physical pain, attempted suicide, or suffered from mental health problems; pregnant teens; school drop-outs; children of alcohol and drug abusers; latchkey children; and youth who are economically disadvantaged.

To increase the effectiveness of its programs and to provide multi-level outreach, OSAP has developed partnerships with the research community, parent groups, policy makers, practitioners, State and community leaders, educators, law enforcement officials, volunteers, and others to enhance opportunities for comprehensive approaches to prevention and early intervention. These partnerships are important to the success of OSAP's initiatives.

## **2. High Risk Youth Demonstration Grants**

In the Fall of 1987, OSAP awarded funds to 130 programs for community-based prevention and intervention among high-risk youth and families. This launched a national demonstration grant program that is distributed across 39 States, Guam, Puerto Rico, and the District of Columbia and is focused heavily on high-risk youth of minority racial and ethnic origin.

In FY 1989, approximately \$7 million is available to support an estimated 35 grants under a new grant announcement for high-risk youth. Any public or non-profit private entity is eligible to apply. OSAP seeks to fund proposals that describe comprehensive, multilevel prevention and intervention strategies that address clearly specified risk factors in high-risk youth or that demonstrate effective comprehensive service systems directed at primary prevention and early intervention. A strong evaluation component is required.

Public and non-profit private entities are eligible to apply for funds. All inquiries should be directed to:

Dr. Stephen E. Gardner, Chief  
Demonstrations Operations Branch  
Office for Substance Abuse Prevention  
5600 Fishers Lane, Room 13A-45  
Rockville, Maryland 20857  
Phone: (301) 443-0353

## **3. Community Based Prevention or Community Youth Activity Program (CYAP)**

The Community Prevention Program is referred to as the Community Youth Activity Program (CYAP) in the Anti-Drug Act of 1988 and will be administered by OSAP through two separate grant initiatives. The purpose of this program is to enable States to provide assistance for community services and partnerships designed to develop neighborhood activities targeting alcohol and other drug abuse prevention through education, training, and recreation.

As prescribed in the legislation, approximately 25 percent of the funds appropriated for this program will be awarded to the States and Trust Territories as block grants. Programs funded by the States and Trust Territories through block grants will go to programs of national significance. The remainder of the funds appropriated for the CYAP will be awarded on a competitive basis to States for the purpose of establishing community-based alcohol and other drug abuse prevention services.

Activities supported through this grant program may be provided through partnerships entered into with local educational agencies, law enforcement agencies, community-based organizations, community action agencies, local or State recreational departments, or business organizations.

The governor of each State will designate the agency or agencies that will manage the Community Youth Activity Program.

This program is administered by OSAP's Division of Prevention Implementation. For further information, contact:

Mr. Arnold Mills  
Division of Prevention Implementation  
Office for Substance Abuse Prevention  
5600 Fishers Lane, Room 9A-40  
Rockville, Maryland 20857  
Telephone: (301) 443-0369

#### **4. Technical Assistance, Training, and Materials**

OSAP provides general technical assistance for community efforts targeting youth organizations, schools, disabled populations, and racial/ethnic minorities.

##### **Message and Materials Review**

OSAP has reviewed more than 2,500 alcohol and other drug publications and various materials developed by the private and public sectors. Reviewers assessed the accuracy, policy conformance, cultural relevance, usefulness, and appeal of the messages and materials and identified some of the major information gaps. Many messages and materials already exist but, too often, the public is unfamiliar with them and do not know how to assess their quality or how to use them optimally. In 1988, OSAP began reviewing prevention curricula as well.

Based on this review, OSAP is developing computer-generated resource lists for use by schools, community organizations, work sites, physicians' offices, etc., and plans are underway to generate new messages and materials, especially for hard-to-reach high-risk target audiences. All materials in the resource lists support the message of no use of any illegal drug, and no illegal use of alcohol or other legal drugs. Special emphasis is placed on outreach to parents, primary health care providers, minorities, high-risk families, and intermediaries. New materials for college campuses will also be featured. In addition, technical assistance and training opportunities are offered to those organizations developing, marketing, or using materials for or among OSAP's high priority target audiences.

For more information contact: the Division of Communication Programs, OSAP, 5600 Fishers Lane, Room 13A-54, Rockville, Maryland 20857; or Telephone: (301) 443-0373.

## **National Prevention Implementation Program (NPIP)**

OSAP provides assistance for national, state, and local organizations to plan and conduct activities designed to prevent alcohol and other drug problems. The goal of the program is to identify the most promising prevention strategies, based on the most up-to-date research, and assist organizations in implementing strategies which are appropriate for their target populations. Organizations receive assistance in implementing such strategies through on-site consultation and conference or workshop planning and support. Services are provided by program staff and regional consultants.

For more information contact: the Division of Communication Programs, OSAP, 5600 Fishers Lane, Room 13A-54, Rockville, Maryland 20857; or Telephone: (301) 443-0373.

## **The Multicultural Prevention Project**

OSAP provides multicultural training workshops to ethnic groups (Asian/Pacific Islanders, African Americans/Blacks, Hispanics/Latinos, and Native Americans) throughout the country. The objectives of this project are: 1) to raise the level of awareness in ethnic populations about the harmful effects and negative consequences of alcohol and other drug abuse; and 2) to encourage ethnic organizations and organizations serving ethnic populations to make alcohol and other drug abuse prevention a priority.

This project convened ad hoc Task Forces to identify prevention needs, issues, interests and concerns for the four ethnic groups in the target population. To ensure the cultural relevancy of this project, the workshop curricula reflect the recommendations presented by the four Task Forces.

To participate in the workshops, contact the Project Director, Multicultural Prevention Project - Telephone: 1-800-822-0047.

## ***Prevention Pipeline: An Alcohol and Drug Awareness Service***

OSAP's bimonthly awareness service, *Prevention Pipeline*, produces a steady flow of information about alcohol and other drug abuse prevention efforts for Federal, State, voluntary, professional, and community organizations. With a strong public health orientation, the *Pipeline* encourages reader exchange, provides the latest facts about alcohol and other drug use, lists funding sources, furnishes results of evaluation efforts, and gives information on upcoming events to more than 3,000 subscribers.

To receive the *Pipeline* for one year, send your name and address and a check for \$15.00 (handling fee) to: *Prevention Pipeline*, NCADI, P.O. Box 2345, Rockville, Maryland 20852. Announcements or other information for potential publication in the *Pipeline* should be sent to: Editor, *Prevention Pipeline*, Room 13A-44, 5600 Fishers Lane, Rockville, Maryland 20857.



## **National Clearinghouse for Alcohol and Drug Information (NCADI)**

OSAP has established the National Clearinghouse for Alcohol and Drug Information as a national resource of up-to-date print and audio-visual materials about alcohol and other drugs. NCADI's holdings include scientific findings, prevention program and product descriptions, publications, posters, kits for parents, teachers, and youth and information about organizations and groups concerned with alcohol and other drug problems. NCADI places special emphasis on creating information-sharing networks, developing easy-to-reproduce fact sheets and resource lists, conducting computerized literature searches, offering a free audio-visual loan program, and distributing OSAP and ADAMHA publications at national conferences.

The Clearinghouse also develops special fact sheets and resource packages that can be adapted for use at the community level by a wide range of gatekeepers who share the responsibility for local prevention efforts. Each month, the Clearinghouse answers more than 10,000 telephone and mail requests. For more information, or to receive a free publications catalog, contact the National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, Maryland 20852; or Telephone: (301) 468-2600.

For New York State, contact:

Betsy Comstock, Assistant Director  
Prevention/Intervention Group  
Regional Alcohol and Drug Awareness Resources (RADAR)  
194 Washington Avenue, Albany, New York 12210  
or Telephone: (518) 473-3231.

In New York City, contact:

Betty McGee, Resource Center Coordinator  
Narcotics and Drug Research, Inc.  
11 Beach Street, 2nd Floor  
New York, New York 10013  
or Telephone: (212) 966-8700 - Ext. 107

### **1. The Fact Is....Series**

OSAP's fact sheets are designed to be easily reproduced and disseminated. The fact sheets include survey findings on the knowledge, attitudes, and behaviors of various population groups; research findings on promising prevention strategies; new resources available for prevention practitioners; consequences of drugs and their interactions; and other relevant information. The fact sheets are used by national, state, and local organizations that need information for planning, implementing, and evaluating their prevention programs. To receive copies of the fact sheets, contact the National Clearinghouse for Alcohol and Drug Information or the offices of RADAR mentioned above.

## **2. Media Campaigns**

OSAP sponsors a multi-year public education program with the "Be Smart! Don't Start!" and "Stay Smart! Don't Start!" messages aimed at pre-adolescent and teen-age audiences and those who influence their attitudes and behaviors. Materials for all media and community agencies, in English and Spanish, are continually being developed. Other media efforts support drinking or drug-taking-and-driving prevention, alcohol-and-drug-related birth defects awareness programs, and others aimed at reducing the use of alcohol and other drugs by specifically targeted audiences.

For more information about the campaigns, contact:

National Clearinghouse for Alcohol and Drug Information  
P.O. Box 2345,  
Rockville, Maryland 20852  
or Telephone: (301) 468-2600.

### **Citizens' Prevention Resource Directory**

OSAP is compiling a directory of prevention service agencies and community groups in all parts of the nation. The directory, which will be completed in late 1989, will be especially useful as a reference tool for legislators, public agencies, and voluntary groups. In addition, it will serve as a guide for citizens who want to start a prevention program to join the nationwide prevention effort. Each of the programs will be listed in the Clearinghouse database, and the directory will be updated and published yearly.

For information, contact:

Division of Communications Programs, OSAP  
5600 Fishers Lane, Room 13A-54  
Rockville, Maryland 20857  
or Telephone: (301) 443-0373.

## **SOURCE**

### **U.S. Department of Health and Human Services Administration for Children, Youth, and Families Office of Human Development**

#### **Drug Education and Prevention Programs Relating to Youth Gangs**

Subtitle B, Chapter 1 of Title III of the Anti-Drug Abuse Act of 1988 established a drug abuse education and prevention program relating to youth gangs.

The Act authorized \$15 million for fiscal year 1989 and such sums as may be necessary for each of fiscal years 1990 and 1991 to carry out the program.

