

Exhibit 2-4

Meet Screening Criteria

AHFC screens in compliance with all applicable civil rights requirements described in Chapter 1 of this Admissions and Occupancy Policy. Screening is also conducted in accordance with the following:

- State of Alaska law
- Alaska Housing Finance Corporation policies

HUD Regulation - 24 CFR 960.202(a)

Selection policies, generally.

(1) The PHA shall establish and adopt written policies for admission of tenants.

These policies shall provide for and include the following:

- (i) Precluding admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment;
- (ii) Objective and reasonable policies for selection by the PHA among otherwise eligible applicants, including requirements for applications and waiting lists, and for verification and documentation of information relevant to acceptance or rejection of an applicant, including documentation and verification of citizenship and eligible immigration status under 24 CFR part 5;

HUD Regulation - 24 CFR 960.203

(a) The tenant selection criteria to be established and information to be considered shall be reasonably related to individual attributes and behavior of an applicant and shall not be related to those which may be imputed to a particular group or category of persons of which an applicant may be a member.

(c) In selection of families for admission to its public housing program, or to occupy a public housing development or unit, the PHA is responsible for screening family behavior and suitability for tenancy. The PHA may consider all relevant information, which may include, but is not limited to:

- (1) An applicant's past performance in meeting financial obligations, especially rent;
- (2) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants; and
- (3) A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

HUD Regulation - PIH Notice 2015-19¹

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).

AHFC Policy

1. AHFC will conduct screening on all applicants, new additions to the household after initial occupancy, and live-in aides prior to admission or eligibility for participation. If any adult member of the applicant family has not lived in Alaska for the previous 36 months, AHFC may check police department and court records in the localities where the applicant previously resided. An appropriate applicant release is necessary if the records check is other than a public access database.
2. The fact that an applicant or tenant was arrested for a disqualifying offense shall not be treated or regarded as proof that the applicant or tenant engaged in disqualifying criminal activity. The arrest may, however, trigger an investigation to determine whether the applicant or tenant actually engaged in disqualifying criminal activity. As part of its investigation, AHFC may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. AHFC may also consider any statements made by witnesses or the applicant or tenant not included in the police report; whether criminal charges were filed; whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal; and any other evidence relevant to determining whether or not the applicant or tenant engaged in a disqualifying activity.

1. Requirement to Deny Admission

1.A Social Security Number and Consent Forms

HUD Regulation - 24 CFR 960.259(a)

1. The family must supply any information that the PHA or HUD determines is necessary in administration of the public housing program, including submission of required evidence of citizenship or eligible immigration status. "Information" includes any requested certification, release or other documentation.
4. Any information supplied by the family must be true and complete.

¹ 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 960.259(b)

As a condition of admission to or continued assistance under the program, the PHA shall require the family head, and such other family members as the PHA designates, to execute a consent form (including any release and consent as required under §5.230 of this title) authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to the PHA or HUD such information as the PHA or HUD determines to be necessary.

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.

AHFC Policy

See the Social Security Number Requirement exhibit for guidelines.

- 1. An applicant who fails to submit necessary consent forms shall be ineligible for admission.
- 2. A participant who fails to submit necessary consent forms will be terminated.

1.B Citizenship or Eligible Immigration Status

HUD Regulation - 24 CFR 960.202(a)(2)

These policies shall provide for and include the following:

(iv) Objective and reasonable policies for selection by the PHA among otherwise eligible applicants, including requirements for applications and waiting lists (see 24 CFR 1.4), and for verification and documentation of information relevant to acceptance or rejection of an applicant, including documentation and verification of citizenship and eligible immigration status under 24 CFR part 5;

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.

AHFC Policy

See the Meet Citizenship Requirements exhibit in this policy.

1.C The Student Rule

The Student Rule does not apply to the Public Housing Program.

1.D Drug-Related Criminal Activity Eviction

HUD Regulation - 24 CFR 960.204(a)

Required denial of admission.

(1) Persons evicted for drug-related criminal activity. The PHA standards must prohibit admission of an applicant to the PHA's public housing program for three years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity.

AHFC Policy

AHFC will deny admission to any family member for 36 months from the date of eviction if any household member was evicted from any federally assisted housing for drug-related criminal activity. See Definitions for drug-related criminal activity.

1.E Drug-Related Activities

HUD Regulation - 24 CFR 960.204(a)

(2) Persons engaging in illegal use of a drug. The PHA must establish standards that prohibit admission of a household to the PHA's public housing program if:

(i) The PHA determines that any household member is currently engaging in illegal use of a drug (For purposes of this section, a household member is "currently engaged in" the criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current); or

(ii) The PHA determines that it 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.

