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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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September 23, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Gene L. Dodaro
Comptroller General
Government Accountability Office
441 G. Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro:

In response to concerns that individuals wanted in connection with a felony, or violating terms of their parole or probation, could receive benefits from programs for the needy, the Congress added provisions to the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 that make fugitive felon status grounds for the termination of tenancy in federal housing assistance programs. In addition, PRWORA directs these programs to provide law enforcement officers with information about program recipients for whom there are outstanding warrants to assist in their apprehension. It is essential that the Federal Government ensures the safety and security of residents living in federally assisted housing against fugitive felons and other such predators.

In 2002, GAO issued a report reviewing the implementation of fugitive felon provisions in welfare reform legislation.¹ GAO found that “while public housing agencies and landlords have the authority to evict fugitive felons, they are not required to do so. Furthermore, even though HUD maintains its own national database of tenants, it has made no attempt to match it with information from centralized arrest warrant databases such as the NCIC. Such matching, even when done on a limited basis,

¹ <http://www.gao.gov/assets/240/235731.pdf>

would be an effective way to identify potentially large numbers of fugitive felons in federal housing assistance programs that landlords have the authority to evict.”²

Recent news reports raised concerns about an unreleased HUD Inspector General (IG) report from 2012 that found “felony fugitives” living in public housing in one of HUD’s region.³ The IG report stated that its investigation resulted in approximately 1,300 possible individual fugitives but the data was not validated at that time. The IG recently ran a data match and found that “950 individuals were classified as felony warrants (61%), 560 as misdemeanor warrants (36%), and 49 warrants (3%) were not classified as either a felony or misdemeanor. Numerous warrants of the 1,300 individuals (882 or 57%) were a result of probation –parole violations, contempt of court and failure to appear in court issues.”⁴

Moreover, according to the 2012 Semiannual Reports⁵, the IG was participating in the Fugitive Felon Initiative, a “law enforcement effort to locate and apprehend fugitive felons wanted for violent crimes.”⁶ In their September 8, 2016 response, the IG stated that their office “had not received further requests from the [US Marshals Service] to continue to participate in their national initiative.”⁷ The IG further stated that the office “continues to support all of our federal, state and local law enforcement partners when they request our assistance, including locating and apprehending fugitives living in assisted housing.”⁸ However, the US Marshals Service has informed me that neither HUD nor HUD IG participate in their seven regional fugitive task forces set up to locate and apprehend wanted fugitive felons.

I am deeply concerned that HUD is not enforcing the provisions of PRWORA and is putting federally assisted housing residents at risk. To obtain a greater understanding of HUD’s implementation of PRWORA, I am requesting that GAO report on the following as well as other related issues you may identify:

- Determine and describe the extent of the problem of fugitive felons living in federally assisted housing nationwide.
- What has HUD done and what more could it do in its housing assistance programs to implement PRWORA’s fugitive felon provision?

² Id. at p. 22.

³ Ethan Barton; “Exclusive: 1,300 Fugitives Live in Federally-Funded Housing, And No One Seems To Care”; *The Daily Caller*; <http://dailycaller.com/2016/07/26/exclusive-1300-fugitives-live-in-federally-funded-housing-and-no-one-seems-to-care/>

⁴ September 8, 2016 HUD IG response to Senator Grassley’s August 24, 2016 letter.

⁵ <https://www.hudoig.gov/reports-publications/semiannual-reports/semiannual-report-congress-period-ending-march-31-2012>, p. 2, footnote 1; and <https://www.hudoig.gov/reports-publications/semiannual-reports/semiannual-report-congress-period-ending-september-30-2012>, p. 2, footnote 1.

⁶ <https://www.hudoig.gov/sites/default/files/documents/sar-66.pdf>, p. 35.

⁷ September 8, 2016 HUD IG response to Senator Grassley’s August 24, 2016 letter.

⁸ Ibid.

- Beyond the Fugitive Felon Initiative, what efforts have HUD and the HUD IG made to work with the US Marshals Service and other federal agencies to apprehend fugitive felons living in federal housing? Why has the US Marshals Service not requested HUD or HUD IG to further participate in the Fugitive Felon Initiative or other national fugitive felon apprehension operations or initiatives?
- The extent to which HUD's actions have resulted in the denial of benefits to fugitive felons and their arrest.
- Recommendations on how HUD and HUD IG can improve its implementation of the fugitive felon provision.

Thank you for your cooperation and attention in this matter. If you have any questions, please do not hesitate to contact my staff, Janet Drew at 202-224-6170.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

Cc: The Honorable Patrick Leahy
Ranking Member
Senate Committee on the Judiciary

The Honorable Susan Collins, Chairman
Subcommittee on Transportation, Housing, and Urban Development, and
Related Agencies
Committee on Appropriations

The Honorable Jack Reed, Ranking Member
Subcommittee on Transportation, Housing, and Urban Development, and
Related Agencies
Committee on Appropriations

The Honorable Tim Scott, Chairman
Subcommittee on Housing, Transportation, and Community Development

Committee on Banking, Housing and Urban Affairs

The Honorable Robert Menendez, Ranking Member
Subcommittee on Housing, Transportation, and Community Development
Committee on Banking, Housing and Urban Affairs