

Allegheny County Housing Authority
Grounds for Denial – HCVP
ACHA Administrative Plan- Effective October 1, 2017

4.8 GROUNDS FOR DENIAL

The Allegheny County Housing Authority will deny assistance to applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process, however, once supplied, the family may reapply for assistance;
- C. Fail to respond to a written request for information or a request to declare their continued interest in the program however, once supplied, the family may reapply for assistance;
- D. Fail to complete any aspect of the application or lease-up process however, once the family completes the process, they may reapply for assistance;
- E. Have a family member who was evicted from federally assisted housing within the past five years for any reason other than the non-payment of rent. The five year limit is based on the date of such eviction, not the date the crime was committed.

However, the Allegheny County Housing Authority may admit the household if the PHA determines:

- 1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Allegheny County Housing Authority; or
 - 2. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).
- F. Have a household member who is currently engaging in illegal use of a drug;
 - G. Have a household member whose 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 (family will be denied for three years);
 - H. Have a household member who has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine (this will result in lifetime denial of assistance);
 - I. Have a household member whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents (family will be denied for three years);
 - J. Have a household member who is a fugitive felon, parole 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 (family will be denied for three years);
 - K. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety or well-being of other tenants or staff or cause damage to the property.

For the purpose of this Policy, if any adult member of the applicant family is currently charged with or has been convicted of any of the following listed offenses, they will be determined to have engaged in criminal activity, drug-related criminal activity or violent criminal activity. While juvenile criminal records will not be routinely monitored, if the Allegheny County Housing Authority becomes aware that a juvenile has committed a non-sex-related crime, it reserves the right to deny admission to that person.

Offenses Involving Danger to the Person – 10 year ban:

- 1. Aggravated Assault
- 2. Robbery
- 3. “Rocco’s Law”
- 4. Act 33 offenses

Drug Offenses – 5 year ban:

- 1. Possession of a Controlled Substance

Drug Offenses – 10 year ban:

- 1. Possession with the Intent to Deliver a Controlled Substance
- 2. The Manufacturing of any Controlled Substance or New Drug
- 3. Act 33 offenses

Offenses Against Property – 5 year ban:

- 1. Causing or Risking a Catastrophe
- 2. Criminal Mischief (when amount exceeds \$5,000)

Burglary and other Criminal Intrusion 5 year ban:

- 1. Burglary

Theft and Related Offenses – felonies only - 5 year ban:

- 1. Theft by Unlawful Taking or Disposition
- 2. Theft by Deception
- 3. Theft by Extortion
- 4. Theft of Services
- 5. Theft of Leased Property
- 6. Theft by Failure to Make Required Disposition of Funds Received
- 7. Forgery
- 8. Access Device Fraud
- 9. Identity Theft

Other Offenses – 5 year ban:

- 1. Disarming a Law Enforcement Officer
- 2. Endangering the welfare of a child
- 3. Reckless Endangerment of Another Person

This section also bars admission of any applicant that is currently charged with or convicted of attempt, conspiracy or solicitation to commit any of the offenses listed in Section 4.8 K.

L. **Denial for Firearms** – Have a conviction in the last ten (10) years, or are currently charged with violating the Pennsylvania Uniform Firearms Act of 1995.

M. **Murder, Kidnapping and Arson** – Have a conviction or is currently charged with Murder, Homicide, Manslaughter, act 33 offenses, Kidnapping or Arson. Assistance will also be denied to applicants who have a conviction or are currently charged with Criminal Attempt, Solicitation, or Conspiracy with regard to the crimes of Murder, Kidnapping or Arson. Denials based upon this Section will be for life.

N. **Denial for Individuals Registered as a Sex Offender in Pennsylvania**. Any adult or juvenile household member listed as a registered sex offender in Pennsylvania for a sexual offense listed in 42 Pa.C.S.A. §9799.14 will be denied as follows:

1. 15 years from the date the individual is required to register, or began registration, whichever is longer, for an offense listed as Tier I Sexual Offense in 42 Pa.C.S.A. §9799.14;
2. 25 years from the date the individual is required to register, or began registration, whichever is longer, for an offense listed as a Tier II Sexual Offense in 42 Pa.C.S.A. §9799.14;
3. Lifetime for an individual required to register for an offense listed as a Tier III Sexual Offense in 42 PA.C.S.A. §9799.14.

O. **Denial for Individuals Registered as a Sex Offender in Another State**. Any adult or juvenile household member listed as a registered sex offender on the US Department of Justice's Dru Sjodin National Sex offender website will be denied as follows:

1. Individuals convicted of a similar offense to those enumerated as a Tier I Sexual Offense in 42 PA.C.S.A. §9799.14 will be denied for 15 years from the date the individual is required to register, or began registration, whichever is longer;
2. Individuals convicted of a similar offense to those enumerated as a Tier II Sexual Offense in 42 PA.C.S.A. §9799.14 will be denied for 25 years from the date the individual is required to register, or began registration, whichever is longer;
3. Individuals convicted of a similar offense to those enumerated as a Tier III Sexual Offense in 42 PA.C.S.A. §9799.14 will be denied for life.

