

## Chapter 2

### ELIGIBILITY FOR ADMISSION [24 CFR Part 960, Subpart B]

#### **INTRODUCTION**

This Chapter defines both HUD's and IHA's criteria for admission and denial of admission to the program. The policy of IHA is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. IHA staff will review all information provided by the family carefully and without regard to factors other than those provided with the regulation and IHA policies. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by IHA pertaining to their eligibility.

#### **Exemption from Eligibility Requirements for Police Officers and Other Security Personnel**

The Authority shall be permitted to admit to Public Housing, police officers and other security personnel who are not otherwise eligible for such housing under any other admission requirements or procedures (i.e. police officers would not be required to be income eligible to qualify for admission to the Public Housing program.) HUD's objective in granting this exemption is to permit long-term residency in public housing developments of police officers and security personnel whose visible presence is expected to serve as a deterrent to criminal activity in and around housing.

Before IHA would be permitted to house police officers or other security personnel under this provision and as contained in the five-year plan, IHA would submit to HUD the Housing Authority's standards and criteria for approval/waiver of admission criteria in accordance with 24 CFR 960.501.

#### **A. QUALIFICATION FOR ADMISSION**

It is IHA's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

Is a family as defined by regulation;

Where at least one member of the household is either a U.S. citizen or is an eligible non-citizen. (24 CFR Part 5, Subpart E).

Has an Annual Income at the time of admission that does not exceed the low-income limits for occupancy established by HUD and posted separately in the PHA offices.

The Quality Housing and Work Responsibility Act of 1998 authorizes PHAs to admit families whose income does not exceed the low-income limit (80% of median area income) and the PHA is required to meet the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income). It is the policy of the IHA to meet the income-targeting requirement.

Provides a Social Security number (SSN) for all eligible family members that have a SSN or will provide written certification that they do not have Social Security numbers for anyone that is not declaring eligibility for the program;

Meets or exceeds the standards for the criminal background check;

Meets the criteria that the head of household is of legal age to execute required contracts;

Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy.

**This student eligibility criteria listed below does not apply to Public Housing, but only applies to the Section 8 Program.**

Restrictions on Assistance to Students Enrolled In Institution of Higher Education

No assistance shall be provided under Section 8 of the 1937 Act to any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965;
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;
- Is disabled;
- Does not have a dependent child; and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under Section 8 of the 1937 Act.

**Timing for the Verification of Qualifying Factors**

Some of the qualifying factors of eligibility may be verified at the time of the pre-application to determine the family's status and/or position on the waiting list. All factors for eligibility will be verified prior to an offer of a housing unit and will be updated if necessary prior to the offer of the unit.

## **B. FAMILY COMPOSITION**

### **Definition of Family (PIH 2014-20)**

The applicant must qualify as a Family. A family may be a single person or a group of persons. Discrimination on the basis of familial status or sexual orientation is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law. For occupancy standards purposes, the applicant may claim a spousal relationship. (See Chapter 5, Occupancy Guidelines.)

A group of persons is defined by IHA as two or more persons who intend to share residency, and whose income and resources are available to meet the family's needs, and will live together in IHA housing.

**The term “*family*” includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:**

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
2. A group of persons residing together and such group includes, but is not limited to:
  - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - An elderly family;
  - A near-elderly family;
  - A disabled family;
  - A displaced family; and
  - The remaining member of a tenant family.

*Sexual orientation* means homosexuality, heterosexuality or bisexuality.

*Gender identity* means actual or perceived gender-related characteristics.

In addition, for categorizing family as defined above, the terms disabled family, elderly family and near-elderly family (per 24 CFR 5.403) include:

*Disabled family* means a family whose head (including co-head), spouse or sole member is a person with a disability.

*Elderly family* means a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age.

*Near elderly family* means a family whose head (including co-head), spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62.

The temporary absence of a child from the home due to placement in foster care shall be considered in determining the family composition and family size.

For the purposes of the definition of a qualified family and admission of a single higher education student, **the restrictions on assistance to students enrolled in an institution of higher education do not apply to public housing.** (24 CFR 5.612)

### **Head of Household**

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Emancipated minors who qualify under State law will be recognized as head of household if there is a court order recognizing them as an emancipated minor.

