

## **Exhibit B-4 Screening**

AHFC's partner in the administration of the Adelaide Building is NeighborWorks Alaska (NWA). NWA is responsible for conducting all screening for eligibility.

### **HUD Regulation 24 CFR 882.508(b)**

(2) Owner selection of individuals. The owner must rent all vacant units under contract to homeless individuals located through HA or owner outreach efforts and determined by the HA to be eligible. The owner is responsible for tenant selection and may refuse any individual, provided the owner does not unlawfully discriminate. If the owner rejects an individual, and the individual believes that the owner's rejection was the result of unlawful discrimination, the individual may request the assistance of the HA in resolving the issue and may also file a complaint with HUD's Office of Fair Housing and Equal Opportunity in accordance with 24 CFR 103.25. If the individual requests the assistance of the HA, and if the HA cannot resolve the complaint promptly, the HA should advise the individual that he or she may file a complaint with HUD, and provide the individual with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

### **1. Obligation to Supply Information**

#### **HUD Regulation 24 CFR 882.515(c)**

Obligation to supply information. The family must supply such certification, release, information or documentation as the PHA or HUD determine to be necessary, including submission of required evidence of citizenship or eligible immigration status, submission of social security numbers and verifying documentation, submission of signed consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies, and submissions required for an annual or interim reexamination of family income and composition. See 24 CFR part 5.

#### **AHFC Policy**

As AHFC's contractor, the family is required to comply with requests for information from NWA concerning initial or continuing eligibility for rental assistance.

## 2. Requirement to Deny Admission

### 2.A Social Security Number and Consent Forms

#### **HUD Regulation 24 CFR 882.515(c)**

Obligation to supply information. The family must supply such certification, release, information or documentation as the PHA or HUD determine to be necessary, including submission of required evidence of citizenship or eligible immigration status, submission of social security numbers and verifying documentation, submission of signed consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies, and submissions required for an annual or interim reexamination of family income and composition. See 24 CFR part 5.

#### **HUD Regulation 24 CFR 5.210(a)**

Purpose. This subpart B requires applicants for and participants in covered HUD programs to disclose, and submit documentation to verify, their Social Security Numbers (SSNs).

#### **HUD Regulation 24 CFR 5.230(a)**

Required consent by assistance applicants and participants. Each member of the family of an assistance applicant or participant who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms. The assistance applicant shall submit the signed consent forms to the processing entity when eligibility under a covered program is being determined.

#### **HUD Regulation 24 CFR 5.232(a)**

Denial or termination of benefits. In accordance with the provisions governing the program involved, if the assistance applicant or participant, or any member of the assistance applicant's or participant's family, does not sign and submit the consent form as required in §5.230, then:

- (1) The processing entity shall deny assistance to and admission of an assistance applicant;
- (2) Assistance to, and the tenancy of, a participant may be terminated.

### 2.B Citizenship or Eligible Immigration Status

#### **HUD Regulation 24 CFR 5.500(a)**

Covered programs/assistance. This subpart E implements Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a). Section 214 prohibits HUD from making financial assistance available to persons who are not in eligible status with respect to citizenship or noncitizen immigration status.

### **HUD Regulation 24 CFR 5.508(a)**

General. Eligibility for assistance or continued assistance under a Section 214 covered program is contingent upon a family's submission to the responsible entity of the documents described in paragraph (b) of this section for each family member. If one or more family members do not have citizenship or eligible immigration status, the family members may exercise the election not to contend to have eligible immigration status as provided in paragraph (e) of this section, and the provisions of §§ 5.516 and 5.518 shall apply.

