

Chapter 2 Part 2. ELIGIBILITY FOR ADMISSION

It is the Shelton Housing Authority's policy to admit only qualified applicants. An applicant is qualified if he or she meets all the following criteria:

1. Is a family as defined in this Policy.
 - a. A family includes, but is not limited to, regardless of actual or perceived sexual orientation, gender identity, or marital status, the following:
 - i. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person
 - ii. A group of persons residing together, and such group includes, but is not limited to:
 1. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family).
 2. An elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 62 years of age. It may include two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.
 - iii. A near-elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 50 years of age but below the age of 62; or two or more persons, each of whom are between the ages of 50 and 62, living together; or one or more persons who are between the ages of 50 and 62 living with one or more live-in aides.
 - iv. A disabled family, which means a family whose head, co-head, spouse, or sole member, is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. A "person with disabilities" means a person who:
 1. Has a disability as defined in 42 U.S.C. § 423(d)(1);
 2. Has a physical, mental or emotional impairment that is expected to be of long continued and indefinite duration, substantially impedes his or her ability to live independently, and is of such a nature that ability to live independently could be improved by more suitable housing conditions; or
 3. Has a developmental disability as defined in 42 U.S.C. § 15002(8) (formerly codified in 42 U.S.C. § 6001).
 - a. Important considerations:
 1. The meaning of "a person with disabilities" does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the virus that causes AIDS.
 2. The meaning of "a person with disabilities" does not include a person whose disability is based solely on

a dependency to any drug or alcohol (for eligibility purposes).

3. A person who qualifies as a “person with disabilities” also qualifies as an individual with disabilities for purposes of protections under Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Fair Housing Act, including reasonable accommodation and program accessibility for persons with disabilities.
 - v. A displaced family, which is a family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.
 - vi. A remaining member of a tenant family where other members of the family are no longer in the unit.
- b. Is a family that meets the HUD requirements on citizenship or immigration status; (24 CFR § 5.500 - 5.528) see Definitions under Citizen (§ 5.504).
 - i. A family is not eligible for FULL housing assistance unless every member of the family in the unit is determined to be either a U.S. citizen or have eligible immigrant status as defined by the regulations. Families who are a mixed family will have their assistance prorated in accordance with HUD regulations.
 - ii. A Mixed Family (in which one or more family members is determined to be ineligible on the basis of immigration status) may be eligible for prorated assistance.
- c. Has an Annual Income at the time of admission that does not exceed the low-income limits for occupancy, as established by HUD, and posted separately in the Shelton Housing Authority office.
- d. Provides a documented Social Security Number for all family Members. (24 CFR § 5.216) which states: § 5.216 Disclosure and verification of Social Security and Employer Identification Numbers.
 - i. **General.** The requirements of this section apply to applicants and participants as described in this section, except that this section is inapplicable to individuals who do not contend eligible immigration status under subpart E of this part (see § 5.508).
 - ii. **Disclosure required of assistance applicants.** Each assistance applicant must submit the following information to the processing entity when the assistance applicant's eligibility under the program involved is being determined.
 1. The complete and accurate SSN assigned to the assistance applicant and to each member of the assistance applicant's household; and
 2. The documentation referred to in paragraph (vii)(1) of this section to verify each such SSN.

- iii. **Disclosure required of individual owner applicants.** Each individual owner applicant must submit the following information to the processing entity when the individual owner applicant's eligibility under the program involved is being determined:
 - 1. The complete and accurate SSN assigned to the individual owner applicant and to each member of the individual owner applicant's household who will be obligated to pay the debt evidenced by the mortgage or loan documents; and
 - 2. The documentation referred to in paragraph (vii)(1) of this section to verify each such SSN.
- iv. **Disclosure required of certain officials of entity applicants.** Each officer, director, principal stockholder, or other official of an entity applicant must submit the following information to the processing entity when the entity applicant's eligibility under the program involved is being determined:
 - 1. The complete and accurate SSN assigned to each such individual; and
 - 2. The documentation referred to in paragraph (vii)(1) of this section to verify each SSN.
- v. **Disclosure required of participants**
 - 1. *Initial disclosure.*
 - a. Each participant, except those age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010, must submit the information described in paragraph (v)(1)(b) of this section, if the participant has:
 - 1. Not previously disclosed a SSN;
 - 2. Previously disclosed a SSN that HUD or the SSA determined was invalid; or
 - 3. Been issued a new SSN.
 - b. Each participant subject to the disclosure requirements under paragraph (v)(1)(a) of this section must submit the following information to the processing entity at the next interim or regularly scheduled reexamination or recertification of family composition or income, or other reexamination or recertification for the program involved:
 - 1. The complete and accurate SSN assigned to the participant and to each member of the participant's household; and
 - 2. The documentation referred to in paragraph (vii)(1) of this section to verify each such SSN.
 - 2. *Subsequent disclosure.* Once a participant has disclosed and the processing entity has verified each SSN, the following rules apply:
 - a. Addition of new household member who is at least 6 years of age or under the age of 6 and has an assigned SSN. When the participant requests to add a new household

