



2016

## ONE STRIKE POLICY

### ADMISSIONS

**In the selection of families for admission to the Public Housing Program, or to occupy a public housing development or unit, PHA will screen family members for behavior and suitability for tenancy. The tenant selection criteria to be established under this part 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.**

Under the Public Housing Assessment System (PHAS), PHA receives points if it has adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories. (See 24 CFR 902.43(a)(5).) This policy takes into account the importance of screening for public housing communities, the program integrity, and the demand for assisted housing by families who will adhere to lease responsibilities, including those requirements of “One Strike” Policy.

During that screening process, PHA will consider but will not be limited to information or records obtained in reference to the information below.

### DENYING ADMISSION – SCREENING OF APPLICANTS

***By Federal Regulation, the SC Regional Housing Authority No. 3 MUST prohibit admissions:***

- ***To an applicant family that has 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 residents or PHA staff including alcohol abuse that PHA determines 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 or PHA staff.***



- To an applicant family if any household member is currently engaged in illegal use of drugs on or off PHA premises.
- To an applicant family if PHA has reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug on or off PHA premises may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents or PHA staff.
- To any applicant family if PHA has reasonable cause to believe that any household member's habits and practices reasonably may be expected to have a detrimental effect on the residents, PHA staff or the housing development environment.
- To any applicant family if PHA has reasonable cause to believe that any household member has 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 residents or PHA staff on or off PHA premises within the past five years.
- To an applicant family if any household member has been evicted from any public housing, Section 8 programs, or any other Federally assisted housing programs within the past five years, from the date of eviction, for drug related criminal activity on or off PHA premises.
- Any lifetime registration requirement under a State sex offender registration program.
- Any convictions for drug related criminal activity for manufacture or production of methamphetamine on or off PHA premises of federally assisted housing.

**Note:** PHA will permanently deny admissions to any applicant or family member that is subject to a lifetime registration requirement under a State sex offender registration program or any resident or household member that has been convicted of drug related criminal activity for manufacture or production of methamphetamine on or off the premises of federally assisted housing;

Before PHA denies admissions to its Public Housing Program on the basis of a criminal record, the household will be notified of the proposed action and provide the applicant with the copy of the criminal record and give an opportunity for an informal hearing to dispute the accuracy and relevance of that record. PHA will not pass along to the applicant the costs of a criminal records check. If an applicant is denied admissions due to a criminal record of any member 16 years or over, PHA will consider excluding the household member(s) with criminal history problems, thereby permitting the "new" household to qualify for admissions. If the resident reapplies, he/she will be required to present proof that the family member with the criminal record will not reside in the unit. (i.e., incarcerated, different place of residency, etc.)

### **TERMINATION OF TENANCY – EVICTION**



PHA is authorized, by Federal Regulation, to terminate the tenancy of residents in accordance with the PHA Lease provisions, South Carolina Landlord & Tenant Laws, other statutory directives, and established PHA policies such as the Admissions and Continued Occupancy Policy (ACOP) and this Policy on Screening and Eviction for Drug Abuse and Other Criminal Activity.

Drug related criminal activity engaged on or off s premises by the resident, members of the family composition, guest or any other person under the resident's control are grounds to terminate tenancy.

No resident, member of the resident's household, guest or another person under the resident's control shall engage in:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents, PHA or HUD staff employed on the site or any other person(s) or agent(s) acting on behalf of PHA or any persons residing in the immediate vicinity of the premise;
- Any drug-related criminal activity on or off the premises;
- Abuse or pattern of abuse of alcohol that affects the health, safety, or right to peaceful enjoyment of the premises by other residents or PHA staff;
- Convicted of drug-related criminal activity for manufacture or production of methamphetamine on or off the premises of federally assisted housing. This is a lifetime prohibition.
- Drug-related criminal activity engaged in on or off the premises by the tenant, household member or guest, and any such activity engaged in on the premises by any other person under the tenant's control.
- The illegal use of drugs, which interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents and PHA staff.
- Flight to avoid prosecution, custody or confinement after conviction for a crime or is in violation of probation or parole imposed under Federal or State or local Law;
- Violation of probation or parole imposed under Federal or State law.
- Harboring a previous evicted One Strike tenant subjects that household to be evicted.
- Storing or in the possession of weapon(s) or illegal drug(s) seized in a PHA unit by law enforcement officers.

The head(s) of household is/are responsible for the actions of the household members, guest and other persons under the family's control. PHA will evict a family by judicial action for criminal activity if it determines that the covered person(s) has engaged in criminal activity regardless of



whether the covered person(s) has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. Criminal activity is cause for eviction even in the absence of conviction or arrest.

### **RECORDS AND INFORMATION**

The discovery of information regarding applicant families and resident families who have committed crimes or activities reflecting disturbance of neighbors, destruction of property, or habits that adversely affect the health, safety or welfare of others will be used by PHA in the screening of applicants for suitability of tenancy and residents for the purpose of determining continued occupancy and eviction procedures.

The discovery of information regarding applicant families and resident families who have a history of criminal activity involving violent crimes, illegal use of a controlled dangerous substance, any criminal activity resulting in a felony conviction, alcohol abuse which results in threatening behavior or any crimes that would pose a threat to the life, health, safety or peaceful enjoyment of residents and PHA staff or their contractors will be used by PHA in the screening of applicants for suitability of tenancy and residents for the purpose of determining continued occupancy and eviction procedures.