## **2.C Drug-Related Criminal Activity**

### **HUD Regulation 24 CFR 882.518(a)**

Requirement to deny admission –

- (1) Prohibiting admission of drug criminals.
  - (i) The PHA must prohibit admission to the program of an applicant for three years from the date of termination of tenancy if any household member's federally assisted housing tenancy has been terminated for drug-related criminal activity. However, the PHA may admit the household if the PHA determines:
    - (A) The household member who engaged in drug-related criminal activity and whose tenancy was terminated has successfully completed an approved supervised drug rehabilitation program, or
    - (B) The circumstances leading to the termination of tenancy no longer exist (for example, the criminal household member has died or is imprisoned).
  - (ii) The PHA must establish standards that permanently prohibit admission to the program 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.
  - (iii) The PHA must establish standards that prohibit admission of a household to the program if the PHA determines that any household member is currently engaging in illegal use of a drug or that it has reasonable cause to believe that a household member's pattern of illegal use of a drug, as defined in § 5.100 of this title, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

**Medical Marijuana Use in Public Housing and Housing Choice Voucher Programs**  
[Letter](#) dated February 10, 2011 from Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

## 2.D Sex Offenders

### HUD Regulation 24 CFR 882.518(a)

Requirement to deny admission –

(2) Prohibiting admission of sex offenders. The PHA must establish standards that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In this screening of applicants, the PHA must perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and in other States where household members are known to have resided.

## 2.E The Student Rule

### HUD Regulation 24 CFR 5.612

Restrictions on assistance to students enrolled in an institution of higher education. No assistance shall be provided under section 8 of the 1937 Act to any individual who:

- (a) Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);
- (b) Is under 24 years of age;
- (c) Is not a veteran of the United States military;
- (d) Is unmarried;
- (e) Does not have a dependent child;
- (f) Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and
- (g) 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.

## 3. Grounds to Deny Admission

### 3.A Alcohol Abuse

#### HUD Regulation 24 CFR 882.518(b)(4)

Prohibiting admission of alcohol abusers. The PHA must establish standards that prohibit admission to the program if the PHA determines that it has reasonable cause to believe that 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.

### 3.B Family Behavior

#### AHFC Policy

1. AHFC will deny admission to any household member who engages in or threatens abusive or violent behavior toward PHA personnel for 12 months from the date of occurrence.
2. AHFC will deny waiting list placement to a family if any household member threatens or engages in abusive or violent behavior toward AHFC personnel for 12 months from the date of occurrence.
3. AHFC will remove a family from the waiting list if any household member threatens or engages in abusive or violent behavior toward AHFC personnel.

### 3.C Fraud or Bribery

#### AHFC Policy

Any household member who has committed an act of fraud or bribery, or any other corrupt or criminal act in connection with any federal housing program is permanently barred from admission.

### 3.D Fugitive from Justice

#### AHFC Policy

Any household member that is a fugitive felon, parole or probation violator, or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees (in New Jersey a high misdemeanor is equal to a felony) is not eligible for admission.

### 3.E HUD Database Systems

The checks below will be conducted using the U.S. Department of Housing and Urban Development's Enterprise Income Verification (EIV) system.

#### HUD Regulation 24 CFR 5.233(a)

Mandated use of HUD's Enterprise Income Verification (EIV) System.

- 1) The requirements of this section apply to entities administering assistance under the:
  - (iii) Moderate Rehabilitation program under 24 CFR part 882;
- 2) Processing entities must use HUD's EIV system in its entirety:
  - (i) As a third party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income, in accordance with §5.236, and administrative guidance issued by HUD; and
  - (ii) To reduce administrative and subsidy payment errors in accordance with HUD administrative guidance.

**3.E.1. EIV-Existing Tenant Search**

**AHFC Policy**

1. All household members will be checked for existing program participation. No applicant family will be admitted if a household member is active under another housing authority's assistance program.
2. For assisted households with dual custody of children, children may only be claimed as dependents in one assisted household. See Shared Custody in the Income Determination and Verification chapter.

**3.E.2. EIV-Former Tenant Search**

**AHFC Policy**

All adult household members will be checked for prior program participation with other housing authorities. An applicant family may be denied assistance if the family was terminated for violation of program obligations within the last 12 months.

**3.F Misrepresentation**

Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

**3.G Money Owed to PHA**

**AHFC Policy**

AHFC will deny admission to any household member who has a past due balance from a current or past participation in a subsidized rental assistance program.

**3.H Negative Tenancy References**

NWA will screen for suitability for tenancy according to their policies and procedures.