The Act authorized grants to, and contracts with, public and nonprofit private agencies, organizations (including community-based organizations with demonstrated experience), institutions, and individuals for projects to prevent the participation of youth in gangs that engage in illicit drug-related activities; to promote involvement of youth in lawful activities; to prevent drug abuse by youth, educate them about drug abuse, and refer youth gang members who abuse drugs; for treatment and rehabilitation; to support outreach activities by law enforcement to youth gangs that commit drug related crimes; to inform gang members about the availability of treatment and rehabilitation services for drug abuse; to facilitate coordination among local school, juvenile justice, employment, social service, and drug treatment and rehabilitation agencies and programs to prevent the participation of youth in gangs that commit drug-related crimes; and for projects otherwise related to prevention of youth gang drug-related crimes.

For further information and assistance on these grant programs, contact:

Mr. Frank Fuentes  
Administration for Children, Youth, and Families  
Donahoe Building  
400 Sixth Street, SW / Room 3030  
Washington, D.C. 20201  
Telephone: (202) 755-8888

## **SOURCE**

### **ACTION Federal Domestic Volunteer Agency**

#### **Community-Based Volunteer Demonstration Projects for Drug Abuse Education and Prevention Services and Activities**

ACTION is a Federal Domestic Volunteer Agency. The Anti-Drug Abuse Act of 1988 authorized the Director of ACTION to make grants to public and private nonprofit organizations for innovative, community-based volunteer demonstration projects which provide comprehensive drug abuse education and prevention services and activities to youth during summer months, with priority to projects that serve high-risk youth and provide opportunities for parent involvement.

The 1988 legislation authorized \$4 million for fiscal year 1989 and \$5 million a year for fiscal years 1990 and 1991 for drug abuse prevention under the Domestic Volunteer Service Act. Between 15 and 25 percent of these funds are earmarked for the community-based volunteer demonstration projects for drug abuse prevention activities authorized under the Anti-Drug Abuse Act of 1988. Of the \$4 million authorized for 1989, \$2 million was appropriated to ACTION in the 1988 Omnibus Drug Bill for substance abuse prevention and education activities.

Information on this grant program and other drug abuse prevention grants available through ACTION can be obtained by contacting:

**ACTION**  
Drug Abuse Program Demonstration and Development  
Room M-513  
806 Connecticut Avenue, NW  
Washington, D.C. 20525  
Telephone: (202) 634-9757

## SOURCE

### U.S. Department of Education

The Anti-Drug Abuse Act of 1986 was amended by the Hawkins/Stafford Elementary and Secondary School Improvement Amendments of 1988 and re-enacted as Title V of the Elementary and Secondary Education Act of 1965 (ESEA). The Department of Education is responsible for administering Title V of ESEA, as amended by the Anti-Drug Abuse Act of 1988. The major components of the Department's programs and points of contact are listed below.

#### **Drug-Free Schools and Communities**

Under its Federal Activities Grants Program, the Drug-Free Schools and Communities Staff in the Office of Elementary and Secondary Education supports model development, dissemination, technical assistance, and curriculum development activities for drug and alcohol abuse education and prevention. Thirty-eight awards were made in FY87 to state educational agencies, local educational agencies, institutions of higher education, and other nonprofit agencies, organizations and institutions.

#### **State and Local Grants Program**

This is a formula grant program which allocates funds to states based on school-age population. Each state's allocation is divided between the State Educational Agency (70%) and the Office of the Governor (30%). The SEA must allot at least 90% of the funds it receives to local education agencies to improve anti-drug abuse education, prevention, early intervention, and rehabilitation referral programs. The Governor provides financial support for anti-drug abuse efforts to community-based organizations. At least 50% of the Governor's funds must be used for programs for high-risk youth. There are contacts in each state for the programs funded through the Governor's Office and programs funded through the SEA.

For further information concerning this program in New York State, contact:

**Governor's Representative:**

Ms. Kathleen Coughlin, Deputy Director  
Substance Abuse Prevention  
*Division of Substance Abuse Services*  
Stuyvesant Plaza / Executive Park  
Albany, NY 12203  
(518) 457-2963

**SEA Representative:**

Ms. Rebecca Gardner, Chief  
Bureau of Health and Drug Education  
*State Education Department*  
Washington Avenue  
Albany, NY 12234  
(518) 474-1491

***The Challenge Newsletter***

The *Challenge Newsletter* is a bi-monthly newsletter which highlights successful programs, provides the latest research on effective prevention measures, and answers questions about school-based efforts. The newsletter is distributed to superintendents, principals, and parent groups across the country.

For further information concerning this newsletter, contact:

Charlotte Gillespie  
Drug Abuse Prevention Oversight Staff  
Office of the Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Room 4145  
Washington, DC 20202-0120 or Telephone: (202) 732-3030

## **SOURCE**

### **NYS Division of Criminal Justice Services Office of Funding and Program Assistance**

The Office of Funding and Program Assistance (OFPA) is responsible for administering the statewide Crime Prevention Program. OFPA was responsible for funding crime prevention programs organized by the North Tarrytown Tenant Patrol, Dykman Tenants Association, Housing Conservation Coordinators, Friends of Lindsey Park and Restore Village Tenants Patrol.

Local crime prevention projects are funded in the State budget under the legislative member item program "to prevent crime and protect citizens." Approximately \$3 million was awarded by the legislature in 1988 to local community preservation projects. OFPA has administrative responsibility for the contract process, technical assistance and monitoring.

The following services are available to private not-for-profit groups in their efforts to establish crime prevention programs in their communities.

#### **Crime Prevention Program**

The goal of the Crime Prevention Program is to reduce opportunistic crime and the fear of crime in New York State. Program activities include the production and distribution of informational brochures; management of the Governor's Conference on Crime Prevention; coordination of the Statewide Neighborhood Watch and Operation ID programs; funding and administration of related project grants through the Neighborhood Preservation Crime Prevention Act and legislative member items under the Program to prevent crime and protect senior citizens; provision of technical assistance to law enforcement and local organizations; and production of a bi-monthly newsletter.

#### **Brochures**

OFPA serves as a statewide clearinghouse for crime prevention brochures. Approximately 30 different brochures on various crime prevention subjects are available free of charge in quantities of up to 500 per title as stock allows. The brochures are supplied to community organizations, law enforcement agencies and schools.

## **New York Neighborhood Watch (NW)**

This program was established in 1980, and is free of charge. OFPA supplies the program guide, brochures, warning stickers, telephone stickers, invitations and membership cards. The only items that are not free of charge are NW road signs. These are available at a cost of \$5.50 for small signs and \$10 for a large version. The program encourages local neighborhood groups to actively help their law enforcement officers by serving as extra eyes and ears in preventing crime in their communities.

## **Operation I.D.**

This program was adopted in 1978 and now has over 360 participating agencies throughout New York State. As with other programs sponsored by OFPA, there is no cost for joining or maintaining the program. OFPA supplies materials such as engravers, program guide brochures; warning stickers and sequentially numbered cards. The system is based on a special code number which is recognized throughout the country by law enforcement personnel. Unlike Operation I.D. programs offered by other organizations, there are no direct costs on the part of a participating citizen to join. Operation I.D. is an excellent way for citizens to mark their home furnishings and belongings so that in the event of theft, recovered property can be returned to its rightful owner.

## **Crime Prevention *UPDATE***

OFPA publishes a bi-monthly newsletter that is available to anyone upon request. The newsletter, entitled the *UPDATE*, is a publication designed to keep the readership of over 6,000 informed of national and local crime prevention news and events.

## **Neighborhood Preservation Crime Prevention Act (NPCPA)**

In 1983, Governor Cuomo recommended the appropriation of \$1 million as seed money to foster the efforts of community anti-crime projects. The annual appropriation levels have increased from \$1 million funding 56 projects in 1983, to \$2.5 million funding 183 projects in 1988. Funds are awarded through a competitive application process to community anti-crime projects staffed primarily by volunteers. Fundable projects involve such activities as a neighborhood watch; business watch; tenant and building lobby patrols; auto, street and foot patrols; home and business security surveys; dissemination of crime prevention literature and equipment; senior citizen escort services; community education and outreach; and safehouse projects. The projects run for one year and are eligible to apply for four additional years of funding.



## **Other OFPA Activities**

OFPA maintains relationships with the National Crime Prevention Council, the McGruff (national crime prevention mascot) Campaign, and other national and state programs and associations including, the New York State Crime Prevention Coalition and seven regional crime prevention associations in New York.

OFPA has "McGruff" costumes available for loan to police departments and community organizations for local events.

"National Night Out" is an annual event sponsored by the National Town Watch Association. Communities are encouraged to sponsor events that bring people outdoors as a united show of support against crime. DCJS promoted this event in New York State in 1989 with 18.5 million people participating in 7,000 communities across the country. Four New York State localities placed in the top 30 community events nationwide.

OFPA's grant projects and law enforcement agencies can borrow crime prevention films and videotapes from DCJS's Video and Film Library for use in a variety of presentations and training sessions.

For further information and assistance please contact:

Gary E. Schreivogl, Director  
Office of Funding and Program Assistance  
NYS Division of Criminal Justice Services  
Executive Park Tower  
Albany, NY 12203 or Telephone (518) 457-8462

## SOURCE

### NYS Division of Substance Abuse Services

To combat the spread of substance abuse and to provide rehabilitation services, New York State administers an extensive system of substance abuse prevention and treatment programs. Through the Division of Substance Abuse Services, a network of community-based programs provides a wide array of services ranging from school and community-based prevention to residential and outpatient treatment centers.

Depending upon client need and the availability of local resources, treatment services may include individual and family counseling, vocational rehabilitation, educational remediation, methadone maintenance or any of numerous other clinical approaches. Prevention services encompass information and awareness activities, as well as those designed to help individuals resist peer and social pressures to use drugs, and the provision of positive alternatives to substance abuse.

In addition to the programs it funds and regulates, the Division of Substance Abuse Services works closely with voluntary community action groups and agencies such as the Citizens Committee for New York City. Through such groups which provide technical assistance and community organization, entire communities are empowered to resist the spread of drug abuse.

With the exception of a small specialized services component of the Division of Substance Abuse Services, the State's system of prevention and treatment programs is administered through the Division's network of Regional Offices. Originally designed to coincide with the State's Health Services Areas, this regional structure enables the Division to oversee an extensive service network while simultaneously keeping in touch with needs and trends in each area.

Individuals and groups are encouraged to call the offices in their regions (listed on the next page) for information and assistance, including training, materials, and treatment referrals.

