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August 5, 2016

**VIA ELECTRONIC TRANSMISSION**

The Honorable Julian Castro  
Secretary  
U.S. Department of Housing and Urban Development  
451 7th Street S.W.  
Washington, DC 20410

Dear Secretary Castro:

I am writing to inquire about wanted felons living in federally subsidized housing, some due to the Department of Housing and Urban Development's (HUD/Department) decision to place greater emphasis on federal regulations over federal law. It is essential that the Federal Government ensures the safety and security of public housing residents against fugitive felons and other such predators.

A recent article in the *Daily Caller*<sup>1</sup> raised concerns about an unreleased HUD Inspector General (IG) report from 2012 that documented 1300 "felony fugitives" living in public housing just in HUD Region 10 alone. The IG report, linked to the article, stated that the "query resulted in approximately 1,300 matches for individual fugitives wanted for a wide range of felony crimes including rape, murder, aggravated assault, narcotics trafficking, felony theft and fraud charges."<sup>2</sup> When asked, administrators at the public housing authorities (PHA) where the felons resided told the IG investigators that "HUD had informed them that it was a PHA's discretion as to whether or not to terminate the fugitive felons from the HUD funded program."<sup>3</sup> However, that is not necessarily true.

Congress included a provision in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), which requires the immediate termination of any fugitive felons, as well as probation and parole violators in federally subsidized

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<sup>1</sup> Ethan Barton, *Exclusive: 1,300 Fugitives Live In Federally-Funded Housing, And No One Seems To Care*, THE DAILY CALLER (July 26, 2016, 1:37 PM), <http://dailycaller.com/2016/07/26/exclusive-1300-fugitives-live-in-federally-funded-housing-and-no-one-seems-to-care/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

housing. Specifically, Section 903 of the Law states that “it *shall* be cause for *immediate termination* of the tenancy of a public housing tenant if such tenant is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees.”<sup>4</sup>

The IG special agents found that the PHAs are relying on the less-stringent Code of Federal Regulations (CFR) in order to avoid evicting violators. The language in 24 C.F.R. § 5.859<sup>5</sup> states that PHAs *may terminate* fugitive felons or parole violators. It is disconcerting that the regulation appears to ignore the mandate in the statute and that the IG’s Office failed to release a copy of report to either the Department or the general public.

To obtain a greater understanding of the problem at Public Housing Authorities across the country, as well as why the Inspector General’s office chose not to release this report, I am requesting the following:

1. Please document the total number of fugitive felons currently living in public housing units throughout the United States, including Region 10 which was the subject of the unreleased IG report.
2. Please document the legal justification for relying on the more lenient language in the CFR provisions over the statute with regard to terminating fugitive felons.
3. Please also document what steps the Department will take, going forward, to enforce the law rather than the CFR provision regarding fugitive felons.
4. Please detail what steps the Department has taken, and will take in the future, to ensure the safety of tenants while the Department allows wanted felons to occupy public housing.

Please provide a response to my office by August 26, 2016. Should you have any questions, please do not hesitate to contact Janet Drew of my staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

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<sup>4</sup> Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 903, 110 Stat. 2105, 2348 (codified at 42 U.S.C. § 1437d) (emphasis added).

<sup>5</sup> 24 C.F.R. § 5.859 (2016) (emphasis added).

Cc: The Honorable David A. Montoya  
Inspector General  
Office of the Inspector General

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