Missouri does not have a formal procedure for the emancipation of minors, in which a minor is declared an "adult" in the eyes of the law (and thus eligible for all of the privileges and responsibilities of adulthood). But Missouri does allow for the emancipation of minors by court order in some limited circumstances, which include:

- Express parental consent (waiving parental rights)
- Implied parental consent (minor is already living apart from parents and supporting him or herself)
- Significant change in status (this may include military enlistment or marriage)

### **Spouse of Head**

Spouse means the husband or wife of the head, and is equally responsible for compliance with the lease and other program requirements.

For proper application of the Noncitizens Rule, the definition of spouse is: the marriage partner whom, in order to dissolve the relationship, would have to be divorced.

### **Co-head**

An individual in the household who is equally responsible for the lease with the Head of

Household. A household may have either a spouse or co-head, but not both. A co-head never qualifies as a dependent.

### **Live-In Aide**

A Family may include a live-in aide provided that such live-in aide:

Is determined by IHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide care for the person(s).

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.

Live-in aides are not subject to Non-Citizen Rule requirements, however live-in aides must provide a SSN in order to occupy the unit. (See PIH 2012-10- In accordance with 24 CFR §5.216, applicants and participants (including each member of the household and including, live-in aides, foster children, and foster adults) are required to disclose his/her SSA-assigned SSN, with the exceptions as provided under the SSN provisions.)

Live-in aides may not be considered as a remaining member of the tenant family.

While a live-in aide or caretaker who resides in the unit may be a lawful occupant, nonetheless such individual is not a tenant and the protections of VAWA would not apply, except the live-in aide or caretaker cannot be denied assistance if he or she is a victim and independently applies for assistance.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

Family members of a live-in aide may also reside in the unit, providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit. The family will be eligible to increase the bedroom size by one bedroom to accommodate the live-in aide status.

A Live-in Aide may only reside in the unit with the approval of IHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, medical social worker, or medical professional. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

IHA will screen and qualify the live-in aide and the live-in aide must be eligible under non-criminal background requirements and must also have the necessary skills to meet the needs of the individual requesting the reasonable accommodation.

IHA has the right to disapprove a request for a live-in aide based on the "Other Eligibility Criteria" described in this Chapter.

### **C. MANDATORY SOCIAL SECURITY NUMBERS** [24 CFR 5.216]

Families are required to provide verification of Social Security Numbers for all family members if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial of admission or termination of tenancy, except as provided under the regulations.

The IHA must request the applicant and participant (including each member of the household), who are not exempt under **SSN Disclosure**, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:

- An original SSA-issued document, which contains the name and SSN of the individual; or
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

#### **SSN Disclosure**

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:

- Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
  - A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.

- A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The IHA may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
- Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. The IHA may confirm HUD's validation of the participant's SSN by viewing the household's *Summary Report* or the *Identity Verification Report* in the EIV system.
- Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.
- Except as provided under the exceptions, if the IHA determines that the assistance applicant is otherwise eligible to participate in a program, the assistance applicant may retain its place on the waiting list for the program but cannot become a participant until it can provide the documentation referred to in paragraph (g)(1) of this section to verify the SSN of each member of the household.
  - If a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of admission, the assistance applicant may become a participant, so long as the documentation required as stated above is provided to the IHA within 90 calendar days from the date of admission into the program. The IHA must grant an extension of one additional 90-day period if the IHA determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required above within the required time period, the processing entity must follow the provisions of termination or additional extension for circumstances beyond the control of the family.

Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC 552a, as amended). In accordance with 24 CFR 5.212, the collection, maintenance, use, and dissemination of SSNs, any information derived from SSNs and income information must be conducted, to the extent applicable, in compliance with that Act and all other provisions of Federal, State, and local law.

There is no provision under HUD regulations which prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, some state laws prohibit an individual with ineligible immigration status from executing a contract (i.e. lease or other legal binding documents). If this is the case in your state, the family must **not** be admitted into the program.