The discovery of information regarding applicant families and resident families as a result of Incident Reports filed by the Police Department or any other police / law enforcement reports initiated by any law enforcement entity which come to the attention of PHA and concern applicants and tenants will be used by PHA in the screening of applicants for suitability of tenancy and residents for the purpose of determining continued occupancy and/or eviction procedures.

Among the crimes considered a threat to the health, safety, or right to peaceful enjoyment of residents, PHA staff or their contractors are crimes of violence (e.g. murder, battery, assault, stalking, harassment, domestic violence); crimes against property (e.g. vandalism, arson); and crimes that involve peace disturbance (e.g. fighting, prostitution, public intoxication, loud noise and music resulting in police reports).



## PROCEDURES

Federal statutes and regulations allow, encourage and in some cases require Public Housing Authorities to perform criminal background checks to screen applicants for admission and for Lease enforcement or eviction of families residing in public housing.

Each applicant family is required to submit Consent for Release of Criminal Records form signed by each adult household member. If the PHA obtains criminal record information showing that a household member has been convicted of a crime relevant to applicant screening, Lease enforcement or eviction, PHA will notify the household of the proposed action to be taken based on the information and will provide the subject a copy of such information, and an opportunity to dispute the accuracy and relevance of the information. This opportunity will be provided before a denial of admission; eviction or Lease enforcement action is taken on the basis of such information. PHA has established and maintains a system of records management that ensures that any **criminal record** received by PHA is maintained confidentially, not misused or improperly disseminated and is destroyed once the purpose for which the record was requested has been accomplished.

PHA is required to carry out background checks necessary to determine whether a member of a household applying for admissions to public housing is subject to a lifetime sex offender registration requirement under a State sex offender registration program. This check must be carried out with respect to the State in which the housing is located and with respect to States where members of the applicant household are known to have resided.

PHA will not pass along to the applicant or resident the costs of criminal records or sex offender registration checks. Upon receipt of the information obtained from criminal and sex offender registration background checks, PHA will review the information and determine the suitability of tenancy for applicants and continued occupancy for resident families. When the review contains negative information regarding the applicant or resident concerning drug use, drug-related criminal activity, violent criminal activity or other criminal activity that would threaten the health, safety or right to peaceful enjoyment of the premises by other residents, PHA staff, contractor, subcontractor or agent of the Housing Authority, PHA will notify the household member of the proposed action to be taken, provide a copy of the information received and provide an opportunity to dispute the accuracy of the information.

In deciding to evict for criminal activity, PHA shall have discretion to consider all the circumstances of the case, including the seriousness of the offense, the extent of participation by



or awareness of family members, and the effects that the eviction would have on family members not involved in the prescribed activity and on the family's neighbors. In appropriate cases and at the discretion of the Executive Director or designee, PHA may permit continued occupancy by remaining family members and may impose a condition that family members who engaged in the prescribed activity will not reside in or visit the unit.

Formal or informal grievance hearings will not be scheduled or conducted. This does not preclude the resident due process in a court of law. On an individual basis, the Executive Director or his/her designee may interview the household member affected and the head of household to determine if, at their discretion, an exception to the denial of admission or termination of tenancy is warranted. Felony conviction, past drug use, past drug-related criminal activity, past violent criminal activity or other criminal activity that threatened the health, safety and peace of others will be considered if it is over five years old.

When PHA evicts an individual or family for criminal activity, the Housing Authority is required to notify the local post office serving the dwelling unit that the individual or family no longer resides in the unit to prevent the affected individual or family from returning to the premises.

**Any applicant family or resident family member who furnishes false, omits, or misleading information to PHA concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers subjects the applicant family or resident family the denial of participation or termination of tenancy.**

## DEFINITIONS

***Covered Person*** means a resident, any member of the resident's household, a guest or another person under the resident's control.

***Currently engaging in*** means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current with respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity.



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

***Drug-related criminal activity*** means the illegal manufacture, sale, distribution, or use of a drug, or the possession of drug with the intent to manufacture, sell, distribute or use the drug or false drugs.

***Federally assisted housing*** means housing assisted under any of the following programs: (1) Public Housing; (2) Housing receiving project-based or tenant based assistance under Section 8 of the U.S. Housing Act of 1937; (3) Housing that is assisted under section 202 of the Housing Act of 1959; (4) Housing that is assisted under section 811 of the National Affordable Housing Act; (5) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act; (6) Housing insured, assisted or held by HUD or by a State or local agency under section 236 of the National Housing Act; or (7) Housing assisted by the Rural Development Administration under section 514 or 515 of the Housing Act of 1949.

***Guest*** means a person visiting in the unit with the consent of a resident or other member of the household who has express or implied authority to so consent on behalf of the resident.

***Household*** means the family and approved live-in aide.

***Other person under the resident's control*** means that the person, although not staying as a guest in the unit, or was at the time of the activity in question, on the premise because of an invitation from the resident or other member of the household who has express or implied authority to consent on behalf of the resident.

***Premise*** means the building or complex or development in which the public housing unit is located, including common areas and grounds.

***Record*** means any written information or document on a client or household member, which may include but not be limited to Police Reports, Incident Reports, Arrest Reports, former landlord reports, etc.

***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 serious bodily injury or property damage.

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Property Manager Signature

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Resident Signature