## **NYS Division of Substance Abuse Services**

### **Regional Offices**

Regional Office #1 Telephone: (716) 881-5100  
584 Delaware Avenue  
Buffalo, NY 14202

Regional Office #2 Telephone: (716) 454-4320  
109 South Union Street, 3rd Floor  
Rochester, NY 14607

Regional Office #3/4 Telephone: (315) 428-4113  
John F. Hughes State Office Building  
333 East Washington Street, 5th Floor  
Syracuse, NY 13202

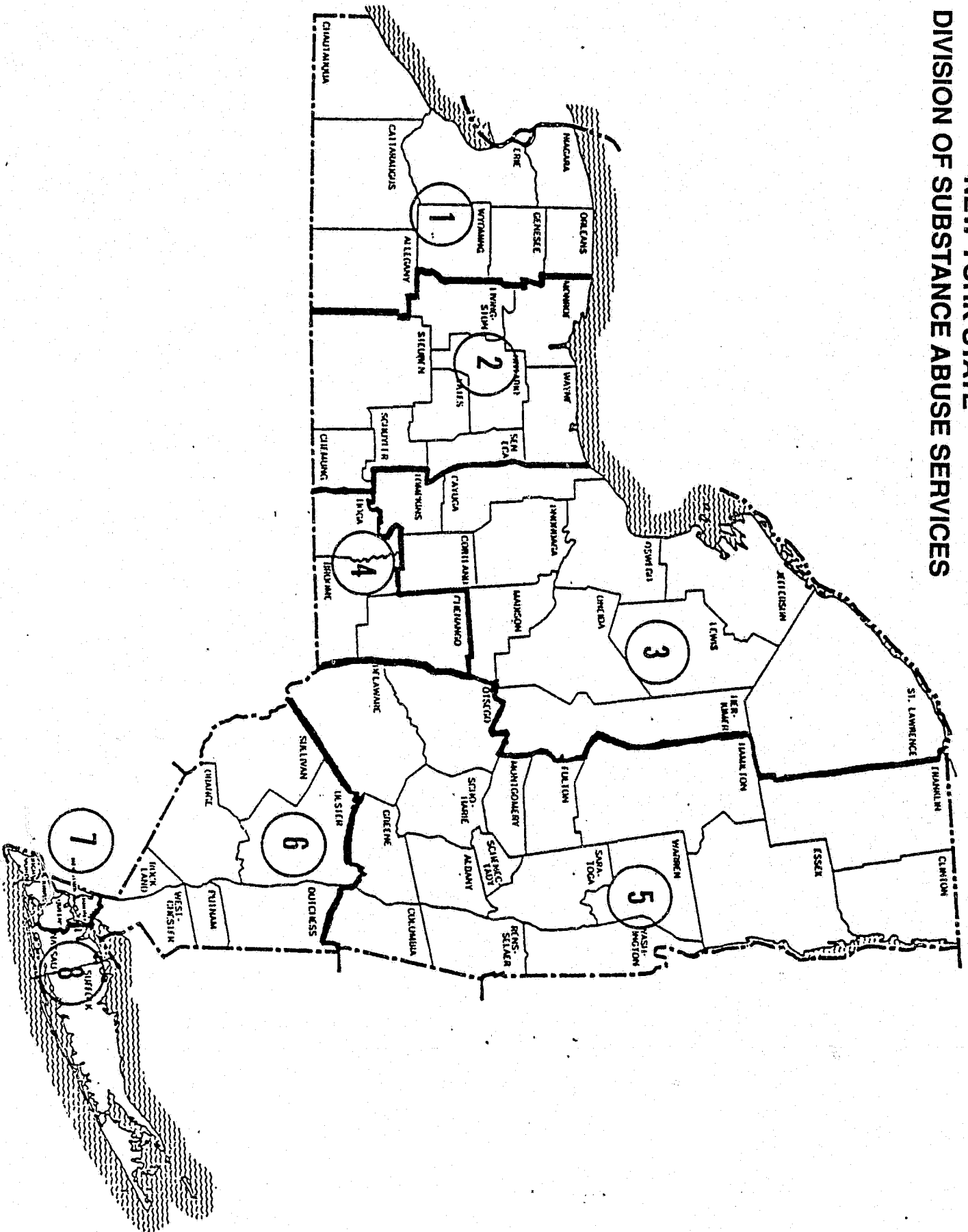
Regional Office #5 Telephone: (518) 453-4369  
10 Colvin Avenue  
Albany, NY 12206

Regional Office #6 Telephone: (914) 428-6414  
30 Glenn Street  
White Plains, NY 10603

Regional Office #7 Telephone: (212) 870-8426  
55 West 125th Street  
New York, NY 10027

Regional Office #8 Telephone: (516) 489-3104  
175 Fulton Avenue  
Hempstead, NY 11550

NEW YORK STATE  
DIVISION OF SUBSTANCE ABUSE SERVICES



## **SOURCE**

### **NYS Division of Housing and Community Renewal**

#### **Public Housing**

The State's Public Housing Modernization Program makes grant funds available to Public Housing Authorities for the preservation and upgrading of State-aided low-income housing. The Program's emphasis is directed to the complete upgrading of individual Authority projects including building systems, structures, grounds, apartments, security and safety systems (including drug prevention measures) and installation of new equipment and improvements.

Examples of improvements which would be considered as drug prevention measures are: increased lighting, redesign of project spaces for security purposes, fencing and replacement of entrance doors.

#### **Middle-Income Housing**

The State's Tenant Health and Safety Program provides grant funds for eligible Mitchell-Lama developments for physical improvements which protect the health and safety of residents. Items which would increase the security of residents such as those examples listed above will be considered for funding under this program.

Flexible Subsidy funds available from the U.S. Department of Housing and Urban Development and directed to certain selected developments may similarly be used for security related items.

#### **Project Generated Funds**

In addition to the above, any State-supervised project (Public Housing and Middle-Income Housing) should utilize current operating and reserve funds to improve security at the development, consistent with budgetary requirements and applicable procedural approvals.

For further information please contact:

Jerome Legatt, Assistant Director  
Housing Management Bureau  
NYS Division of Housing and Community Renewal  
One Fordham Plaza  
Bronx, NY 10458  
Telephone (212) 519-5396

## **SOURCE**

### **Citizens Committee for New York City**

#### **The Self-Help Neighborhood Drug Prevention Awards Program**

##### **Program Description**

Through the Self-Help Neighborhood Drug Prevention Awards Program, the Citizens Committee for New York City, Inc. (a private non-profit community action group), supports and encourages the growing neighborhood movement against drugs. This mini-grants program is administered by the Committee's Neighborhood Anti-Crime Center.

Cash incentive grants are awarded to block, neighborhood and community organizations for stopping drug traffic; drug awareness campaigns; drug education; security projects and patrols; and creating positive alternatives for youths in the communities. At least 20 grants are awarded annually in amounts of \$250 - \$1,000.

The Neighborhood Anti-Crime Center also provides technical assistance to community groups interested in starting or strengthening local organizations to fight drugs and crime. Staff consultation and a vast array of literature on crime prevention strategies are available, as well as training and education seminars.

##### **Eligible Entities**

Any non-profit neighborhood group (adult or youth) that wants to start or expand drug prevention activities in a neighborhood within the five boroughs of New York City may apply for the awards program. Awards are given for projects that are primarily planned and carried out by neighborhood volunteers and designed to address the needs of the neighborhood. The grant may cover a whole project or part of a project.

##### **Contact Person**

Although the mini-grant program and free technical assistance are limited to New York City, the Neighborhood Anti-Crime Center will provide technical assistance and information to groups outside New York City on a fee-for-service basis.

For more information, please contact:

Sally Dunford, Director  
Neighborhood Anti-Crime Center  
3 West 29th Street, 6th Floor  
New York, NY 10001

**CHAPTER 3**  
**EVICTIIONS: A STRATEGY**

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## SECTION 1

### Introduction

The Division of Housing and Community Renewal ("DHCR" or "Division") is increasingly concerned with preventing the ravages of illegal drugs from afflicting State-supervised housing projects. Specifically, the dealing of illegal drugs, which is frequently accompanied by other illegal activities generally of a violent and destructive nature, can seriously threaten the health, well-being and safety of tenants, lead to large increases in maintenance costs, endanger the viability of the housing stock, and ultimately subvert the purpose of the Private Housing Finance and Public Housing Laws: to provide safe, sanitary, and affordable housing.

To assist State-supervised housing companies and authorities to combat illegal drug dealing on their premises, DHCR's Office of Legal Affairs investigated the methods by which drug dealers can be removed from public and private housing. A task force from the Office of Legal Affairs met with the heads of the Narcotics Divisions of the District Attorneys' offices in Bronx, Kings, New York and Queens Counties and the New York City Police Department (NYCPD). The heads of drug eviction programs at the New York City Housing Authority (NYCHA) and the New York City Department of Housing, Preservation, and Development (HPD) were interviewed. Israel Rubin, then Chief Administrative Judge of the Civil Court of the City of New York, as well as Judges Peter Tom and Howard Trussel, also of the Civil Court of the City of New York, met with the Division task force and provided valuable information and insights.

These interviews confirmed that drug dealing inevitably opens the door to other illegal and undesirable activities. According to information received from the NYCPD, over half of the almost 1900 murders in New York City in 1988 were drug-related. Similarly, a large percentage of other felonies committed in New York City are drug-related. If drug dealing occurs in a housing development, we may expect to find a concomitant increase in (1) the presence of violence-prone individuals engaged in the trade, distribution, manufacture and sale of illegal drugs; (2) the presence of drug buyers and users who may also engage in violence and prey on law-abiding tenants; and (3) the presence and use of firearms and other weapons.

Destruction of the housing itself also occurs. Drug dealers have been known to cut holes to adjacent apartments through walls, floors, and ceilings in order to dispose of drugs and other evidence when the police execute search warrants. In creating these connecting passageways, they not only destroy the housing itself but may also cause disruptions in the distribution of heat, hot water, gas, or electricity to other tenants. Elevators, intercoms, locks and security systems, building entrance doors, and secondary exits also are vandalized to serve the purposes of dealers. Roofs and stairwells can become the dealers' private domain.