#### **D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS**

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the seven immigrant categories as specified by HUD. Those seven categories are:

1. A noncitizen who has been lawfully admitted to the U. S. for permanent residence, as defined by Section 101(a)(20) of the Immigration and Nationality Act (INA) as an immigrant, as defined by Section 101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 2101(a)(15), respectively (immigrants). This category includes a noncitizen who has been admitted under Section 210 or 210A of the INA (8 U.S.C. 1160 or 1161), (special agricultural worker), and who has been granted lawful temporary resident status;
2. A noncitizen who entered the U. S. before January 1, 1972, or such later date as enacted by law, and who has continuously maintained residence in the U. S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under Section 249 of the INA (8 U.S.C. 1259);
3. A noncitizen who is lawfully present in the U. S. pursuant to an admission under Section 207 of the INA (8 U.S.C. 1157) (refugee status); pursuant to the granting of asylum (which has not been terminated) under Section 208 of the INA (8 U.S.C. 1158) (asylum status); or as a result of being granted conditional entry under Section 203(a)(7) of the INA (U.S.C. 1153(a)(7) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity;
4. A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or for reasons deemed strictly in the public interest under Section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) (parole status);
5. A noncitizen who is lawfully present in the U. S. as a result of the Attorney Generals' withholding deportation under Section 243(h) of the INA (8 U.S.C. 1253(h)) (threat

- to life or freedom); or
6. A noncitizen lawfully admitted for temporary or permanent residence under Section 245A of the INA (8 U.S.C. 1225a) (amnesty granted under INA 245A).
  7. A noncitizen in the 2014 Executive Order Granting Amnesty to Illegal Citizens enrolled in Healthcare

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed" families. Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students defined by HUD in the noncitizen regulations are not eligible for assistance.

No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

#### **E. OTHER ELIGIBILITY CRITERIA**

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and sound management practices. Applicants will be required to demonstrate the ability to comply with essential provisions of the lease as summarized below.

All applicants must demonstrate through an assessment of current and past behavior the ability:

- to pay rent and other charges as required by the lease in a timely manner;
- to care for and avoid damaging the unit and common areas;
- to use facilities, appliances and equipment in a reasonable way;
- to create no health or safety hazards, and to report maintenance needs in a timely manner;

- not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;
- not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off IHA premises;
- not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed," on the premises of assisted housing;
- not to be subject to lifetime sex offender registration requirement;
- to not commit fraud against any assisted housing program;
- is not on the IHA banned list;
- to comply with necessary and reasonable rules and program requirements of HUD and IHA; and,
- to comply with local health and safety codes.

**Denial of Admission for Previous Debts to This, Any Other PHA, or other Subsidized Housing Programs**

Previous outstanding debts to IHA, and any Public Housing Authority (PHA) resulting from a previous tenancy in the public housing, Section 8, or other subsidized housing programs must be paid in full prior to admission.

Either HOH, spouse or co-head is responsible for the entire debt incurred as a previous IHA tenant. Children (minor) of the head or spouse who had incurred a debt to IHA will not be held responsible for the parent's previous debt.

**F. NON-ECONOMIC ELIGIBILITY CRITERIA, (Including Criminal/Drug)**

Denial for non-economic criteria will include denial under the one strike provisions under Section K. In developing its admission policies, the aim of IHA is to attain a resident body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families and families with serious social problems. Therefore, it is the policy of IHA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

As part of eligibility determination, the Authority will screen each applicant household to assess its suitability as renters.

Factors not related to economics to be considered are housekeeping habits, prior history as a tenant, criminal records, and the ability of the applicant to maintain the responsibilities of tenancy.

In determining qualifications for tenancy, IHA shall consider the following items:

Whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety, or welfare of other residents, or the physical, environmental, or financial stability of the development.

Conduct in previously assisted housing as determined by information through EIV and other reliable sources. If unfavorable information is obtained, then applicant/tenant must provide further information that the negative information has been fully resolved before IHA will allow the family any further processing for program benefits.

IHA shall rely upon sources of information which may include, but not limited to, IHA records, the records of other housing authorities, personal interviews with the applicant or tenant, interviews with previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians, or the police department. This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant or tenant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare.

In making a decision to deny assistance, the IHA will consider factors discussed in Chapter 2-G, **PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING (VAWA 2013)**

An authorized representative of IHA shall document any pertinent information relative to the following:

Criminal Activity – including the activities further defined herein as of a criminal nature.

Pattern of Violent Behavior – includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to neighbors' peaceful enjoyment of their premises. HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity was/is being

engaged in by any family member.