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.

AHFC Policy

AHFC will deny admission to any family member for 36 months from the date of release from any period of incarceration for any drug-related criminal activity; or if no incarceration was ordered, no admission within 36 months from the date of the conviction or commission of any drug-related criminal activity. This includes:

1. if any household member is currently engaging in illegal use of a drug.
2. if the 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.
3. if the illegal use or pattern of illegal use of a drug 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 PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

See Definitions for drug-related activity.

1.F Methamphetamine

HUD Regulation - 24 CFR 960.204(a)

(3) Persons convicted of methamphetamine production. The PHA must establish standards that permanently prohibit admission to the PHA's public housing 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.

AHFC Policy

Any household member with a conviction for the manufacture or production of methamphetamine on the premises of any federally assisted housing is permanently barred from admission.

1.G Sex Offenders

HUD Regulation - 24 CFR 960.204(a)

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

AHFC Policy

1. All adult household members will be checked against the Dru Sjodin National Sex Offender Public Website at www.nsopw.gov.
2. Any person subject to a lifetime registration requirement on a state sex offender registry is ineligible for admission.
3. Any person subject to a registration requirement on a state sex offender registry is ineligible for admission while on the registry.
4. AHFC will deny admission to any family member for 36 months from the date of release from any period of incarceration for sexual offense as identified in Alaska Statute 11.41; or if no incarceration was ordered, no admission will be granted within 36 months from the date conviction or commission of any sexual offense as identified in AS 11.41.

1.H Alcohol Abuse

HUD Regulation - 24 CFR 960.204(b)

Persons that abuse or show a pattern of abuse of alcohol. The PHA must establish standards that prohibit admission to the PHA's public housing 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.

AHFC Policy

AHFC will deny admission for 12 months from the date of occurrence if AHFC has reasonable cause to believe:

1. the abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

2. the abuse or pattern of abuse of alcohol 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 PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

2. Grounds to Deny Admission

The following are grounds AHFC may use to deny admission to the Public Housing Program.

HUD Regulation - 24 CFR 960.203(c)

In selection of families for admission to its public housing program, or to occupy a public housing development or unit, the PHA is responsible for screening family behavior and suitability for tenancy.

HUD Regulation - 24 CFR 960.203(c)(3)

With respect to criminal activity described in §960.204:

(i) The PHA may require an applicant to exclude a household member in order to be admitted to the housing program where that household member has participated in or been culpable for actions described in §960.204 that warrants denial.

(ii) The PHA may, where a statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.

2.A Criminal Activity

HUD Regulation - 24 CFR 960.203(b)

Under the Public Housing Assessment System (PHAS), PHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points (See 24 CFR 902.43(a)(5)). This policy takes into account the importance of screening to public housing communities and program integrity, and the demand for assisted housing by families who will adhere to lease responsibilities.

HUD Regulation - 24 CFR 960.203(c)

In selection of families for admission to its public housing program, or to occupy a public housing development or unit, the PHA is responsible for screening family behavior and suitability for tenancy. The PHA may consider all relevant information, which may include, but is not limited to:

(3) A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the

health, safety or welfare of other tenants. (See §960.204.) With respect to criminal activity described in §960.204:

- (i) The PHA may require an applicant to exclude a household member in order to be admitted to the housing program where that household member has participated in or been culpable for actions described in §960.204 that warrants denial.
- (ii) The PHA may, where a statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.

HUD Regulation - PIH Notice 2015-19²

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).

AHFC Policy

1. AHFC shall conduct an Alaska statewide criminal record check on all adult family members.
2. AHFC will deny admission to any family member for 36 months from the date of release from any period of incarceration for any violent criminal activity; or if no incarceration was ordered, no admission within 36 months from the date of the conviction or commission of any violent criminal activity.
3. AHFC will deny admission for 36 months from the date of occurrence if AHFC has reasonable cause to believe involvement in criminal activity may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
4. AHFC will deny admission for 36 months from the date of occurrence if AHFC has reasonable cause to believe involvement in criminal activity 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 PHA (including a PHA employee or a PHA contractor, subcontractor or agent).
5. See AHFC policy #2 under introductory section (page 2) for AHFC methods for gathering a preponderance of evidence.

² 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.

2.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.

2.C Family Self-Sufficiency Contract of Participation

AHFC Policy

AHFC will not terminate the rental assistance of or deny admission to a family that fails to complete a Jumpstart participation agreement. See the Jumpstart Action Plan.