The arrival of drug dealers in a building can cause other tenants to fear for their lives and safety. Law enforcement officials related that at times tenants have been confronted by dealers who simply tell the tenants that they are taking over their apartments, or who offer a payment to the tenants in exchange for turning the apartments over to them. In the worst cases, entire buildings and streets have, for all intents and purposes, been abandoned to drug dealers: police and fire departments do not provide services; marshals refuse to enter to serve eviction warrants; maintenance staff refuse to go into buildings to make repairs; and the tenants' living conditions can become wholly subjected to the will of the drug dealers.

The material which follows is an overview of the means available to combat illegal drug dealing in State-supervised housing, coupled with a discussion of the legal means to evict persons engaged in such activities.

## SECTION 2

### Management, Tenants and Police The Front Line of Defense

Close cooperation among tenants, building management and security, and the police is the key factor in preventing drug dealers from entering a development and in ejecting them from buildings where they have already gained a foothold. These three groups - tenants, building management and security, and the police - have distinct but often overlapping roles in opposing drug dealing and dealers.

#### A. Management: Securing the Buildings

Improving building security, an initiative particularly within the control of the housing manager, can provide large dividends in the effort to prevent drug dealers from entering a project and in deterring those who may have already gained entrance. Expert advice may be obtained from various private security consulting companies or, depending on the location of the development involved, from the Crime Prevention Unit of the New York City Police Department, the State Police, or the local police department, all of whom can be requested to make a security survey of the premises. The security consultant or the police will prepare a report containing specific recommendations to enhance security, such as adding gates at particular locations, increasing or modifying the lighting, installing time-lapse video cameras in strategic locations, improving monitoring of specific areas, or hiring additional security personnel. A report from the New York City Police Department Crime Prevention Unit or a private security consultant would also include cost estimates for the recommendations made in the report; reports from the State Police and most other local police departments may not include cost estimates. Examples of actions which can be taken by housing management are to secure the roof and basement areas of the building; to install very bright anti-crime light bulbs inside and out; and to make frequent inspections, with notice to the tenants, of all of the apartments in the building.

Most importantly, the security department of the housing company or the housing authority must be well screened, well trained and well equipped to detect symptoms of drug traffic on the premises. This is critical whether the security service is an internal one or an outside contracted service. Guard routes, central guard stations, video cameras, walkie-talkies, and other measures must be provided to assure that the security personnel are adequately prepared to perform their role. Furthermore, close and regular supervision of the security staff, with periodic group meetings and discussions regarding issues of common concern will enhance their sense of unity in maintaining the security of their developments against intruders. It has been reported that despite the numerous outstanding accomplishments of building security personnel in removing drug dealers and assisting in bringing them to prosecution, there have also been instances where security guards became involved, directly and indirectly, in the very criminal activities they are required to report and prevent from occurring. They were bribed, coerced, or otherwise influenced to protect or participate in the drug dealing activities on their premises. Needless to say, management must be sensitive to these issues and take every precaution to ensure that this does not happen.

Regardless of how well trained and equipped a security service may be, it cannot succeed without a close alliance with the tenants of the development and local law enforcement authorities. This alliance is critical in developing the quality of information that must be made available to the police so that they may take necessary action, whether it be surveillance or arrests, or other type of action against drug dealers, with the best likelihood of success. Concerned tenants, a well trained security staff, and police presence and cooperation are the three key ingredients in forming the front line of defense against drug dealers.

### **B. Tenants: Forming an Alliance**

Security of the building and grounds can be improved by management acting in cooperation with both tenants and the police. Examples of such actions are management encouragement of tenants to set up committees or patrols, with a captain on each floor. Such committees would make pertinent security recommendations to management and, equally important, monitor the premises for indications of illegal drug activity in order to report them to a designated management employee who would relay the information to the police. An active, concerned and well organized tenants' committee or association assumes great significance. While an individual tenant, acting alone, may be hesitant to cooperate with the security staff or police, knowledge that other tenants of a specific floor, building or project are cooperating with them may help the tenants overcome their hesitancy. An active tenants' committee or association also provides an effective mechanism through which to funnel information to the police, and to relay the random observations and information gathered by individual tenants in such a way as to make it more likely that a coherent pattern will emerge. This, in turn, increases the likelihood of a prompt and successful police investigation. Additionally, when tenants begin to recognize a common cause and realize that the building management and security staff are taking clear steps to ensure their safety and protection, it strengthens their ability to be effective in other important areas, such as sponsoring discussion groups or educational programs to prevent drug abuse.

### **C. Police**

Once the management and security and the tenants begin working together, it is important to establish good working relations with the police. If the managing agent or tenants suspect that drug dealing is taking place, they should be aware that referrals to the police require sufficiently detailed information so that an undercover narcotics officer can convincingly pose as a drug user and make one or more undercover purchases of drugs. Undercover "buys" are a prerequisite to obtaining a search warrant from a court. The information obtained when a search warrant is executed may also be used by a housing company to obtain an eviction under §711(5) of the RPAPL as well as by the local prosecutor in a criminal proceeding.

To make an undercover buy safely and successfully, the police need to know such things as the specific type of drug being sold, the size of the package, the location(s) and descriptions of the seller(s) and the persons employed by the sellers as runners (to make deliveries) or lookouts, the days and hours of activity, any codes or passwords used, and any brand names that may be employed by the seller. Because a vast number of drug-related complaints are received by police departments, those that are not very detailed, e.g., "they're selling drugs at Apt. 3" are less likely to become a priority for investigation than a report or complaint containing more details regarding such activities. (Please see a sample reporting form at the end of this chapter.)

The most likely source of such detailed information is the people who come into contact with the drug dealers on a daily basis - the tenants and staff of a project. Although many individuals may have valid information to relay to the police, they may refuse to do so, understandably, for fear of retaliation by the drug dealers. However, police department spokespersons emphasize that the police never use the names of informants to "make the case". Rather, evidence is developed independently by the law enforcement agency, frequently based on anonymous tips, and using such tactics as surveillance, follow-up investigation, undercover buys, and later, through the execution of search and arrest warrants.

It is recommended that housing staff funnel all information from a given site through one person to the police. The logical person to act as a liaison with the police department is the security supervisor who, in some cases, may be a former police officer.

Throughout the State, a number of programs have been designed to facilitate public cooperation with the police. In New York City these include the Crack Hotline, Drugbuster, and C-POP programs, which are described below.

### **Crack Hotline**

A special NYCPD telephone number: 212-374-KRAK (212-374-5725), has been established in New York City in response to the escalating crack epidemic. The public can anonymously report any suspected sales of crack by telephoning this number.

### **Drugbusters**

The NYCPD also operates the "Drugbuster" program which is coordinated by the Deputy Commissioner of Community Affairs and is administered by each local precinct. Persons who volunteer to be "Drugbusters" must contact their local Community Affairs Officer. Volunteers receive training on what to look for and how to report their observations effectively. The volunteer is then assigned a special identification number which is confidential within the Police Department. Even the Narcotics Division officers who handle the investigations will not know the names of the informants.

When "Drugbusters" have information to report they call a specially dedicated telephone number using their individual identification code. The same number may be called, again using the anonymous identification code, to follow up on the status of a previous report or complaint, and to learn of the progress of any investigation which resulted from it.

### **C-POP**

These initials stand for the Community Patrol Officer Program. An officer, after receiving special training from the NYCPD, is assigned to work continuously in one designated area. Because of the prolonged contact with the community, the C-POP officer is able to draw upon intimate knowledge gained about members of the community and their activities and is effectively able to discern signs of drug dealing and any other undesirable activity in his or her beat. Clearly, it is in the interests of the housing management staff to coordinate their information and activities closely with the local C-POP officer.

In closing this section it must be noted that many months may elapse from the time suspicions first arise concerning suspected drug dealers in a project until the time a search warrant is executed and arrests are made by the police. Depending upon such factors as the gravity of the complaint, the quantity and accuracy of the initial information received by the police, and the resulting priority assigned to the complaint, it may take anywhere from one to seven weeks before an investigation is begun. Considerably more time is needed by the police to develop their own evidence, make the requisite one or two (depending upon the county) undercover buys and obtain and execute a search warrant. Generally, only after all of these steps have been accomplished is it productive for the housing manager to begin eviction proceedings against the offending tenants on the basis of "drug dealing."

While the evidence as to drug dealing may take a long time to gather, other evidence is sometimes available which may be sufficient to warrant termination of the tenancy. These types of evidence and charges are also dealt with in the next section.

## **SECTION 3**

### **Legal Remedies**

The following categories of legal remedies are available to State-supervised housing management companies and housing authority projects:

#### **A. Eviction Procedures Pursuant to 9(C) N.Y.C.R.R. §1727-5.3**

Housing companies may apply to the Division for a Certificate of No Objection to the Commencement of Eviction Proceedings. Having obtained the Certificate, they may seek a warrant of eviction from the appropriate court.

#### **B. Eviction Procedures Pursuant to 9(C) N.Y.C.R.R. §1627-7.3**

A housing authority may terminate a tenant for the reasons provided in 9 (C) N.Y.C.R.R. §1627-6.3. These include breach of the authority's rules and regulations, undesirability, and illegal use of the apartment. The tenant may appeal such a determination to a Board of Review of the authority. If the tenant fails to appeal, or loses the appeal, the authority may seek a warrant of eviction from the appropriate court.

#### **C. Eviction Pursuant to Real Property Action and Proceedings Law §711(5) and §715.**

Housing companies and housing authority project managers may seek eviction in Civil Court pursuant to §711(5) and §715 of the Real Property Actions and Procedures Law (RPAPL), commonly known as "the bawdy-house law". In New York City, they can utilize the newly created Narcotics Eviction Program for this type of proceeding.

#### **D. Forfeiture of Lease Pursuant to 21 USC §853 and §881(a)(7)**

Housing companies and housing authority project managers may request the U.S. Attorney to take action, pursuant to the Federal forfeiture statute, 21 USC §851 and §881, to seize the lease itself, thereby cutting off the tenant's right to occupancy.

A fuller discussion of these categories of legal remedies is on the following pages.

## Discussion of Legal Remedies

### Category A Eviction Procedures Pursuant to 9(C) N.Y.C.R.R. §1727-5.3

#### 1. Eviction When Certificate of No Objection to the Commencement of Eviction Proceedings is Required.

These procedures are applicable to housing constructed pursuant to Articles 2 and 4 of the Private Housing Finance Law.