Pattern of Drug Use – includes a determination by IHA that the applicant has exhibited a pattern of illegal use of a controlled substance that might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Drug Related Criminal Activity – includes a determination by IHA that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Pattern of Alcohol Abuse – includes a determination by IHA that the applicant’s pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

**Initiation of Threats – or behaving in a manner indicating an intent to assault employees or other residents.**

Abandonment of a Public Housing Unit or Other Assisted Housing Unit (“skipped”) – any abandonment of a unit assisted by HUD without advising the administering housing authority’s personnel of intent to vacate so that the unit may be properly secured and protected from any vandalism.

Non-payment of Rightful Obligations – including rent and/or utilities and other charges owed to IHA or another housing authority.

Intentionally Falsifying an Application for Leasing – including providing false information about family income and family composition, using an alias on the application for housing, or making any other false statement or omission intended to mislead.

Record of Serious Disturbances of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior – consists of patterns of behavior which endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility, which damage the equipment or premises in which the applicant resides, or which are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant’s inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.

Unsanitary Housekeeping – includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials; severe damages to premises and equipment

caused by the family or persons under control of the family; seriously affecting neighbors by causing infestations, foul odors, depositing garbage outside of normal trash receptacles, or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors or a threat to health and safety.

Destruction of Property – damage to any previous rentals or property that the family has resided in.

Whether Applicant or Tenant is Capable of Maintaining the Responsibilities of Tenancy – In the case of applicants for admission, the person’s present living arrangements and a statement obtained from the applicant’s physician or social worker will be among factors considered in making this determination. The availability of a Live-In Aide will be considered also in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant’s conduct, and to factors that might indicate a reasonable probability of favorable future conduct.

The IHA shall not admit persons evicted from public housing, Indian housing, Section 23, any Section 8 program, or other assisted housing because of drug related criminal activity within the past five (5) years preceding determination of eligibility. (See also Item below regarding methamphetamine.)

The IHA may waive this requirement if the person demonstrates that he/she:

Has successfully completed a supervised drug or alcohol rehabilitation program approved by IHA;

Has otherwise been rehabilitated successfully;

Is participating in a supervised drug or alcohol rehabilitation program; or,

The circumstances leading to the eviction no longer exists (i.e. the individual involved in drugs is no longer in the household because the person is incarcerated).

In no event shall a person convicted of manufacturing or producing methamphetamine (also called “speed”) in federally assisted housing be determined eligible for public housing. Such individuals are permanently denied admission to all federally assisted housing programs.

The IHA shall not admit persons whose pattern of illegal use of a controlled substance or

pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents within the past five (5) years preceding the date of application.

The IHA shall not admit persons who have engaged in violent criminal activity within the five (5) years preceding the date of application.

The IHA shall not admit persons that have been engaged in the illegal drug activity within the five (5) years preceding the date of application.

The IHA shall not admit any person classified as a “habitual criminal” or any person subject to a lifetime sex offender registration requirement under a State sex offender registration program.

If on probation or parole for any conviction, assistance will be denied until the member has been discharged from probation or parole.

The IHA shall not admit persons whose conduct in present or prior housing has been such that admission to the program would adversely affect the health, safety, or welfare of other residents, or the physical environment, or the financial stability of the development.

If in the past the IHA initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice (PIH 96-27) or amended changes, for a family, as a prior resident of public housing, the family shall be ineligible for admission to Public Housing for a five (5) year period beginning on the date of such eviction. The IHA will not waive this requirement, even in the event of rehabilitation efforts on part of the family or family member.

In determining the criminal background for admission, the IHA will not deny the family if the member is a “victim” of domestic violence under the Violence Against Women Act.

### **Administration**

All screening procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, disability or against other legally protected groups, and not to violate right to privacy.

To the maximum extent possible, the IHA will involve other community and governmental entities in the promotion and enforcement of this policy.

In evaluating evidence of negative past behavior, the IHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903]. The IHA will perform criminal background checks through a third-party contractor and/or local law enforcement for all adult household members.