**3.I Other Criminal Activity**

**HUD Regulation 24 CFR 882.518(b)**

Authority to deny admission –

(1) Prohibiting admission of other criminals. The PHA may prohibit admission of a household to the program under standards established by the PHA if the PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission decision:

- (i) Drug-related criminal activity;
- (ii) Violent criminal activity;

(iii) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

(iv) Other criminal activity which may threaten the health or safety of the owner or any employee, contractor, subcontractor or agent of the owner who is involved in the owner's housing operations.

#### **HUD Regulation - PIH Notice 2015-19<sup>1</sup>**

A PHA or owner may not base a determination that an applicant or household engaged in criminal activity warranting denial of admission, termination of assistance, or eviction on a record of arrest(s).

### **3.J Prior Assisted Housing Eviction**

Eviction refers to those individuals evicted by a court from a federally assisted housing unit.

#### **AHFC Policy**

AHFC will deny admission for 12 months from the date of occurrence to any household member who has been evicted from federally assisted housing.

### **3.K Prior Termination of Assistance**

#### **AHFC Policy**

AHFC will deny admission for 12 months from the date of occurrence to any household member who has been terminated for negative reasons from federally assisted housing.

## **4. Consideration of Circumstances**

#### **HUD Regulation 24 CFR 5.852**

What discretion do I have in screening and eviction actions?

(a) General. If the law and regulation permit you to take an action but do not require action to be taken, you may take or not take the action in accordance with your standards for admission and eviction. Consistent with the application of your admission and eviction standards, you may consider all of the circumstances relevant to a particular admission or eviction case, such as:

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<sup>1</sup> HUD has reviewed relevant case law and determined that the fact that an individual was arrested is not evidence that he or she has engaged in criminal activity. Accordingly, the fact that there has been an arrest for a crime is not a basis for the requisite determination that the relevant individual engaged in criminal activity warranting denial of admission, termination of assistance or eviction. PIH Notice 2015-19, Guidance for Public Housing Agencies and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions, issued November 2, 2015.

- (1) The seriousness of the offending action;
- (2) The effect on the community of denial or termination or the failure of the responsible entity to take such action;
- (3) The extent of participation by the leaseholder in the offending action;
- (4) The effect of denial of admission or termination of tenancy on household members not involved in the offending action;
- (5) The demand for assisted housing by families who will adhere to lease responsibilities;
- (6) The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; and
- (7) The effect of the responsible entity's action on the integrity of the program.

(b) Exclusion of culpable household member. You may require an applicant (or tenant) to exclude a household member in order to be admitted to the housing program (or continue to reside in the assisted unit), where that household member has participated in or been culpable for action or failure to act that warrants denial (or termination).

(c) Consideration of rehabilitation.

(1) In determining whether to deny admission or terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, you may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, you may require the applicant or tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

(2) If rehabilitation is not an element of the eligibility determination (see § 5.854(a)(1) for the case where it must be considered), you may choose not to consider whether the person has been rehabilitated.

(d) Length of period of mandatory prohibition on admission. If a statute requires that you prohibit admission of persons for a prescribed period of time after some disqualifying behavior or event, you may apply that prohibition for a longer period of time.

(e) Nondiscrimination limitation. Your admission and eviction actions must be consistent with fair housing and equal opportunity provisions of § 5.105.

#### **AHFC Policy**

When considering circumstances, NWA will apply their policies and procedures.



#### 4.A Violence Against Women Act (VAWA) Protections

##### AHFC Policy

See the Violence Against Women Act (VAWA) exhibit for guidance.

#### 4.B Due Process Rights of Applicants

Federal law<sup>2</sup> requires that PHAs provide public housing, project-based Section 8, and Section 8 HCV applicants with notification and the opportunity to dispute the accuracy and relevance of a criminal record before admission or assistance is denied on the basis of such record. Public housing and Section 8 applicants also must be afforded the right to request an informal hearing or review after an application for housing assistance is denied.