The first remedy available to a housing company or managing agent seeking to evict a tenant for reasons of illegal drug dealing is to follow the procedure set forth in the Division's regulations at 9 (C) N.Y.C.R.R. §1727-5.3. In general, that section provides that the housing company must obtain the consent of the Commissioner before proceeding in Housing Court to evict. Permission is granted if, after the Division has held a fact-finding hearing with notice to the tenant, the housing company establishes that the tenant has violated the terms and conditions of the lease, or the Division's regulations governing Article 2 and Article 4 housing companies.

The housing company or managing agent ("petitioner") must serve the tenant ("respondent") with specified notices and a copy of a verified petition addressed to the Commissioner of Housing and Community Renewal. The relief sought by the petition is the issuance by the Commissioner of a Certificate of No Objection to the Commencement of Eviction Proceedings (Certificate). The requisite notice and the original petition, along with proof of service on the respondents, must be filed with the Division's Office of Legal Affairs, which then schedules a fact-finding hearing.

At the hearing, which is conducted in accordance with the State Administrative Procedure Act (SAPA), both petitioner and respondent produce witnesses and documentary evidence in support of their respective cases. Specific charges of drug dealing may be difficult to prove due to the reluctance of other tenants to appear and testify, or due to lack of other evidence. Thus, the housing company may choose to rely upon other related lease violations as grounds for the eviction of the tenant, framing its complaint in such terms as "excess traffic," "loitering in the hallways and stair wells," "vandalized entrance doors," "cut holes in apartment walls," or "violent behavior and use or possession of weapons," all of which are violations of the lease and may be more readily documented than allegations of drug dealing.

After the completion of the hearing, the Commissioner or the Commissioner's designee renders a decision. If favorable to the housing company, the Commissioner issues a Certificate of No Objection to the Commencement of Eviction Proceedings. Thereafter, the petitioner must seek a warrant of eviction from the appropriate court of competent jurisdiction as the Certificate, standing alone, is insufficient to evict the respondent. Only after an action has been successfully prosecuted in the court and the judge has issued a warrant of eviction, may the petitioner actually evict the respondent.

However, one need not produce the same witnesses in court as have already been produced at the hearing before the Division. The Division's findings are all the proof that the court needs as to the findings in the Certificate. When the grounds constitute a breach of a substantial obligation of tenancy, the only question before the court is whether the grounds are sufficient to warrant the termination of tenancy. (See footnote 1 in the following section.)

The Office of Legal Affairs has established a goal of an average turn-around time for hearings of three months from receipt of the petition to the issuance of the Certificate after having held a hearing. However, both petitioners and respondents can create delays by requesting adjournments due typically to conflicts in counsels' schedules or unavailability of witnesses, or a delay in the production of minutes, among other reasons. Delays frequently arise in vigorously contested cases in which all parties are represented by counsel. Clearly, from the time the first suspicions arise concerning drug dealing until a marshal dispossesses a tenant pursuant to a warrant of eviction, more than a year can elapse.

## **2. Eviction Where Certificate of No Objection to the Commencement of Eviction Proceedings is Optional.**

As part of the Division's program to move effectively on all fronts against drug dealing in State-supervised housing, an emergency amendment to the Division's regulations, effective February 6, 1989, made optional the requirement of obtaining a Certificate of No Objection to the Commencement of Eviction Proceedings where the petition is grounded on allegations relating to drug dealing. Although a Certificate may be sought at the option of the petitioner, the petitioner now also has the option of proceeding directly to court. This change in the regulations was intended to shorten the time required to conclude the entire eviction process.

The amendment to the regulation gives the housing company a variety of strategies from which to choose when seeking to evict a drug dealing tenant. The housing company may wish to avoid the sometimes contested and lengthy process of first seeking a Certificate from the Division in those instances in which it believes it has sufficient evidence to be able to win in court on an eviction petition based on allegations of drug dealing. Alternatively, in other cases the housing company or its attorneys, for a variety of reasons, including those of legal strategy, may wish to seek a Certificate from the Division. In such cases the housing company may file a petition which combines allegations of drug dealing along with allegations of other lease violations.

Different evidentiary requirements apply to proceedings before the Division for a Certificate, and proceedings in court for a warrant of eviction. The law provides that the rules of evidence are relaxed in proceedings such as the Division's hearings, which are conducted pursuant to the State Administrative Procedure Act. However, in court all the rules of evidence apply. Thus, although a petitioner can sometimes marshal sufficient evidence to be successful before the Division, it may be more difficult to prosecute such a case successfully in Housing Court. The differing evidentiary requirements will almost certainly be a factor to be considered by a housing company attorney in deciding whether or not to apply for a Certificate in those cases in which a Certificate is optional.



Finally, as stated above, a housing company attorney must consider the effect that the courts give to the Division's Certificate. The Certificate is binding regarding any questions of fact litigated before the Division; in these cases the parties have no opportunity to re-litigate any questions of fact in court, which concerns itself solely with legal questions.<sup>1</sup> However, the tenant does still have the option of challenging the Commissioner's findings by filing an Article 78 proceeding within four months of the date of the issuance of the Certificate.

A housing company attorney will have to decide whether to embark on a more time consuming process involving litigation before both the Division and Housing Court, or to initiate what should be a speedier process, involving litigation only in court, but with its more rigorous evidentiary requirements.

#### **Footnote<sup>1</sup>**

An example of a question of fact is the following:

Did the tenant set fire to the furniture in the lobby?

An example of the corresponding legal question would be the following:

Is the tenant's act of setting fire to the furniture in the lobby a sufficient violation of the lease or applicable laws or regulations as to justify the issuance of a warrant of eviction?

## Category B

### Eviction Procedures Pursuant to 9(C) N.Y.C.R.R. §1627-7.3

These procedures are applicable to State-aided public housing except in New York City. The New York City Housing Authority is covered by the consent decree in the Escalera case. (*New York City Housing Authority v. Escalera*, 425 F. 2d 853.)

Under these procedures, the authority management notifies a tenant of the termination of his or her tenancy, giving the reasons therefor and advising the tenant of the right to appeal to the Board of Review. The Board of Review is a panel of three of the Members of the Housing Authority (the governing body of public housing authorities).

If the tenant does not appeal to the Board of Review, the matter goes directly to the court of appropriate jurisdiction. If the tenant does appeal to the Board of Review, he or she must do so within thirty days of the determination. Failure to do so in a timely manner waives the right to appeal to the Board of Review.

When the Board of Review receives an appeal, it schedules a hearing, with the three members together acting as hearing officers. The parties may be represented by counsel. Although informal, the hearings before the Board of Review are conducted in an adversary form (court-like procedure). The Board of Review either grants or denies the tenant's appeal. A tenant may seek to review the decision of the Board of Review by an appeal to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

If the Board of Review denies the tenant's appeal, the authority proceeds with its case in a court of appropriate jurisdiction. The Authority may, furthermore, bring the case in a court of appropriate jurisdiction without waiting for the decision of the Board of Review. It can go through all of the steps up to an actual eviction, prior to a Board of Review decision.

These provisions of the rules and regulations are administered solely by the public housing authorities.

The Division, however, is presently preparing a revision to the regulation which would make the use of the Board of Review hearings optional in drug related cases for State-assisted housing authority projects. This is intended to speed up the State's eviction procedures in much the same way as the U.S. Department of Housing and Urban Development's recent elimination of its Lease and Grievance hearing for federally-assisted housing projects,

In federally-assisted housing projects, a pre-eviction hearing called a Lease and Grievance hearing similar to the Board of Review procedure was required prior to a termination of tenancy. On May 23, 1989 Governor Cuomo announced that Jack Kemp, Secretary of Housing and Urban Development, had approved his request to eliminate this requirement in terminations of tenancy in New York State. While this waiver will enable most housing project managers in New York State to proceed directly in court for evictions, it is not clear at this time how it will function in New York City Housing Authority projects, due to the *Escalera* consent decree cited earlier. However, the significance of this waiver is that it is aimed at streamlining the procedures for evictions specifically where they are sought on drug-related grounds.

## Caterory C

### Eviction Pursuant to Real Property Action and Proceedings Law §711(5) and §715

These procedures apply to all housing in the State of New York.

The second alternative available to both State-supervised housing companies and to housing authority project managers is to proceed under RPAPL §711(5) and §715. These sections of the RPAPL, sometimes referred to as "the Bawdy House Law," provide the opportunity to seek evictions of tenants engaged in *any* illegal trade or business. The statutory language of §711(5) speaks of premises which "are used or occupied as a bawdy-house, or house or place of assignation for lewd persons, or for purpose of prostitution, or any illegal trade or manufacture, or other illegal business." Although the text of §715 refers specifically to the sections of the Penal Law relating to prostitution and, as amended, to gambling, it is clear that the phrase "any illegal trade or manufacture, or other illegal business" encompasses illegal drug dealing. The management or tenants of the premises, or residents of nearby buildings, or others, may go to court to seek eviction in an action technically described as an action to recover possession of real property.

Although persons other than the owner or manager have the right to initiate proceedings under this section, usually an owner is notified by a law enforcement agency, frequently the District Attorney's office, that there is ongoing drug dealing or other illegal activity on the premises. Once an owner or manager is so notified, he or she has five days in which to bring an action seeking eviction of the tenants. For this purpose, the housing company or project manager must rely on its own attorneys.

There are a number of advantages to proceeding under RPAPL §711(5) and §715. First, for housing companies statewide, DHCR's regulations were amended, effective February 6, 1989 to provide that a housing company need not apply to the Division for a Certificate of No Objection in cases where the eviction is sought on the grounds of drug dealing. Second, in New York City, special narcotics parts in Housing Court have been set up with expedited referral procedures to hear these cases, so that matters directed to these special parts can be heard in as short a time as two weeks; in the regular parts of the court it would take much longer for a case to be heard.

The third and perhaps the greatest advantage is that generally there is no need to call tenants or staff as witnesses to testify. The ill repute of the premises, which is all that is required to be established, can generally be proven by relying solely on the testimony of police witnesses. §715 states in pertinent part:

*"Proof of the ill repute of the demised premises or the inmates thereof or of those resorting thereto shall be presumptive evidence of the unlawful use of the demised premises . . ."*

That statutory language has been interpreted as follows:

*"The burden of proof upon Petitioners under RPAPL Section 715 does not require proof of commission of specific illegal acts but rather proof of the ill repute of the demised premises or those resorting thereto shall constitute presumptive evidence of unlawful use. [Citations omitted] It is sufficient that the acts and conduct complained of warrant an inference of the illegal purposes for which the premises*

are being used." *Kellner v. Cappellini*, 135 Misc. 2d 759. 516 N.Y.S.2d 827 (N.Y. City Civ. Ct., 1986).