2.D 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.

2.E Fugitive from Justice

HUD Regulation - 24 CFR 966.4(l)(5)(ii)

(B) Fugitive felon or parole violator. The PHA may terminate the tenancy if a tenant is 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, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under Federal or State law.

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.

2.F 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:
 - (i) Public Housing program under 24 CFR part 960;
- 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.

2.F.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 (this does not include families "porting" into AHFC).
2. For assisted households with dual custody of children, children may only be claimed as dependents in one assisted household. See Chapter 3, Shared Custody.

2.F.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.

2.G Misrepresentation

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

AHFC Policy

1. An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition, or family income will result in rejection.

2. An applicant found to intentionally misrepresent information shall remain ineligible for placement on a waiting list for 12 months from the date of occurrence.

2.H 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.

2.I Negative Tenancy References

HUD Regulation - 24 CFR 960.203(c)

The PHA is responsible for screening family behavior and suitability for tenancy. The PHA may consider all relevant information, which may include:

- (1) An applicant's past performance in meeting financial obligations, especially rent
- (2) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants.

AHFC Policy

AHFC will deny admission to a family with a preponderance of negative tenancy references (see the Suitability for Tenancy exhibit).

2.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.

2.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.

3. Consideration of Circumstances

HUD Discretion (24 CFR 960.203(d))

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 (including the seriousness of the offense).

(1) In a manner consistent with the PHA's policies, procedures and practices referenced in paragraph (b) of this section, consideration may be given to factors which might indicate a reasonable probability of favorable future conduct. For example:

- (i) Evidence of rehabilitation; and
- (ii) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs;

(2) Consideration of rehabilitation.

- (i) In determining whether to deny admission for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the PHA 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, the PHA may require the applicant 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.
- (ii) If rehabilitation is not an element of the eligibility determination (see §960.204(a)(1)), the PHA may choose not to consider whether the person has been rehabilitated.

HUD Regulation - 24 CFR 960.205

Drug use by applicants: Obtaining information from drug treatment facility. This section addresses a PHA's authority to request and obtain information from drug abuse treatment facilities concerning applicants. This section does not apply to information requested or obtained from drug abuse treatment facilities other than under the authority of section 6(t).

AHFC Policy

When considering circumstances, AHFC will consider the nexus between the action or failure to act and the proposed denial of assistance. AHFC will require the applicant to submit sufficient evidence that the household member is not currently engaged in and has not engaged in such activity during the past 12

months. See the Definitions for sufficient evidence and currently engaged in. AHFC may consider the following factors:

1. The seriousness of the offending action;
2. Whether the applicant's offense bears a relationship to the safety and security of the other residents;
3. The extent of participation by the applicant in the offending action;
4. The demand for assisted housing by families who will adhere to lease responsibilities;
5. The extent to which the applicant has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action. This includes:
 - a) Length of time since the offending action
 - b) Any rehabilitation efforts that the applicant has undertaken since the time of the offending action
6. The effect of the responsible entity's action on the integrity of the program.
7. AHFC chooses not to directly obtain information from drug treatment facilities.

3.A Violence Against Women Act (VAWA) Protections

HUD Regulation - 24 CFR 960.103(d)

Protection for victims of domestic violence, dating violence, or stalking. The PHA must apply 24 CFR part 5, subpart L in all applicable cases where there is involved or claimed to be involved incidents of, or criminal activity related to, domestic violence, dating violence, or stalking.

HUD Regulation - 24 CFR 960.203(c)(4)

PHA tenant selection criteria are subject to 24 CFR part 5, subpart L, protections for victims of domestic violence, dating violence, or stalking.

AHFC Policy

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

3.B Due Process Rights of Applicants

Federal law³ 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.

AHFC Policy

If AHFC determines that an applicant's criminal record may make them ineligible for admission, AHFC will send a written notification to the applicant giving them ten (10) calendar days to dispute the record.

1. Failure to respond within the given time period will result in an AHFC Ineligibility Notice.
2. Failure to respond will not waive the applicant's right to request an informal review under the AHFC Ineligibility Notice procedures.

3.C Tenant-Based Rental Assistance Participants

Families receiving Tenant-Based Rental Assistance (TBRA) may want to apply for an AHFC waiting list. Successful completion of a TBRA tenancy or successful TBRA participation for a period of 12 months may be used when considering mitigating circumstances to previous criminal history.