The IHA is required to perform criminal background checks necessary to determine whether any household member is subject to a registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

The IHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

If the IHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the IHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

The IHA will ensure that any criminal record received is maintained confidentially, not misused, or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished. (See section on page 1-13)

When the IHA takes any adverse action based on a criminal conviction record, the applicant may request, and the IHA will provide, a copy of the criminal record and an opportunity to dispute the record at an informal review/hearing. (Tenants may also contest such records at the court hearing in the case of evictions.)

### **Hearings**

(See Chapter titled “Complaints, Grievances and Appeals”)

If information is revealed that would cause the IHA to deny admission to the household and the person disputes the information, he/she shall be given an opportunity for an informal hearing according to IHA’s review/hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

### **G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING (VAWA 2013 and Final Rule)**

The Violence against Women Reauthorization Act of 2013 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. Specifically, Section

607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:

Every contract for contributions shall provide that . . . the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

### **Definitions**

As used in VAWA:

- *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "intimate partner" is defined in 18 U.S.C. 2266 and the term "crime of violence" is defined in 18 U.S.C. 16.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for his or her safety or the safety of others; or
  - Suffer substantial emotional distress.
- The term *sexual assault* means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- The term *affiliated individual* means, with respect to an individual –
  - a spouse, parent, brother, sister, or child of that individual, or an

- individual to whom that individual stands in loco parentis ((in place of the parent to the child)- for example, the affiliated individual is a child in the care, custody, or control of that individual)); or
- any individual, tenant, or lawful occupant living in the household of that individual.’’

### **Notification and Victim Documentation**

#### IHA Policy

The IHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history that would warrant denial under the IHA’s policies. Therefore, if the IHA makes a determination to deny admission to an applicant family on the basis of an unfavorable history, the IHA will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

The documentation must include two elements:

A signed statement by the victim that provides the name of the perpetrator (when known and is safe to provide) and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking

One of the following:

- A police or court record documenting the actual or threatened abuse; or
- A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.
- Self-certification- HUD-50066

The applicant must submit the required documentation with her or his request for an informal hearing or must request an extension in writing at that time. If the applicant so requests, the IHA will grant an extension of 10 business days, and will postpone scheduling the applicant’s informal hearing until after it has received the documentation

or the extension period has elapsed. If after reviewing the documentation provided by the applicant the IHA determines the family is eligible for assistance, no informal hearing will be scheduled and the IHA will proceed with admission of the applicant family.

### **Perpetrator Removal or Documentation of Rehabilitation**

#### **IHA Policy**

In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, sexual assault, or stalking, the IHA will proceed as above but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the public housing unit or (b) that the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. In cases of fear of retaliation, the perpetrator is not required to be named

If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

### **IHA Confidentiality Requirements**

All information provided to the IHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an affiliated individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law. Should the participant be moved in the program, the IHA will not disclose the new address in accordance with VAWA.

### **H. SCREENING FOR SUITABILITY** [24 CFR 960.204, 960.205]

It is the policy of IHA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

IHA will conduct a detailed interview of all applicants. The interview form will contain

questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. All information will be subject to third party verification.

An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance which they can demonstrate that they have or will have at the time of admission. (24 CFR 8.2 Definition: Qualified Individual with Handicaps) The availability of assistance is subject to verification by IHA.

The IHA's minimum age for admission as head of household is 18. This requirement is to avoid entering into leases that would not be valid or enforceable under applicable law. Exception to the age requirement may be granted to those with emancipation status as granted by a court of law. IHA will not allow under any circumstances a parent or legal guardian to co-sign a lease on behalf of an applicant in order to bypass the age requirement. IHA recognizes emancipation as provided by Missouri Statutes.

As a part of the final eligibility determination, IHA will screen each applicant household to assess their suitability as renters.

IHA may complete a credit check of each applicant so as to determine past rental history, including any possibility of bad debts to any federally assisted housing programs.

IHA shall rely upon sources of information which may include, but not be limited to, IHA records, personal interviews with the applicant or tenant, interviews with previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians or the police department.

This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare.

Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records, the ability of the applicant to maintain the responsibilities of tenancy, and whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project.