If the manager fails to bring such an action or if once having brought the action fails to prosecute the action diligently, the housing company or project manager may be named as a respondent along with the offending tenant in an action seeking the eviction of such tenant. This action can, depending on the circumstances, be brought by a variety of individuals, including the District Attorney, a tenant of the premises or a tenant who resides within 200 feet of the premises, or another person or agency as set forth in RPAPL §715(1). If the owner or manager is named as a respondent and if the court subsequently grants the petition brought pursuant to §715(1), the court may, in conjunction with its grant of such petition, impose on the owner or manager a civil penalty not exceeding five thousand dollars, payable to the municipality in which the premises are located. The owner or manager can also be held liable for attorneys' fees and court costs.

Certain other issues have also arisen. It is not uncommon for the respondent tenants to fail to appear at these proceedings as they are reluctant to come into civil court on an eviction matter if unresolved criminal charges are pending. In these instances the tenant may simply default; then, after an inquest by the court which results in the issuance of a warrant of eviction, the tenant may appear, deny all the charges, and claim that notice of the eviction proceeding was never received. These legal maneuvers obviously complicate and delay efforts to evict the tenant.

It should be noted that the court has considerable latitude with which to fashion a remedy appropriate to the facts of each case. The court may evict all of the occupants of an apartment or only bar some of them from remaining. It can issue a warrant of eviction which it can then stay for a designated period, or which can be executed the same day that it is issued.

Other problems arise when not all the members of a family are implicated in drug dealing. As noted above, the courts have considerable latitude in which to fashion an appropriate remedy. If the court is persuaded that the other occupants of the apartment had no knowledge of and did not benefit from the offending occupant's illegal drug dealing, the court will fashion a remedy whereby the offender is barred, but the others are allowed to remain. However, if it appears likely that the other occupants must have either known of, and/or benefited from, the illegal drug dealing, the courts will probably evict everyone. This becomes an evidentiary question. The court will look at the composition of the family unit in the apartment to see if infants or, perhaps, infirm elderly persons will be evicted or otherwise detrimentally affected. Finally, the court would seek to assess the difficulty of enforcing a remedy whereby the offending occupant is barred from the premises and the other occupants are allowed to remain. If such an arrangement would be impossible for the owner or manager to monitor or enforce, it is more likely that everyone will be evicted. The courts have indicated that these types of problems will be resolved through a process of case by case adjudication.

In New York City, commencing in the latter part of 1988, there have been significant developments which promise more rapid evictions of drug dealers. Israel Rubin, Administrative Judge of the Civil Court of the City of New York,<sup>2</sup> spearheaded the establishment of the expedited Narcotics Eviction Program. Under this program, evictions of drug dealers are speeded by coordinating the activities of the police, the District Attorneys and the courts in bringing cases under RPAPL §711(5) and §715 and in directing such cases into the specially created parts of Housing Court mentioned above. These parts, which have been established in Bronx, Kings, New York and Queens Counties, have their own judges.

Each county's expedited Narcotics Eviction Program is currently at a different stage of development. Typically, however, all NYCPD felony arrest reports are reviewed daily in the District Attorney's office by the Deputy Chief of the Narcotics Bureau, who specifically follows up on any felony arrest if the defendant is a tenant of the premises where the arrest took place. "Premises" is defined to include the defendant's apartment or the roof, basement, or other public areas of the building or the grounds of the building. In such cases, based on the evidence gathered from the execution of a search warrant and a related arrest, the District Attorney will send a letter to the owner or manager of record advising that an eviction proceeding pursuant to RPAPL §711(5) must be initiated within five days of the date of receipt of the letter.

At least in some courts, a housing manager, relying solely on Police Department records and testimony or other official records, need only prove:

- 1) *Indictment (not conviction) of the tenant for drug dealing;*
- 2) *Possession of drugs by the tenant at the time of the arrest; and*
- 3) *An affidavit or testimony from the police.*

These requirements may vary from court to court and from county to county.

When the housing manager brings a case against the tenant, the question remains as to how to ensure that the case is directed to the specially created narcotics eviction part in Housing Court. In addition to the housing manager's counsel so advising the clerk when the case is called, the letter from the District Attorney advising the owner or manager to initiate the action should be attached to the moving papers to alert the clerk of the court to refer the matter to the special part. Since each county's court has its own rules, it is recommended that the petitioner's attorneys ascertain the proper procedures from the clerk of the court where the premises are located.

As noted earlier a proceeding under RPAPL §711(5) and §715 is an option available to all State-supervised housing companies and housing authorities throughout the State. The major differences for housing managers in New York City and those outside the City are (1) the more active role taken by the District Attorneys within New York City in reviewing felony drug arrests and referring cases to the police for further investigation, and (2) the specially created parts in Housing Court in New York City to handle narcotics cases.

#### Footnote<sup>2</sup>

In January 1989, Judge Rubin was appointed to a vacancy on the Supreme Court, Appellate Division.

As should be clear from this discussion, proceeding under RPAPL §711 and §715 may prove to be a powerful weapon in the fight to eradicate drug dealing from State-supervised housing. If used effectively, it should be faster and more flexible than alternative procedures; moreover, the evidentiary burden should be easier to meet, most often without the necessity of relying on the testimony of reluctant tenants. However, it should also be clear that if this procedure is to work effectively it is absolutely crucial that there be continuous and close cooperation and liaison among the petitioner housing management, its on-site staff (especially its security staff), its tenants, the police, the District Attorney, and the courts. Without such cooperation, all the pieces necessary for the prosecution of a successful eviction action will be much less likely to fall into place, and the effectiveness of the remedy as a whole will be greatly diminished.

## Category D

### Forfeiture of the Lease Pursuant to 21 U.S.C. §853 and §881 (a)(7)

These procedures apply to all housing within the State of New York.

The third alternative is for the housing company management and the housing authority project management to convince the United States Attorney of the district in which the property is located to proceed in federal court under either 21 U.S.C. §853 or 21 U.S.C. §881 (a)(7), or both, to forfeit or seize the lease of an apartment being used to facilitate the illegal drug trade. By statute, only the United States Attorney can initiate such proceedings; they cannot be commenced by the housing management's attorneys. In most cases the United States Attorney is likely to proceed under these sections in cases where there is a record of multiple felony drug arrests at the same premises, but which continues to be the site of ongoing drug dealing. In such circumstances, seizure leading to forfeiture can be a very quick method of ousting those dealers.

§853 is a criminal forfeiture statute. Proceedings under this section can only be brought in conjunction with a criminal case and, if the defendant is acquitted, there can be no forfeiture.

§881(a)(7) is a civil forfeiture statute. While forfeiture actions under this section are often brought in conjunction with a criminal proceeding - and are generally stayed pending the outcome of the criminal proceeding - they may be brought in the absence of any criminal proceeding. Moreover, an acquittal in a related criminal case is not a bar to forfeiture; there have been instances in which a jury voted to seize a defendant's property even though the defendant had been acquitted in the accompanying criminal action.

These forfeiture statutes are federal laws; there are no analogous New York State statutes, although a bill to enact a similar statute is currently pending before the New York State Legislature.<sup>3</sup> The forfeiture cases that have been prosecuted so far have been brought by a combination of federal and local authorities acting together and proceeding in federal court. For example, those brought in New York City against New York City Housing Authority (NYCHA) properties have been handled by the United States Attorney's office, upon information supplied and developed by NYCHA, acting in concert with the Police Department.

In a typical federal civil forfeiture case, a complaint is brought by the United States Attorney upon probable cause, and a judge or magistrate issues a warrant of seizure against the property. This is an *in rem* action against the property, not the tenant(s) who reside in it. It is the seizure of the property that effectively starts the action. The tenant or any interested persons have the right to contest the seizure; however, unlike most actions, the burden of proof is on the claimant to prove a right to the

#### Footnote<sup>3</sup>

A summary of the provisions of this bill is attached. Interested persons may wish to contact their legislators to express their views on the bill.

property, and not on the government once the seizure warrant has been issued. All the government has to prove at trial is that there is probable cause to believe that the property to be seized was used or acquired illegally. In such hearings probable cause may be proved by affidavit, and hearsay is admissible. The claimant must prove that the property was not related to the illegal activity, or that the claimant is an innocent owner.

Once the premises are seized, they are operated by the United States Marshal's office, pending forfeiture and eventual disposition of the property by the United States. At this point the landlord loses control of the premises, either because the subject apartment is seized or because the marshals, in the case of an entire building, will collect the rents, hire a managing agent, install security systems, etc. In effect, the United States Marshal becomes the *de facto* landlord.

The advantage of this process is that it provides a very quick method of evicting offending tenants. Since conceptually the action is against the property, not the tenant, for State-supervised housing companies there is no requirement to obtain from the Division a Certificate of No Objection pursuant to 9 (C) NYCRR §1727-5.3. Since a warrant of seizure can be obtained on probable cause, much less evidence need be developed to initiate the action, and other tenants' testimony will generally not be necessary.

A few important points must be remembered. First, at this time it is unclear as to what happens to the leasehold interest once it is seized. The statutes make provision for the disposition of other types of forfeited property (e.g., cash, bank accounts, vehicles, drugs), but are silent as to leaseholds. Second, if the cases must be brought by the United States Attorney, the availability of the remedy will depend to a degree on how willing the United States Attorney is to devote limited resources to these proceedings. Initially, the United States Attorney for the Southern District of New York has been working with the NYCHA to seize apartments/leases in NYCHA owned properties. Although the United States Attorney has expanded the program to include privately owned buildings, so far this procedure has only been employed either (1) against properties which nevertheless remain as bases of operations for drug dealers and users despite numerous prior drug-related arrests on the premises, or (2) against properties which are the site of illegal drug dealing operations of such a magnitude as to warrant federal intervention.

Again, in order for a forfeiture action to succeed, it is crucial to have good cooperation among tenants, building personnel, housing managers, the police, courts and attorneys. Tenants and building personnel are needed to supply the information which is then forwarded to the police who, in turn, develop sufficient evidence with which the management attorney or the United States Attorney or both, working in conjunction, can obtain a warrant of seizure from a judge or magistrate.

