

## HUD SUBSIDIZED HOUSING FOR EX-OFFENDERS

Program Title	CFR Reference	Policy Restrictions	Comments
SHP Homeless Programs Shelter plus Care	Local landlord/tenant laws	<b>No federal restrictions –</b> Applicants <b>have discretion</b> to design projects fitting needs of target populations.	Local community notification laws apply.
CDBG/HOME	Local landlord/tenant laws	<b>No federal restrictions –</b> Subject to <b>local</b> policy decisions governing usage, or provider/grantee restrictions.	Local community notification laws apply.
Section 202 --	24 CFR part 5, subpart I	Lifetime registered sex offenders, certain drug related criminal behavior	Aside from the Policy Restrictions, owners <b>may</b> develop more stringent screening standards for criminal activity/convictions
Section 811 —	24 CFR part 5, subpart I	Lifetime registered sex offenders, certain drug related criminal behavior	Aside from the Policy Restrictions, owners <b>may</b> develop more stringent screening standards for criminal activity/convictions
Low Rent Public Housing – Sex Offenders – Low Income Individuals	24 CFR 960.204(a)(4) – 66 FR 28800; 05/24/2001. 24 CFR 966.4(1)(5)(ii) – 66 FR 28803; 05/24/2001.	PHA <b>must</b> establish standards to prohibit admission if member of household subject to lifetime registration requirement under a State sex offender registration program where housing is located or where applicant has resided.	Lease <b>must</b> provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or threatens health, safety, or right to peaceful enjoyment of their residents by persons residing in immediate vicinity of the premises is grounds for termination of tenancy.

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<p>Low Rent Public Housing – Dangerously Mentally Ill Offender</p>	<p>24 CFR 960.202(a)(2)(iii) - 66 FR 28799; 05/24/2001.</p> <p>24 CFR 960.203(c)(3) - 66 FR 28800; 05/24/2001</p> <p>24 CFR 966.4(1)(2)(i) - 66 FR 28803; 05/24/2001.</p> <p>24 CFR 966.4(1)(5)(ii) - 66 FR 28803; 05/24/2001.</p>	<p>PHA <b>must</b> establish admission standards that prevent admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment.</p>	<p>PHA <b>is responsible</b> for screening family behavior and suitability for tenancy. PHA <b>may</b> consider 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 may consider 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.</p> <p>PHA <b>may</b> terminate tenancy for serious or repeated violation of material terms of the lease, including failure to fulfill household obligations</p> <p>Lease <b>must</b> provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or threatens health, safety, or right to peaceful enjoyment of their residents by persons residing in immediate vicinity of the premises is grounds for termination of tenancy.</p>
<p><b>Section 8 Moderate Rehabilitation</b> Sex Offenders - Low Income Individuals</p>	<p>24 CFR 882.518(a)(2) - 66 FR 28797; 05/24/2001.</p> <p>24 CFR 882.518(c)(2)(i) - 66 FR 28798; 05/24/2001.</p>	<p>PHA <b>must</b> establish standards to prohibit admission if member of household subject to lifetime registration requirement under a State sex offender registration program where housing is located or where applicant has resided.</p>	<p>PHA <b>must</b> establish standards allowing PHA to terminate assistance if PHA determines that any household member is engaged in criminal activity that threatens the health, safety, or right of peaceful enjoyment of the premises by other residents or by persons residing in immediate vicinity of the premises.</p>

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<p><b>Section 8 Moderate Rehabilitation –</b>                      Dangerously Mentally Ill Offender</p>	<p>24 CFR 882.518(b)(1) - 66                      FR 28797; 05/24/2001</p> <p>24 CFR 882.518(c)(2) - 66                      FR 28798; 05/24/2001.</p>	<p>PHA <u>may</u> prohibit admission 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 in violent criminal act or other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or threatens health, safety of the owner or any employee, contractor, subcontractor or agent of the owner.</p>	<p>PHA <u>must</u> establish standards allowing PHA to terminate assistance if PHA determines that any household member is engaged in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or by persons residing in immediate vicinity of the premises</p>
<p><b>Project Based- Section 8 Multifamily –</b></p>	<p>24 CFR part 5, subpart I</p>	<p>Lifetime registered sex offenders, certain drug related criminal behavior.</p>	<p>Aside from the Policy Restrictions, owners <u>may</u> develop more stringent screening standards for criminal activity/convictions</p>
<p><b>Tenant Based – Section 8 Housing Choice Voucher –</b>                      Sex Offenders -                      Low Income                      Individuals</p>	<p>24 CFR 982.553(a)(2)(i) - 66                      FR 28805; 05/24/2001</p> <p>24 CFR 982.553(b)(2) - 66                      FR 28806; 05/24/2001.</p> <p>24 CFR 982.310(a).                      24 CFR 982.310(c).</p>	<p>PHA <u>must</u> establish standards to prohibit admission if member of household subject to lifetime registration requirement under a State sex offender registration program where housing is located or where applicant has resided.</p>	<p>PHA <u>must</u> establish standards allowing PHA to terminate assistance if PHA determines that any household member has violated the family's obligation under 982.551 not to engage in violent criminal activity, which is defined at 24 CFR 982.4 to be "any illegal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another. Owner <u>may</u> terminate tenancy for serious or repeated lease violations or other good cause to include disturbance of neighbors. Owner <u>may</u> terminate tenancy if tenant, or any member of household, guest or another person under tenant's control is involved in criminal activity that threatens health, safety, or right to peaceful enjoyment of premises by other residents or residents in immediate vicinity of the premises.</p>

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<p><b>Section 8 Housing Choice Voucher –</b>                      Dangerously Mentally Ill Offender</p>	<p>24 CFR 982.553(a)(2)(ii) - 66 FR 28805; 05/24/2001</p>	<p>PHA may prohibit admission of a household if PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission, violent criminal activity or other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or person residing in the immediate vicinity or criminal activity which may threaten the health, safety of the owner, property management staff, or persons performing contract functions on behalf of PHA.</p>	
<p><b>Indian Housing Block Grant Program</b></p>	<p>Native American Housing and Self Determination Act</p>	<p>The tribe or its Tribally-Designated Housing Entity (such as an IHA) has the flexibility to adopt its own occupancy standards/policies. This includes policies on convicted felons. It would be necessary or a tribal member to ascertain the policy from the tribe/TDHE.</p>	
<p><b>Indian Community Development Block Grant Program –</b>                      Shelter for homeless (temporary shelter)</p>		<p>The tribe determines the eligibility for these programs.</p>	<p>All of the HUD funded Native American Programs are for housing Native Americans. The tribes can house any Native Americans from any federally recognized tribe, not just their own</p>