P. **Denial for Failure to Register as a Sex Offender When Required**. Any adult or juvenile household member who fails to register as a sex offender when required to do so pursuant to any state sex offender statute will be denied admission.

Q. **Denial for Other Sex Offenders**. Admission will be denied to any household member currently charged with or convicted in the last ten (10) years of the projected date of admission of any offense listed as a sexual offense in Pennsylvania Consolidated Statutes Annotated, or a conviction in another state of a similar offense.

R. **Denial for Sex Offenses Committed Prior to 1995**. Any household member convicted of an offense designated as a sexual offense under Pennsylvania Consolidated Statutes Annotated, or of a sexual offense in another state similar to a Pennsylvania sexual offense, which, if convicted after 1995, would require the individual to register as a sex offender, will be denied as follows:

1. **Individuals convicted of an offense enumerated as a Tier II Sexual Offense in 42 PA.C.S.A. §9799.14**, or an offense similar to those enumerated as a Tier II Sexual Offense, will be denied for 25 years from the date of conviction or from the date of their release from incarceration, whichever is longer;
2. **Individuals convicted of an offense enumerated as a Tier III Sexual Offense in 42 PA.C.S.A. §9799.14**, or an offense similar to those enumerated as a Tier III Sexual Offense, will be denied for life.

S. **Were terminated from or found to have violated any family obligation under any program subsidized under Section 8 of the 1937 United States Housing Act (Housing Choice Voucher Program) in the last five years.**

T. **Have a family member who has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program** (family will be denied for five years before they are eligible to reapply for assistance);

U. **Currently owes rent or other amounts to the Allegheny County Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act and listed on the Debts Owed report in EIV.** Applicant will be given 30 days from date of denial to repay the debt owed. Denial will be upheld until debt is paid, once paid the family may re-apply for assistance if the waiting list is open; if a family currently resides in an Allegheny County Housing Authority public housing unit, the family may not move with a voucher while owing an outstanding balance of any sort to the public housing community. The family will be notified by the Property Manager of the amount of delinquent balance when they receive a voucher. The family must pay the entire balance before a request for tenancy approval (RFTA) will be processed. If the family moves into a property that has not been approved for contract, the family will not be subsidized. Once the family has leased under the voucher program, if there are any subsequent charges owed to the Allegheny County LIPH program, the family will be given one year to pay such charges or the voucher will be revoked.

V. **Have not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.** Denial will be upheld until debt is paid, once paid the family may re-apply for assistance if the waiting list is open;

W. **Have breached an agreement with Allegheny County Housing Authority to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority.** Denial will be upheld until debt is paid, once paid the family may re-apply for assistance if the waiting list is open;

X. **Have engaged in or threatened abusive or violent behavior towards any Allegheny County Housing Authority staff member or resident** (denial will be for five years);

Y. If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.

Z. New admissions of medical marijuana users are prohibited (this does not include FDA-approved marijuana synthetics). HUD has ruled that federal law preempts state law on this issue.

For denying an admission based on any criminal activity, an arrest record, alone, will not serve as sufficient evidence of criminal activity that can support an adverse admission decision. Before the Allegheny County Housing Authority denies admission to an individual or household on the basis of criminal activity by a household member or guest, it will determine that the relevant individual actually engaged in such activity.

An arrest record can trigger an inquiry into whether there is sufficient evidence to determine that a person engaged in disqualifying criminal activity, but is not itself evidence on which to base a determination. The Allegheny County Housing Authority can utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist them in making a determination that disqualifying conduct occurred. Reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred.

If the Allegheny County Housing Authority denies admission to the Allegheny County Housing Authority's Housing Choice Voucher program on the basis of a criminal record, the Allegheny County Housing Authority will provide the person with the criminal record (i.e., the family member) and the applicant head of household with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record, in the procedures for the Informal Review Process for Applicants. The applicant will have ten (10) calendar days to dispute the accuracy and relevance of the record in writing. If the Allegheny County Housing Authority does not receive the dispute within the allotted time, the applicant will be denied.

The Allegheny County Housing Authority will deny the eligibility of an assistance applicant if s/he (including each member of the household required to disclose his/her SSN) does not disclose a SSN and/or provide documentation of such SSN. However, if the family is otherwise eligible to participate in the program, the family may maintain his/her position on the waiting list for a period of 30 days pending disclosure of requested information.

If an applicant is denied admission due to a current criminal charge that is later dismissed, withdrawn, or where the applicant is found not-guilty; the applicant shall be reinstated to the waiting list as of the date they originally attempted to apply if requested within 90 days of the dismissal, withdrawal, or finding of not guilty.