1. AHFC will use prudent, professional judgment when evaluating a TBRA family's eligibility for an AHFC waiting list.
2. If a family completes 12 months of TBRA assistance in good standing, AHFC will consider that as sufficient evidence to allow the family onto an AHFC waiting list.
3. If a family completes the TBRA program in good standing, AHFC will consider that as sufficient evidence to allow the family onto an AHFC waiting list.
4. If a TBRA family's tenancy had issues, AHFC may collect a landlord reference from the most recent landlord to help evaluate a family's suitability for an AHFC assistance program.
5. When a TBRA family reaches the top of an AHFC waiting list, AHFC may consider any activities that occur while the client is on the waiting list before deciding to admit that family.

³ 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.

4. 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.

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

1. AHFC will retain criminal records in a family's file that are attached to an AHFC notification to the family.
2. In accordance with the Due Process Rights section of this policy, an individual will receive an AHFC written notification of a disqualifying offense or record of offenses.
3. If an offense or record of offenses does not rise to the level where it would disqualify a family member, those records will not be retained in the file.

5. Definitions

1. Alcohol abuse. The Diagnostic and Statistical Manual of Mental Disorders IV describes alcohol abusers as those who continue to drink despite recurrent social, interpersonal, and legal problems as a result of their alcohol use. Harmful use implies a person's drinking causes either physical or mental damage.
2. Covered person, for purposes of 24 CFR 5, subpart I, and parts 966 and 982, means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.
3. Currently engaging (or engaged) in⁴. 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.
4. Date of Occurrence means the date the activity occurred. If the date is unclear, it is the date that the activity was reported in a criminal record, the date the activity was identified in a public record, or the date offered by others not involved in the activity.
5. Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).
6. Drug Abuse means the habitual taking of addictive or illegal drugs.
7. 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 trafficking, drug distribution, drug manufacture, or growth or possession of illegal drugs.
8. Guest, only for purposes of 24 CFR part 5, subparts A and I, and parts 882, 960, 966, and 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority

⁴ 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.

to so consent on behalf of the tenant. The requirements of parts 966 and 982 apply to a guest as so defined.

9. Household, for purposes of 24 CFR part 5, subpart I, and parts, 960, 966, 882, and 982, means the family and PHA-approved live-in aide.
10. Other person under the tenant's control, for the purposes of the definition of covered person and for parts 5, 882, 966, and 982 means that the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.
11. Pattern of abuse is defined as a pattern of drinking or drug-taking that results in three or more of the following situations within a 12-month period:
 - Failure to fulfill major work, school, or home responsibilities
 - Having recurring alcohol- or drug-related legal problems, such as being arrested for driving under the influence of alcohol or for physically hurting someone while drunk
12. Premises, for purposes of 24 CFR part 5, subpart I, and parts 960 and 966, means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.
13. Reasonable time or period, for purposes of consideration of mitigating circumstances, AHFC will consider behavior or treatment within the last 12 months.
14. Sufficient Evidence means the household member provides a certification or supporting information from such sources as a probation officer or other supervising/counseling professional, a landlord, social service agency, or public records. AHFC may verify any sufficient evidence documentation submitted by the family.
15. 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.

Sources

1. [Medical Marijuana Use in Public Housing and Housing Choice Voucher Programs](#), February 10, 2011, from Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.
2. [Letter, June 17, 2011](#), from Shaun Donovan, Secretary U.S. Department of Housing and Urban Development, and Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.
3. [Use of Marijuana in Multifamily Assisted Properties](#), December 29, 2014, from Benjamin T. Metcalf, Deputy Assistant Secretary for Multifamily Housing Program, HT.
4. [Notice H 2015-10](#), Issued November 2, 2015, Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions, from Lourdes Castro Ramirez, Principal Deputy Assistant Secretary for Public and Indian Housing, and Edward Golding, Principal Deputy Assistant Secretary for Housing.
5. [Notice PIH 2015-19](#), Issued November 2, 2015, Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions, from Lourdes Castro Ramirez, Principal Deputy Assistant Secretary for Public and Indian Housing, and Edward Golding, Principal Deputy Assistant Secretary for Housing.
6. [FAQs for Notice PIH 2015-19 and H 2015-10](#), FAQs: Excluding the Use of Arrest Records in Housing Decisions.
7. [Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#), April 4, 2016, from Helen R. Kanovsky, General Counsel.
8. [Presidential Memo of April 29, 2016](#), Promoting Rehabilitation and Reintegration of Formerly Incarcerated Individuals, Barack Obama.
9. [Executive Order 13826](#) of March 7, 2018. Federal Interagency Council on Crime Prevention and Improving Reentry, Donald Trump.

Numbered Memo

18-34 Exhibit 2-4 Meet Screening Criteria