IHA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

- The applicant's past performance in meeting financial obligations, especially rent.
- Eviction or a record of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
- Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
- Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
- Any history of initiating threats or behaving in a manner indicating an intent to assault employees or other tenants.
- Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.
- The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by IHA. The information to be considered in the screening process shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

- Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare. [24CFR 960.205(b)]
- Adversely affect the physical environment or financial stability of the project. [24CFR 960.205(b)]
- Violate the terms and conditions of the lease. [24CFR 8.3].
- Require services from IHA staff that would alter the fundamental nature of the IHA's program. [24 CFR 8.3]

### **Rent Paying Habits**

IHA will examine any Housing Authority records from a prior tenancy, and will request written

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references from the applicant's current landlord and may request written references from former landlords (for up to the past 3 years).

Based upon these verifications, IHA will determine if the applicant was chronically late with rent payments, was evicted at any time (during the past 3 years) for nonpayment of rent, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

Applicants will not be considered to have a poor credit history if they were late paying rent because they were withholding rent due to substandard housing conditions in a manner consistent with a local ordinance; or had a poor rent paying history clearly related to an excessive rent relative to their income (using 50% of their gross income as a guide,) and responsible efforts were made by the family to resolve the nonpayment problem.

The lack of credit history will not disqualify a family, but a poor credit history will, with the exceptions noted above.

### **Screening Applicants Who Claim Mitigating Circumstances**

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the PHA's screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, IHA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. IHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

### **Examples of Mitigating Circumstances**

Examples of mitigating circumstances include:

- Evidence of successful rehabilitation;
- Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by IHA; and/or
- Evidence of the applicant family's successful and sustained modifications of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. IHA will consider such circumstances in light of:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
- The applicant's overall performance with respect to all the screening requirements.

### **Qualified and Unqualified Applicants**

Information that has been verified by IHA will be analyzed and a determination will be made with respect to:

- The eligibility of the applicant as a family;
- The eligibility of the applicant with respect to income limits for admission;
- The eligibility of the applicant with respect to citizenship or eligible immigration *status*;
- The eligibility of the family for suitability, non-criminal requirements, etc.;
- Preference category to which the family is entitled.

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and IHA procedures, except for a pending IHA hearing.

Applicants who are determined to be unqualified for admission will be promptly notified with a Notice of Denial of Admission stating the reason for the denial. In the case of criminal status denial for admissions, the IHA will provide the opportunity to review the documents prior to the denial. IHA shall provide applicants an opportunity for an informal hearing (see Chapter titled "Complaints, Grievances, and Appeals.")

Applicants who have requested a reasonable accommodation as a person with a disability and who have been determined eligible, but fail to meet the Applicant Selection Criteria, will be offered an opportunity for a second meeting to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures.

IHA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by IHA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by IHA, such as turnover rates, and market demands as they affect bedroom sizes and project location.

### **Documenting Findings**

An authorized representative of IHA shall document any pertinent information received relative to the admission and eligibility requirements.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects.

### **Prohibited Criteria for Denial of Admission**

Applicants will NOT be rejected because they:

- Have no income, but will still need to demonstrate they do have the financial means to comply with the terms of the lease and program requirements;
- Are not employed;
- Do not participate in a job-training program;
- Will not apply for various welfare or benefit programs;
- Have children;
- Have children born out of wedlock;
- Are on welfare;

- Are eligible students.

## **I. CRITERIA FOR DECIDING TO DENY ASSISTANCE or TERMINATION**

### **IHA Policy**

The IHA will use the concept of the preponderance of the evidence as the standard for making all admission and termination decisions.

*Preponderance of the evidence* is defined as the greater weight of the evidence; that is, evidence that you believe because it outweighs or overbalances in your mind the evidence opposed to it. A preponderance means evidence that is more probable, more persuasive, or of greater probative value. It is the quality of the evidence that must be weighed. Quality may, or may not, be identical with (quantity) (the greater number of witnesses).

Consider all evidence. In determining whether an issue has been proved by a preponderance of the evidence, you should consider all of the evidence, regardless of who produced it.

Equally balanced. If the weight of the evidence is equally balanced, or if you are unable to determine which side of an issue has the preponderance, the party who has the burden of proof has not established such issue by a preponderance of the evidence.

## **J. HEARINGS**

If information is revealed that would cause IHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal review/hearing according to IHA's hearing procedures outlined in Chapter 13, Complaints, Grievances and Appeals.

