## Screening Applicants for Admission.

### HUD Regulations

All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, the HA will require applicants to demonstrate ability to comply with essential provisions of the lease. The HA will ask if the Applicant requires any special accommodations or presence of a third party to help them with the application process and tenancy.

### Complying with essential lease requirements:

#### Applicant ability and willingness to comply with the essential lease requirements will be checked and documented in accordance with this policy. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Any costs incurred to complete the application process and screening will be paid by the HA.

#### 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;
* Adversely affect the physical environment or financial stability of the project;
* Violate the terms and conditions of the lease;
* Require services from the HA staff that would alter the fundamental nature of the HA's program.

#### The HA will conduct a detailed interview of all applicants using an interview checklist as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification.

#### The HA will complete a credit check and a rental history check on all applicants.

#### Payment of funds owed to any HA or any other federally subsidized housing program is part of the screening evaluation. Outstanding balances will result in the rejection of the application.

**NOTE:** Applicants that owe a HA or any other federally subsidized program funds will not be processed for occupancy. The applicant must pay the funds owed prior to the application being processed. After the application is processed, the applicant must meet all other conditions for occupancy. Re‑paying funds that are due, do not necessarily qualify an applicant for occupancy. Such payments will be considered along with other factors in the application process. Any money owed to a HA which has been discharged by bankruptcy shall not be considered in making this determination.

#### The HA will complete a criminal background check on all adult applicants or any member for whom criminal records are available. Before the HA rejects an applicant on the basis of criminal history, the HA must notify the household of the proposed rejection and proceed under the provisions of the Criminal Records Management Policy.

1. The HA will verify the information provided by the applicant by searching the Dru Sjodin National Sex Offender Database. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. The website for the database is located at: <http://www.nsopw.gov>. A record of this screening, including date performed, will be retained. The HA will destroy the results of the search in accordance with 24 CFR 5.903 (g). The HA will retain the results of the search, along with the application, for a period of three years if the applicant is denied housing or, if the applicant is admitted to the program, for the term of tenancy plus three years.

#### If any screening activity suggests that an applicant household member may be currently engaged in illegal use of drugs, the HA may seek information from a drug abuse treatment facility or local law enforcement agency to determine whether the facility or agency has reasonable cause to believe the household member is currently engaging in illegal drug use.

#### The HA may complete a home visit on all applicants that have passed criminal history screening and have incomplete or questionable landlord references to determine if the applicant(s) housekeeping would create health or sanitation problems. Staff completing the home visit will consider whether the conditions they observe are the result of the applicant(s) treatment of the unit or are caused by the unit's overall substandard condition.

#### Housekeeping criteria to be checked shall include, but not be limited to:

* Conditions in living room, kitchen (food preparation and clean‑up), bathroom, bedrooms, entrance‑ways, halls, and yard (if applicable);
* Cleanliness in each room; and
* General care of appliances, fixtures, windows, doors and cabinets.

Other: The HA lease compliance criteria will also be checked, such as:

* Evidence of destruction of property;
* Unauthorized occupants;
* Evidence of criminal activity; and
* Conditions inconsistent with application information.

**NOTE:** All applicants shall have at least a two‑day advance written notice of home visits.

#### All applicants may be asked to attend and complete the HA's Pre‑Occupancy Orientation.

#### The HA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant family's adult members:

* Past performance in meeting financial obligations, especially rent and utility bills.
* Record of disturbance of neighbors (sufficient to warrant a police call) destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other residents or neighbors.
* History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug‑related criminal activity that could adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.

**NOTE:** The HA may require an applicant to exclude a household member in order to be admitted if that household member has participated in or been culpable for criminal actions that warrant rejection.

* A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
* An applicant(s) ability and willingness to comply with the terms of the HA's lease.

#### The HA is required to reject the applications of certain applicants for criminal activity or drug abuse by household members:

* The HA shall reject the application of any applicant for three years from the date of eviction if any household member has been evicted from any federally assisted housing for drug‑related criminal activity. However, the HA may admit the household if the HA determines that:
* The evicted household member who engaged in drug‑related criminal activity has successfully completed a supervised drug rehabilitation program approved by the HA, or
* The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
* The HA is required to reject the application of a household if the HA determines that:
* Any household member is currently engaging in illegal use of a drug; or
* The HA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
* Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing;
* Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program; or
* Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

**NOTE:** The above list is not intended to be all-inclusive. Applicants may be denied admission if the HA has reason to believe that the conduct of the applicant has been such as would be likely to interfere with other residents in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare or to affect adversely the physical environment or the financial stability of the project if the applicant were admitted to the project.