\* \* \* \* \*





**GOVERNOR'S PROGRAM BILL 1989**  
**ATTORNEY GENERAL'S LEGISLATIVE PROGRAM 1989-90**  
**Number 162-89**

**MEMORANDUM**

**AN ACT** to amend the civil practice law and rules, the criminal procedure law and the penal law, in relation to a definition of an instrumentality of a crime in pre-conviction cases; rebuttable presumption in pre-conviction forfeiture cases; reporting of judgments and orders of forfeiture cases; reporting of judgments and orders of forfeiture as well as collection of assets pursuant to judgments or orders of forfeiture; use of grand jury evidence in forfeiture cases; issuance of investigative subpoenas; the disposal of property; providing for civil *in rem* forfeiture proceedings; grand jury minutes; and forfeitures based on a "felony controlled substance offense" and to repeal section thirteen hundred forty-nine of the civil practice law and rules relating thereto.

**Purpose of the Bill**

To amend the Civil Practice Law and Rules to permit the forfeiture of real property as an instrumentality of crime in felony narcotics and marihuana cases; to establish a rebuttable presumption for money found in close proximity to narcotics or drug instrumentalities; to require the claiming authority to file notice of forfeiture and notice of disposal of forfeited property with the State Crime Victims Board, the State Division of Criminal Justice Services, and, in the case of forfeitures based on Articles 220 or 221 of the Penal Law, the State Division of Substance Abuse Services; to authorize the claiming authority to utilize grand jury minutes in forfeiture cases; to authorize the claiming authority to issue pre-action investigative subpoenas; to amend the authorized disposal of property; to add a new article to the Civil Practice Law and Rules to provide for an *in rem* forfeiture provision; and to add a new article to the Penal Law to permit the forfeiture in a criminal action of certain property upon defendant's conviction for a "felony controlled substance offense".

**Summary of Provisions**

This legislation would amend the definition of instrumentality of a crime in felony controlled substance and marihuana cases; establish a mechanism to allow affected agencies to track asset forfeiture proceedings; authorize the issuance of pre-action investigative subpoenas; authorize the utilization of grand jury evidence in forfeiture actions; establish a rebuttable presumption for money found in close proximity to narcotics; modify the disposal of property provisions; establish a mechanism in the Civil Practice Law and Rules for *in rem* forfeiture; and establish a criminal forfeiture mechanism for a "felony controlled substance offense".

## Existing Law

Under current law, real property can be forfeited only when the property can be proved to represent the "proceeds" or "substituted proceeds" of the crime. There is no requirement for notice to one centralized source or to the affected agencies on forfeiture actions. The law regarding the authority of claiming authorities to issue pre-action investigative subpoenas and to access grand jury evidence is not clear. Regarding the drug money presumption, current law only addresses the situations when a criminal defendant can be charged with the sale of drugs. When large quantities of drugs and cash are seized under circumstances where only possession of the drugs can be criminally charged, it is difficult to argue that the cash contributed directly and materially to the commission of that possessory crime. Currently, *in rem* forfeiture is limited to conveyances of felony weight narcotic drugs under the Public Health Law. Also, criminal forfeiture is currently limited to actions occurring under the Organized Crime Control Act (OCCA), Article 460 of the Penal Law.

## Statement in Support of Bill

On August 1, 1984, New York's comprehensive forfeiture statute became effective as Article 13-A of the Civil Practice Law and Rules ("CPLR"). The statute is a uniquely structured and broad-based tool in the war against crime, and greatly expanded the scope of forfeiture in New York. Under its terms, a claiming authority such as the District Attorney or the Attorney General, or, by delegation, a Corporation Counsel or County Attorney, may act as a plaintiff in an *in personam* civil action, separate and distinct from a criminal prosecution. Two types of actions are defined: "pre-conviction forfeiture", applicable in felony drug cases, and "post-conviction forfeiture", applicable to all other felony crimes. An action may be brought against either a "criminal defendant" -- the person who commits a felony level crime -- or a "non-criminal defendant", who will usually be a person who receives property linked to a felony crime in certain ways. The action may seek to recover the "proceeds", "substituted proceeds" or an "instrumentality" of a crime, or, when brought against a criminal defendant, a money judgment equal in value to the first three.

CPLR Article 13-A contains numerous protections for potential defendants, such as a unique "interests of justice" dismissal mechanism. Further, it has survived several challenges in the courts. See *Kuriansky v. Health Care Corp.*, \_\_\_ N.Y.2d \_\_\_, (November 22, 1988); *Morganthau v. Citisource*, 68 N.Y.2d 211 (1986); *Dillon v. Schiavo*, 114 A.D.2d 924 (2d Dept. 1985). An informal estimate indicates some four million dollars have been forfeited under the controlled substances provisions since the statute's enactment, and millions more have been attached or otherwise restrained pending the outcome of continued litigation. Over two million dollars was forfeited in 1986 alone.

Among the changes which will strengthen the asset forfeiture capability in New York State are:

- forfeiture of real property as an instrumentality of crime in felony narcotics and marihuana cases;
- a mechanism to allow affected agencies to track asset forfeiture proceedings;
- authorization for the issuance of pre-action investigative subpoenas;
- utilization of grand jury evidence in future forfeiture actions;
- a rebuttable presumption for money found in close proximity to narcotics;

- amendment of the authorized disposal of property;
- establishment of a new article in the Civil Practice Law and Rules authorizing *in rem* forfeitures; and
- establishment of a criminal forfeiture mechanism for felony controlled substance offenses.

#### **A. Forfeiture of Real Property as an Instrumentality**

CPLR §1310(4) defines an "instrumentality" of a crime, and specifically excludes "real property and any buildings, fixtures, appurtenances, and improvements thereon". Under current law, real property can be forfeited only when it can be proved to represent the "proceeds" or "substituted proceeds" of the crime.

In 1984, Congress strengthened the civil forfeiture provisions of the Controlled Substance Act by adding section 881(a)(7) which authorizes seizures of real estate used to facilitate drug transactions. It should be noted that even after the passage of this proposal, New York law will still be considerably more protective of the rights of innocent property owners than its federal counterpart. First, CPLR Article 13-A is limited to felonies, and thus there can be no forfeiture for offenses involving drugs that would not constitute a felony. Second, the statute's "interest of justice" protective mechanism will still be in place. Third, the innocent property owner, or "non-criminal defendant" will be further protected by the heavy burden placed upon the claiming authority to prove that person either "knew that the instrumentality was or would be used in the commission of a crime" or "knowingly obtained his or her interest in the instrumentality to avoid forfeiture". While "proceeds" can be forfeited from the non-criminal defendant who "knew or should have known" of the link between such property and the crime, real property, like any other instrumentality, will remain forfeitable from a third party only where actual "knowledge" can be shown (emphasis added). Therefore, while this proposal would readily permit the forfeiture of real property from the criminal defendant who sells or manufactures the drugs -- it is extremely unlikely to permit forfeiture from third-party property owners, unless that result is just, because he or she actually knows of the criminal use of the property.

#### **B. Rebuttable Presumption for Money Found in Close Proximity to Narcotics**

When CPLR Article 13-A was revised in 1984, the problem of "buy money" was addressed by the creation of "instrumentality forfeiture", allowing a claiming authority to obtain forfeiture of property "... whose use contributes directly and materially to the commission of a crime...". This is effective where a criminal defendant can be charged with the sale of drugs, as "buy money" in that situation becomes an instrumentality of that crime. However, if a drug factory is raided, and large quantities of drugs and cash are seized under circumstances where only possession of drugs can be criminally charged, it becomes difficult to argue that the monies in question "contributed directly and materially" to commission of that possessory crime.

In truth, those monies actually represent the proceeds of past narcotics activity. Accordingly, this would create a rebuttable presumption to that effect, and add a conforming change to CPLR §1311(1)(b), allowing for such forfeiture. Recognizing that "common scheme or plan" forfeiture is normally allowed only in post-conviction forfeiture *per* CPLR §1311(1)(a), (b) the situations where the presumption would operate have been limited to those narcotics cases where a criminal conviction has been obtained.

### **C. Tracking Asset Forfeiture Proceedings**

Under the present law, there is no centralized source which documents all forfeiture actions. Currently, each and every district attorney's office, the Attorney General's office and others who are authorized to initiate forfeiture actions must be contacted to determine the number of forfeiture actions initiated. This is an extremely impractical method for tracking asset forfeiture proceedings and has effectively precluded the development of statistical data to evaluate the effectiveness of forfeiture as a law enforcement tool. The proposed amendment would require the claiming authority to notify the State Crime Victims Board, the State Division of Criminal Justice Services, and in the case of a felony controlled substance or marihuana offense, the State Division of Substance Abuse Services of any stipulation, settlement, judgment or order of forfeiture and of the disposal of the property and collection of assets.

### **D. Use of Grand Jury Evidence in Forfeiture Actions**

This provision is not intended to authorize the use of the grand jury's investigative powers to obtain evidence for civil forfeiture proceedings, an inappropriate and long-forbidden practice. See *United States v. Proctor and Gamble*, 356 U.S. 677 (1958); cf. *Matter of Hynes v. Levner*, 44 N.Y.2d 329 (1978). Rather, it affects only the disclosure of evidence gathered by the grand jury in exercising its usual functions. And, even that disclosure is limited. The evidence is available in the first instance only to the district attorney to be reviewed and disclosed, in connection with the civil proceeding. The provisions for *in camera* review of those portions of the grand jury minutes which are utilized by the district attorney in the civil suit and disclosure of relevant portions thereof to the defendant, will prevent any distortion of the evidence to the detriment of the defendant, while preserving grand jury secrecy as much as possible.

### **E. Pre-Action Investigative Subpoena**

Authority to issue pre-action subpoenas to trace assets would significantly enhance the claiming authority's efficient and effective use of the forfeiture law. Assets could be located before the defendants were arrested and before they could hide them or use the proceeds to finance flight from the jurisdiction. In cases in which the defendants were rumored to be hiding or transferring assets, the claiming authority could inquire and perhaps limit the defendant's ability to flee. Subpoena power would also enable the claiming authority to trace transfers to non-criminal defendants, whose activities are not generally the subject of grand jury inquiry, but as to whom the claiming authority must trace crime proceeds. While some civil discovery is available to CPLR Article 13-A plaintiffs, this right ripens only after the order of attachment has been granted and can only be employed upon notice to the defendants.