#### 5. Criminal Records After Offer of Admission

##### HUD Regulation 24 CFR 5.901

(a) General criminal records searches. This subpart applies to criminal conviction background checks by PHAs that administer the Section 8 and public housing programs when they obtain criminal conviction records, under the authority of section 6(q) of the 1937 Act (42 U.S.C. 1437d(q)), from a law enforcement agency to prevent admission of criminals to public housing and Section 8 housing and to assist in lease enforcement and eviction.

(b) Sex offender registration records searches. This subpart applies to PHAs that administer the Section 8 and public housing programs when they obtain sex offender registration information from State and local agencies, under the authority of 42 U.S.C. 13663, to prevent admission of dangerous sex offenders to federally assisted housing.

(c) Excluded records searches. The provisions of this subpart do not apply to criminal conviction information or sex offender information searches by a PHA or others of information from law enforcement agencies or other sources other than as provided under this subpart.

##### HUD Regulation 24 CFR 5.902

Law enforcement agency. The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

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<sup>2</sup> PIH Notice 2015-19, Guidance for Public Housing Agencies and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions, issued November 2, 2015.

**HUD Regulation 24 CFR 5.903(g)**

The PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is:

- (1) Maintained confidentially;
- (2) Not misused or improperly disseminated; and
- (3) Destroyed, once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.

**AHFC Policy**

NWA is responsible for maintaining applicant and tenant eligibility records. NWA will be responsible for adhering to the regulations above.

**6. Definitions**

**6.A Currently Engaging (or Engaged) in<sup>3</sup>**

Means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual’s behavior is current. For AHFC purposes, this means the activity has occurred within the last six (6) months.

**6.B Drug**

Means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**6.C Drug Abuse**

Means the habitual taking of addictive or illegal drugs.

**6.D Drug-Related Criminal Activity**

Means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug. This includes: drug

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<sup>3</sup> HUD has reviewed relevant case law and determined that the fact that an individual was arrested is not evidence that he or she has engaged in criminal activity. Accordingly, the fact that there has been an arrest for a crime is not a basis for the requisite determination that the relevant individual engaged in criminal activity warranting denial of admission, termination of assistance or eviction. PIH Notice 2015-19, Guidance for Public Housing Agencies and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions, issued November 2, 2015.

trafficking, drug distribution, drug manufacture, or growth or possession of illegal drugs.

#### **6.E Eligible Individual**

##### **HUD Regulation 24 CFR 882.802**

An individual who is capable of independent living and is authorized for admission to assisted housing under 24 CFR part 5.

#### **6.F Homeless Individual**

##### **HUD Regulation 24 CFR 882.802**

An individual as described in section 103 of the McKinney Act (42 U.S.C. 11302).

#### **6.G Reasonable Time**

##### **HUD Regulation 24 CFR 882.518(b)**

(2) Reasonable time. The PHA may establish a period before the admission decision during which an applicant must not have engaged in the activities specified in paragraph (b)(1) of this section “reasonable time”.

#### **6.H Single Room Occupancy (SRO) Housing**

##### **HUD Regulation 24 CFR 882.802**

A unit for occupancy by one person, which need not but may contain food preparation, sanitary facilities, or both.

#### **6.I Sufficient Evidence**

##### **HUD Regulation 24 CFR 882.518(b)**

(3) Sufficient evidence. If the PHA has denied admission to an applicant because a member of the household engaged in criminal activity in accordance with paragraph (b)(1) of this section, the PHA may reconsider the applicant if the PHA has sufficient evidence that the members of the household are not currently engaged in, and have not engaged in criminal activity during a reasonable period, as determined by the PHA, before the admission decision.

(i) The PHA would have “sufficient evidence” if the household member submitted a certification that she or he is not currently engaged in and has not engaged in such criminal activity during the specified period and provided supporting information from such sources as a probation officer, a landlord, neighbors, social service agency workers and criminal records, which the PHA verified.

(ii) For purposes of this section, a household member is “currently engaged in” criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.

**6.J Violent Criminal Activity**

Means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

**Numbered Memo**

20-22 Adelaide Administrative Plan Updates