#### An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition, or rent will result in rejection. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

#### Applicants must be able to demonstrate the ability and willingness to comply with the terms of the HA's lease, either alone or with assistance that they can demonstrate they will have at the time of admission. Availability of assistance is subject to verification by the HA.

#### Have previously been evicted from public housing, including having moved from the HA as a result of their lease being terminated by the HA.

#### Committed acts, which would constitute fraud in connection with any federally, assisted housing program.

#### Did not provide information required within the time frame specified during the application process.

#### During the interview process, the applicant demonstrates hostile behavior that indicates that the prospective applicant may be a threat to our public housing residents.

#### The applicant and all adults must sign a release allowing the HA to request a copy of a police report from the National Crime Information Center, police department or other law enforcement agencies. If the HA uses the information to deny or terminate assistance the HA must provide a copy of the information used in accordance with Criminal Records Management Policy.

#### If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of his lease, the applicant may be declared ineligible.

### Screening applicants who claim mitigating circumstances.

#### If negative information is received about an applicant, the HA shall consider the time, nature, and extent of the applicant's conduct and other factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.

#### Mitigating circumstances are facts relating to the applicant's negative rental history or behavior, that, when verified, indicate. The reason for the unsuitable rental history and/or behavior; and that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, AND applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

#### If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, the HA shall refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. The HA shall also have the right to request further information to verify the mitigating circumstance, even if such information is of a medically confidential nature. 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 might include:

* Evidence of successful rehabilitation;
* Evidence of the applicant family's participation in social service or other appropriate counseling service; or
* Evidence of successful and sustained modification of previous disqualifying behavior.

#### Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. The HA will consider such circumstances in light of:

* The applicant's ability to verify the mitigating circumstances and prospects for improved future behavior;
* The applicant's overall performance with respect to all the screening requirements; and
* The nature and seriousness of any criminal activity, especially drug related criminal activity that appears in the applicant's record.

### Qualified and Unqualified Applicants:

#### Verified information will be analyzed and a determination made with respect to:

* Eligibility of the applicant as a family;
* Eligibility of the applicant with respect to income limits for admission;
* Eligibility of the applicant with respect to citizenship or eligible immigration status;
* Unit size required for and selected by the family;
* Preference category (if any) to which the family is entitled; and
* Qualification of the applicant with respect to the Selection Criteria.

#### Qualified (DETERMINED TO BE ELIGIBLE):

Families will be notified by the HA of the approximate time frame of admission insofar as that date can be determined; however the time frame stated by the HA is an estimate and does not guarantee that applicants can expect to be housed by that date.

#### Denied (DETERMINED TO BE INELIGIBLE):

Generally, applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:

##### Denied admission for up to ***one year*** for the following:

* Past rental record,
* Bad rent paying habits,
* Bad housekeeping habits, in and outside the unit,
* Damages,
* Disturbances,
* Live‑ins,
* Demonstration of hostile behavior during the interview process that indicates that the applicant may be a threat to staff or residents,
* Being evicted from a HA, including having moved from a HA as a result of their lease being terminated by the HA for reasons other than as listed below (beginning on the date of such eviction),
* Having other federally subsidized housing assistance terminated for reasons other than as listed below (beginning on the date of such eviction).

##### Denied admission for up to ***three years*** for the following:

* Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug‑related criminal activity (except drug trafficking) are ineligible for admission to public housing for up to a ***three year period*** beginning on the date of such eviction.
* The HA will consider mitigating circumstances including successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.
* Drug use without evidence of rehabilitation.

##### Denied admission for up to ***five years*** for the following:

* Fraud: (giving false information on the application or during an interview is considered fraud).
* A criminal record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on date of the last reported act or conviction.

##### Denied admission for up to ***10 years*** for the following:

* From date of conviction for drug trafficking.

##### Denied admission ***for life*** to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

##### Denied admission ***for life*** to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") **on the premises of any federally assisted housing**. Premises are defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

**NOTE:** These time frames (with the exception of 5 & 6) are only guidelines and the HA may deny admission to any individual whose behavior may adversely affect the health, safety or welfare of other residents or may admit persons who exhibit evidence of rehabilitation.

#### Notice to Deny Applicants:

Unqualified applicants will be promptly notified by a Notice of Rejection from the HA, stating the basis for such determination and offering an opportunity for informal hearing (see Procedure for Informal Hearing for Rejected Applicants). The denial letter will allow the applicant 10 calendar days to request an informal meeting (verbal and/or in writing) with the HA. A HA representative will hear the appeal and issue a decision within 10 calendar days of the meeting. Informal hearings for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process.