## **K. ONE STRIKE PROVISIONS**

### **Denial of Admission for Drug-Related and/or Other Criminal Activity**

#### Purpose

All federally assisted housing is intended to provide a decent, safe place to live and raise families, not a place to commit crime, use or sell drugs, or terrorize neighbors. Therefore, it is the intention of the Independence Housing Authority, Independence, Missouri to fully endorse and implement a one-strike policy toward violent and/or drug-related criminal activity that will:

- Help create and maintain a safe and drug-free community;

- Keep program participants free from threats to their personal and family safety;
- Support parental efforts to instill values of personal responsibility and hard work;
- Help maintain an environment where children can live safely, learn and grow up to be productive citizens.

### **Administration**

IHA staff will ensure that applicants who have exhibited recent histories (within five (5) years) of a pattern of violent and/or drug-related criminal activity will be denied housing assistance without the benefit of a grievance process (other than that process available through a Court of Competent Jurisdiction).

IHA is required to prohibit admission of families with members who were evicted from federally assisted housing for drug related criminal activity for five (5) years following the date of eviction (unless the family can demonstrate that the person who engaged in the drug related activity has been rehabilitated or is no longer a member of the household).

All screening procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, disability or against other legally protected groups, and not to violate right to privacy. To the maximum extent possible, the IHA will involve other community and governmental entities in the promotion and enforcement of this one-strike policy toward drugs and violence. The "One Strike Policy" will be posted on the IHA's bulletin board and copies made readily available to applicants and tenants upon request.

### **Definitions**

**"Drug-related criminal activity"** is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) on or off the (public housing) premises.

**"Criminal activity"** includes any criminal activity that threatens (or would threaten) the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the IHA.

#### **Screening Under the "One Strike" Policy**

The IHA staff will aggressively screen applicant families for recent histories of activities specified in the agency's "One Strike and You're Out" Policy. In an effort to prevent drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety, or the right to peaceful enjoyment of the premises by other residents, the IHA will endeavor to screen applicants as thoroughly and fairly as possible. If in the past the IHA initiated a lease termination, which may or may not have resulted in eviction for any reason cited under

the One Strike Notice, for a family, as a prior resident of public housing, the IHA shall have the discretion to consider all circumstances of the case regarding the extent of participation by non-involved family members. If as a result of the standardized inquiry, or the receipt of a verifiable referral, there is indication that the family or any family member is engaged in drug-related criminal or violent criminal activity, the IHA will conduct closer inquiry to determine whether the family should be denied admission.

If the screening indicates that any family member has been convicted within the prior five (5) years **for drug-related or violent criminal activity, the IHA shall obtain verification through police/court records.**

### **Law Enforcement Records**

**The IHA will check criminal history for all adults in the household to determine whether any member of the family has engaged in violent or drug-related criminal activity.**

Verification of any past activity will be done prior to final eligibility and will include a check of conviction records.

### **Standard for Violation**

Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to Public Housing for a five-year period beginning on the date of such eviction.

**The IHA will waive this requirement if:**

- **The person demonstrates successful completion of a rehabilitation program,**
- **The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.**

No member of the applicant's family may have engaged in drug related or violent criminal activity within the past five (5) years.

The IHA will permanently deny admission to public housing persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The IHA will deny participation in the program to applicants where the IHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person

abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the IHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

"Engaged in or engaging in or recent history of" drug related criminal activity means any act within the past five (5) years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests. The five (5) years for a drug related criminal activity charge or history is verified from the charge date; incarceration date of release; parole and/or probation date of completion, whichever is last.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past five (5) years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the IHA, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests. The five (5) years for a violent criminal activity charge or history is verified from the conviction date; incarceration date of release, whichever is last.

**In evaluating evidence of negative past behavior, the IHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.**

**The IHA will waive the requirement regarding drug-related criminal activity if:**

- **The person demonstrates successful completion of a credible rehabilitation program,**
- **The individual involved in drug-related criminal activity is no longer in the household because the person is incarcerated.**

The IHA may permit eligibility for occupancy and imposes conditions that the involved family member(s) does not reside in the unit. The IHA will consider evidence that the person is no longer in the household such as divorce decree, incarceration, death, copy of a new lease with the owner's telephone number and address, probation officer verification, or other substantiating evidence.