### **F. Disposition of Assets**

Under the present interpretation of the federal law, State and local law enforcement agencies have an overwhelming financial incentive to proceed under one of the federal statutes rather than pursuant to CPLR Article 13-A in those cases where the criminal activity is potentially violative of either federal or state law, especially in narcotics cases. Generally, under our current statutory framework, a police department or district attorney's office may not receive any funds from the forfeiture action contrasted

with the federal provisions where all of the agencies which were involved in the underlying criminal investigation of the forfeiture action may receive a substantial reward.

The current proposal revises the dispositional structure of the statute, repealing the current Section 1349 and adding two new sections: section 1349 (non-drug cases) and section 1349-a (drug cases). The thrust of the proposed amendment is twofold. First, it would allow state and local agencies participating in forfeiture actions to receive a share of the forfeited property. This would be similar to the practice under the federal statute. Second, it would create a distribution scheme that encourages use of the statute. The major provisions are:

1. The proposed bill will allow the claiming agent, or in some instances the claiming authority, to retain vehicles, vessels, or aircraft upon application to the court, and includes a mechanism to credit the other agencies when property is retained. In addition, the claiming agent or claiming authority can apply to retain other personal property.
2. The bill preserves the priority given to crime victims and liens by present law; provided, however, that fines imposed pursuant to the Penal Law shall not be deemed to constitute a lien or claim for purposes of this section.
3. The bill would provide direct reimbursement of monies expended by an agency in the underlying criminal action for the purchase of contraband or in the investigation of a bribery-related felony.
4. The bill provides reimbursement of actual expenses incurred in the maintenance and operation of real property and the storage, cleanup and disposal of hazardous substances.
5. The bill would allow the claiming authority to recover some of the costs and expenses incurred in the investigation, preparation and litigation of the forfeiture action, including personnel costs associated with the action. The claiming authority would receive fifteen percent of all forfeited monies towards costs and expenses incurred.
6. The bill would also allow the claiming agent (the police agency) to recover some of the costs incurred for protecting, maintaining and forfeiting the property, including personnel costs associated with this work. It provides that five percent of all forfeited monies be paid to the claiming agent for such work.
7. The bill then provides that in cases where the underlying felony is based on articles 220 or 221 of the Penal Law, thirty percent of all forfeited monies be paid to the Division of Substance Abuse Services' Treatment Fund.
8. The bill provides for the division of the remaining monies after Steps 1-6 in non-drug cases and after steps 1-7 in drug cases between the claiming authority and claiming agents who participated directly in the forfeiture. The claiming authority would receive twenty-five percent of the remainder and the claiming agents would receive and share the other seventy-five percent of the remainder.
9. The bill would ensure that money received by a claiming agent or claiming authority from forfeited property cannot be used in lieu of ordinary budgeted funds. Specifically, the proposal states that the money is not to be used as a substitute for funding that the agency would have ordinarily received.

## **G. In Rem Forfeiture Under the Civil Practice Law and Rules**

The bill proposes adding a new Article 13-C to the Civil Practice Law and Rules to expand the *in rem* civil forfeiture cause of action. Public Health Law §3388 currently makes forfeitable any vessel, vehicle or aircraft used in connection with controlled substances felonies. The new Article would apply forfeiture to controlled substances offenses and felony marijuana offenses, and would encompass not only money, but real estate and any other form of personal property used or intended for use as an instrumentality of any of these offenses. However, vessels, vehicles and aircraft would not be forfeitable under this article, thereby retaining the utility of Public Health Law §3388. Property used as an instrumentality would have to contribute "directly and materially" to the commission of the offense as under current law, and real estate would be forfeitable as an instrumentality only if the underlying offense is a felony. The article also provides for forfeiture of proceeds or substituted proceeds of controlled substances or felony marijuana offenses.

## **H. Criminal Forfeiture Under the Penal Law**

The mechanism for forfeiture authorized under this proposal differs from that of civil forfeiture in CPLR Article 13-A and 13-C or in the Public Health Law. Those sections set forth a civil action, which is separate from the judgment of conviction for the crime giving rise to the forfeiture claim. By contrast, the criminal forfeiture authorized under this proposal, like that under OCCA, would be initiated along with a criminal action for a "felony controlled substance offense". Moreover, it may be imposed by the same fact-finder that determines a defendant's guilt on the criminal charge.

The proposal departs from OCAA in one significant respect. Section 480.25 of the Penal Law, borrowed from federal forfeiture law, requires forfeiture of substituted property whenever forfeited property cannot be located because of a defendant's wrongdoing [see, *21 U.S.C. §853(p)*]. Thus, the section would provide that if a defendant has derived \$20,000 from narcotics trafficking and placed that money "beyond the jurisdiction of the court," the court "shall order the forfeiture of any other property of the defendant up to the value of \$20,000".

Finally, it should be emphasized that numerous provisions have been incorporated to ensure fairness to a defendant. Under this article, forfeiture may not be disproportionate to a defendant's gain. Also, a procedure is established to permit a defendant to move to set aside a forfeiture verdict; it allows the court to substitute its view of the facts and justice for the jury's. Additionally, this article is aimed at preventing "double recovery": imposition of criminal forfeiture would preclude the imposition of forfeiture under any other provision based upon the same criminal conduct.

## **Budgetary Implications**

It has been estimated that the first year cost to establish a state-wide centralized asset forfeiture reporting system would be approximately \$125,000.00. There will be no additional costs to the State in implementing the remainder of these provisions.

**CHAPTER 4**  
**HOTLINE DIRECTORY**  
**TO COMBAT DRUGS IN HOUSING**

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# *Combating Drugs*



## *in Housing*

**New York State  
Division of Housing and  
Community Renewal**

**Mario M. Cuomo**  
*Governor*  
**Richard L. Higgins**  
*Commissioner*

## *Message from the Commissioner*

Governor Cuomo has made a commitment to combat the horrors of drug abuse in New York State, particularly as it affects our children. This war on drugs must, clearly, be fought on all fronts.

Our housing developments are more than structures of wood, brick and mortar — they are places where families live; places where meals are shared and dreams are born. They are places where families seek peaceful repose. But too many of our families feel their homes have become a self-imposed prison from the crime and madness outside their doors. Too many families are afraid to walk down their own streets or ride in their own elevators. Too many families know fear within their own homes.

To combat the plague of drugs in housing, the New York State Division of Housing and Community Renewal has joined with the New York State Association of Renewal and Housing Officials, Inc., to develop this pamphlet called "Combating Drugs in Housing." It describes a number of valuable resources to call upon to make our housing drug-free.

In June we will issue a second publication. It will be a more comprehensive directory containing descriptions of successful drug fighting and prevention programs, and information on available government funds for such programs.

Together, we can develop a strategy to stop this plague in our society.

*Richard L. Higgins*

March 31, 1989

*The following are special telephone numbers to call for assistance to combat drugs in housing.*

### *Emergency Assistance & Information*

#### **1-800-522-5353**

Statewide Drug Abuse hotline of the NYS Division of Substance Abuse Services. Counselors will help you identify your drug and/or alcohol abuse concerns and provide emergency assistance on the telephone, including referrals to local organizations in your area for further assistance. Call 24 hours; 7 days.

#### **1-800-662-HELP**

Nationwide hotline of the National Institute on Drug Abuse, US Department of Health & Human Services. Specialists will provide information, assistance and referral services to local organizations, as well as emergency help and intervention on the telephone. Call 9 AM to 3 AM, Monday-Friday; Noon to 3 AM, Saturday and Sunday.

#### **1-800-COCAINE**

Nationwide hotline operated by the Psychiatric Institutes of America. Counselors will provide information and referrals to local private and public treatment facilities for drug and alcohol abuse. Call 24 hours; 7 days.

### *Law Enforcement Assistance*

#### **1-800-GIVE-TIP**

Statewide crime reporting hotline of the NYS Division of Criminal Justice Services. Your identity is protected when you anonymously call to report illegal drug activities in your neighborhood. Your tips are referred to the State police and your local police for action. Call 24 hours; 7 days.

*Also, you can call the following police numbers:*

<i>Albany</i>	<i>(518)438-7777</i>
<i>Binghamton</i>	<i>(607)723-5321</i>
<i>Buffalo</i>	<i>(716)851-4575</i>
<i>Mt. Vernon</i>	<i>(914)668-6000</i>
<i>Nassau</i>	<i>(516)535-7750</i>
<i>New York City</i>	<i>(212) DRG-BUST</i> <i>(212) DRG-KRAK</i>
<i>Niagara Falls</i>	<i>(716)286-4591</i>
<i>Rochester</i>	<i>(716)428-6000</i>
<i>Syracuse</i>	<i>(315)425-1034</i>
<i>Westchester</i>	<i>(914)769-2166</i>
<i>Yonkers</i>	<i>(914)965-0277</i>

If your area is not listed above, check your local police department for a special number and enter it here for quick access in the future:

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## *Education & Prevention Programs*

### (212) 264-8936

At the Region II Office, US Department of Housing and Urban Development, Federally funded housing authorities can obtain information and assistance on applying for funds for education and training, improving building security systems, and establishing links with community organizations and law enforcement forces to fight drugs.

### 1-800-245-2691

Sponsored by HUD, the HUD-USER provides information on housing and urban development issues. Newly added to the database is a limited (but growing) amount of information on anti-drug efforts at public housing authorities across the nation.

### 1-800-638-8736

National hotline of the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention. You can obtain materials and information on funds for drug prevention programs geared specifically for youth.

### 1-800-258-2766

The "Just Say No" International is a private, non-profit organization with programs designed for children aged 7-14. You can obtain information and materials for adult leaders in community based organizations to teach drug and alcohol prevention techniques.

### 1-800-241-7946

Parents' Resource Institute for Drug Education (PRIDE) provides information and guidance materials for parents in educational programs for youth, including films and brochures. Call 8:30 AM to 5PM, Monday-Friday. Hear spe-

cial toll-free message tapes 5 PM to 8:30 AM, Monday-Friday; and 24 hours Saturday and Sunday.

### (202) 634-9757

Sponsored by ACTION, the Federal domestic volunteer agency. You can obtain information on grant funds for volunteer-staffed programs aimed at preventing the initial use of illicit drugs by youth. Guidebooks and materials are available.

### 1-800-541-8787

Order materials on the "Schools Without Drugs: The Challenge Campaign." Sponsored by the US Department of Education to recruit schools that will pledge to develop a drug-free plan organized jointly by school and community officials.

*This pamphlet was prepared jointly by the  
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