

APPENDIX I

REDDING HOUSING AUTHORITY'S CRIMINAL ACTIVITY POLICY AND PROCEDURE: DENIAL OF ADMISSION OR TERMINATION OF ASSISTANCE FOR CRIMINALS AND ALCOHOL ABUSERS

POLICY

Section 8 Housing Choice Voucher Program.

The Housing Authority of the City of Redding (RHA) **may** prohibit admission to applicants when any member of the household is shown by a preponderance of evidence to be currently engaged in or has engaged in during a reasonable time before admission:

- drug-related criminal activity;
- violent criminal activity;
- other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the RHA (including an RHA employee, contractor, subcontractor, or agent).

The RHA **must** prohibit admission of rental assistance to an applicant:

- for three years from the date of eviction if a household member has been evicted from Federally-assisted housing for drug-related criminal activity;
- if any household member is currently engaged in illegal use of a drug;
- if a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
- if a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

The RHA **must** permanently prohibit the admission to the program if any member of the household:

- is subject to a lifetime registration requirement under a State sex offender registration program; or
- has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of Federally-assisted housing.

The RHA **must** terminate rental assistance benefits, if:

- any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of Federally-assisted housing

The RHA **may** terminate rental assistance benefits, if:

- any household member is currently engaged in any illegal use of a drug;
- any household member has a pattern of illegal use of a drug that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- any household member abuses or has a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
- any household member has violated the family's obligation under 982.551 not to engage

- in violent criminal activity; or
any family member has violated the family's obligation under 982.551 not to engage in any drug-related criminal activity.

PROCEDURE

RHA Involvement.

For an applicant household, the RHA will become involved when:

Final eligibility determination is being processed for an applicant.

For a participating household, the RHA will become involved when:

A member of a participating household (and, in some instances, a covered person) is involved with criminal drug-related activity or violent criminal activity or other criminal activity, including alcohol abuse, that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises and that activity becomes known to the RHA.

Timing and Criminal Activity.

The RHA review is based on the criminal activity, the timing of the criminal activity, and who committed the criminal activity.

- I. *Alcohol abuse by household members:* If an applicant household member has been charged with alcohol abuse or has a pattern of alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, the RHA **may** take action to deny admission if the notification by the agency to the household is within one year of the date of the occurrence. For an applicant household, if the charge or pattern of alcohol abuse is more than one year from the date of proposed action, the agency will not prohibit admission. If a participant household member has been charged with alcohol abuse or has a pattern of alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, the RHA **may** take action to terminate benefits. If the charge was not reported timely and this regulation had been in effect at the time of the charge or abuse, the RHA may terminate benefits and chart an overpayment.
- II. *Drug-related Criminal Activity:* The RHA **may** prohibit admission or terminate housing benefits if the preponderance of evidence show that an applicant or participant household is currently engaged in any illegal use of a drug or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. The RHA **may** prohibit admission or terminate housing benefits if the preponderance of evidence shows that an applicant or participant household member has committed drug-related criminal activity, regardless of whether the applicant or participant household member has been charged or arrested for such activity. For an applicant household, if the use, possession, or charge for use or possession of illegal drugs is more than one year from the date of proposed admission, the RHA may not prohibit admission. For a participant household, if the use, possession, or charge for use or possession of illegal drugs was not

reported timely, the RHA may terminate benefits and charge an overpayment. If an applicant or participant household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of Federally-assisted housing, the RHA must permanently prohibit admission or terminate housing benefits.

- III. *Violent Criminal Activity:* The RHA **may** prohibit admission or terminate housing benefits if the preponderance of evidence shows that an applicant or participant household member has committed violent criminal activity, regardless of whether the applicant or participant household member has been charged or arrested for such activity.
- IV. *Other Criminal Activity:* The RHA **may** prohibit admission or terminate housing benefits if the preponderance of evidence shows that an applicant or participant household member has committed other criminal activity that threatens the health, safety, or right to peaceful enjoyment of others, regardless of whether the applicant or participant household member has been charged or arrested for such activity.
- V. *Sex offenders:* If an applicant is subject to a lifetime sex registration requirement under a State sex offender registration program, the RHA must prohibit admission and deny the application. The RHA must carry out background checks on all applicants to determine whether an applicant household member is subject to such a requirement.

For applicant households, unless specifically noted above, the RHA **may** deny admission if criminal activity has occurred within thirty-six (36) months prior to the final eligibility determination, unless a convicted applicant is currently serving out their terms of probation or parole. RHA **may** not approve the convicted applicant still on probation or parole for one of the above-listed criminal activities. However, for either applicants or participants, if criminal charges or the criminal case has been dismissed, no further eligibility review will be done.

RHA Review and Informal Hearings.

- I. *Adverse Action:* When adverse action is contemplated by the RHA, documents provided by the household member or obtained from a law enforcement agency are summarized and forwarded to the Housing Manager for final review and recommendation. The City Attorney will remain as a consultant for those cases requiring further assessment.
- II. *Adverse Action Taken:* Whenever the City Attorney's or Housing Manager's review results in confirmation that the RHA has sufficient documentation to support a violation of CFR regulation 982.533, the RHA will deny or terminate benefits.
- III. *Applicability:* For the Section 8 Housing Choice Voucher Program, it is the practice of the RHA to deny or terminate benefits whenever the circumstances substantiate that criminal activity has taken place by either an applicant or participant, including an RHA-approved live-in aide. The exception to the established practice would be for those circumstances when a convicted applicant or participant has fulfilled their conditions of probation or parole as evidenced by a "Certificate of Discharge."

IV. Informal Reviews/Hearings: The applicant or participant will be advised in writing of the decision to deny or terminate. The letter will also advise them of their opportunity to file for an informal review or hearing.

Mitigating Circumstances.

When criminal activity has taken place, the RHA has the discretion to consider mitigating circumstances before denying or terminating benefits. Mitigating circumstances include, but are not limited to, the seriousness of the crime, the disability of a family member subject to reasonable accommodation, the extent of culpability of individual family members, the effects of denial or termination of assistance on other family members who were not involved in the activity, whether or not the culpable family members can leave the unit allowing the non-culpable members to remain with assistance, or, in the instance of drug or alcohol-related activity, whether the culpable family member is participating in or has successfully completed a supervised drug or alcohol program and whether or not a household member is a victim of domestic violence, dating violence or stalking. When necessary, the RHA will require third party verification to document mitigating circumstances, such as court documents or written statements from doctors, probation or parole officers. Each participant or applicant has the right to present evidence of mitigating circumstances to the RHA at any level, including the Informal Review/Hearing at the discretion of the Hearing Officer.

ACCESS TO CRIMINAL RECORDS AND INFORMATION

Criminal Conviction Records.

The RHA is authorized by HUD to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to covered housing programs and for lease enforcement or eviction of families receiving Section 8 project-based assistance. Additionally, an owner of Federally-assisted housing may request the RHA to obtain criminal conviction records concerning an adult member of an applicant or resident household.

Sex Offender Registration.

The RHA must carry out background checks necessary to determine whether a member of a household applying for admission to any Federally-assisted housing program is subject to a lifetime sex offender registration program. Additionally, an owner of Federally-assisted housing may request the RHA obtain information necessary to determine whether a household member is subject to a lifetime registration requirement under a State sex offender registration requirement.