#### Other criminal activity

"Other criminal activity" means a history of criminal activity involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or

behavior which would adversely affect the health, safety, or welfare of other residents. HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

- **No family member may have engaged in or threatened abusive or violent behavior toward IHA personnel at any time.**
- **No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last five (5) years.**

### **Evidence**

The IHA must have evidence of the violation.

"Preponderance of evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole, shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

Preponderance of evidence is not to be determined by the number of witnesses, but by the greater weight of all evidence.

"Credible evidence" may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by IHA inspectors and/or investigators, and evidence gathered from the IHA Hotline. The IHA may pursue fact-finding efforts as needed to obtain credible evidence.

### **Obtaining Information From Drug Abuse Treatment Centers**

The IHA will inquire of all applicants whether they are currently using or in the past have ever engaged in the illegal use of a controlled substance.

### **Confidentiality of Criminal Records**

The IHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

**All criminal reports, while needed by the Intake Coordinator for screening for criminal**

behavior, will be housed in a locked file with access restricted to individuals responsible for such screening.

Misuse of the above information by any employee will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the IHA's copy of the criminal report shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information shall be shredded immediately upon completion of the review or hearing procedures and a final decision has been made. The shredding of the Criminal Background history will be logged onto an Excel Spreadsheet show when it was shredded and by which IHA employee with their initials.

The IHA will document in the family's computer file that the family was denied admission or the tenancy was terminated due to findings in the Criminal History Report

#### **Disclosure of Criminal Records to Family**

Before the IHA takes any adverse action based on a criminal conviction record, the applicant will be provided with a copy of the criminal record and an opportunity to dispute the record.

**Applicants will be provided an opportunity to dispute the record at an informal hearing. Tenants may contest such records at the court hearing in the case of evictions.**

**Hearings** (See Chapter titled "Complaints, Grievances and Appeals")

If information is revealed that would cause the IHA to deny admission to the household, and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to the IHA's hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

#### **Additional Procedures for Applicants**

1. The Housing Authority shall screen out and deny admission to any applicant whereby either the applicant or authorized occupants proposed by applicants:
  - a. Has a recent history of criminal activity involving crimes to persons and/or other criminal acts that affect the health, safety, or right to peaceful enjoyment of the premises by other residents;
  - b. Was evicted from assisted housing within five (5) years of the projected date of admission because of drug-related criminal activity. This requirement may be waived if:
    - i. The person demonstrates successful completion of a rehabilitation

- program approved by the Housing Authority; or
    - ii. The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated;
  - c. The Housing Authority has determined the applicant to be illegally using a controlled substance; the Housing Authority has determined the applicant to be abusing alcohol in a way that may interfere with the health, safety or right of peaceful enjoyment of the premises by other residents;
  - d. The Housing Authority has determined that there is a reasonable cause to believe the applicant's pattern of illegal use of a controlled substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
2. The Housing Authority may waive policies prohibiting admission in these circumstances if, the applicant demonstrates to the Housing Authority's satisfaction that the applicant is no longer engaging in illegal use of a controlled substance or abuse of alcohol, and;
- a. The applicant has successfully completed a supervised drug or alcohol rehabilitation program; or,
  - b. The applicant has otherwise been rehabilitated successfully.

#### **Additional Procedures for Residents**

1. The Housing Authority shall terminate the tenancy/rental assistance of any resident who:
- a. The Housing Authority has determined is illegally using a controlled substance;
  - b. The Housing Authority has determined that the resident's abuse of alcohol interferes with the health safety or right to peaceful enjoyment of the premises by other residents; or,
  - c. The Housing Authority has determined to be engaging in drug-related criminal activity, either on or off the premises; or,
  - d. Engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### **Additional Procedures for Housing Authority**

- 1. The Housing Authority shall track crime-related problems at its developments and report any incidents to the local police authorities in order to improve law enforcement and crime prevention.
  - 2. The Housing Authority will forward any resident complaints received concerning crime-related problems to the local police authorities.
  - 3. The Housing Authority will review police reports and newspaper articles concerning crime-related problems with its residents, and bring such problems to the attention of local police authorities.
4. The Housing Authority shall document its progress toward meeting its goals under the implementation plan for any drug prevention or crime reduction program funded by the

Department of Housing and Urban Development and being administered by the Housing Authority.