member who is at least 6 years of age, or is under the age of 6 and has an assigned SSN, the participant must provide the following to the processing entity at the time of the request, or at the time of processing the interim reexamination or recertification of family composition that includes the new member(s):

1. The complete and accurate SSN assigned to each new member; and
 2. The documentation referred to in paragraph (vii)(1) of this section to verify the SSN for each new member.
- b. Addition of new household member who is under the age of 6 and has no assigned SSN.
1. When a participant requests to add a new household member who is under the age of 6 and has not been assigned a SSN, the participant shall be required to provide the complete and accurate SSN assigned to each new child and the documentation referred to in paragraph (vii)(1) of this section to verify the SSN for each new child within 90 calendar days of the child being added to the household.
 2. The processing entity shall grant an extension of one additional 90-day period if the processing entity, in its discretion, determines that the participant's failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the participant. During the period that the processing entity is awaiting documentation of a SSN, the processing entity shall include the child as part of the assisted household and the child shall be entitled to all the benefits of being a household member. If, upon expiration of the provided time period, the participant fails to produce a SSN, the processing entity shall follow the provisions of § 5.218.
- c. Assignment of new SSN. If the participant or any member of the participant's household has been assigned a new SSN, the participant must submit the following to the processing entity at either the time of receipt of the new SSN; at the next interim or regularly scheduled reexamination or recertification of family composition or income, or other reexamination or recertification; or at such earlier time specified by the processing entity:
1. The complete and accurate SSN assigned to the participant or household member involved; and

2. The documentation referred to in paragraph (vii)(1) of this section to verify the SSN of each individual.
- vi. **Disclosure required of entity applicants.** Each entity applicant must submit the following information to the processing entity when the entity applicant's eligibility under the program involved is being determined:
 1. Any complete and accurate EIN assigned to the entity applicant; and
 2. The documentation referred to in paragraph (vii)(2) of this section to verify the EIN.
- vii. **Required documentation –**
 1. *SSN.* The documentation necessary to verify the SSN of an individual who is required to disclose his or her SSN under paragraphs (i) through (v) of this section is:
 - a. A valid SSN card issued by the SS Administration.
 - b. An original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or
 - c. Such other evidence of the SSN as HUD may prescribe in administrative instructions.
 2. *EIN.* The documentation necessary to verify an EIN of an entity applicant that is required to disclose its EIN under paragraph (vi) of this section is the official, written communication from the Internal Revenue Service (IRS) assigning the EIN to the entity applicant, or such other evidence of the EIN as HUD may prescribe in administrative instructions.
- viii. **Effect on assistance applicants.**
 1. Except as provided in paragraphs (viii)(2) of this section, if the processing entity determines that the assistance applicant is otherwise eligible to participate in a program, the assistance applicant may retain its place on the waiting list for the program but cannot become a participant until it can provide the documentation referred to in paragraph (vii)(1) of this section to verify the SSN of each member of the household.
 2. If a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of admission (or, for the HCV program, the date of voucher issuance), the assistance applicant may become a participant, so long as the documentation required in paragraph (vii)(1) of this section is provided to the processing entity within ninety (90) calendar days from the date of admission into the program (or, for the HCV program, the effective date of the Housing Assistance Payment contract). The processing entity must grant an extension of one additional ninety (90)-day period if the processing entity determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could

not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required in paragraph (vii)(1) of this section within the required time period, the processing entity must follow the provisions of § 5.218.

- ix. **Rejection of documentation.** The processing entity must not reject documentation referred to in paragraph (vii) of this section, except as HUD may otherwise prescribe through publicly issued notice.
2. Meets or exceeds the Applicant Suitability Screening set forth in this Policy (24 CFR § 960.205) which states:
§ 960.205 Drug use by applicants: Obtaining information from drug treatment facility.
 - a. **Purpose.** 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).
 - b. **Additional terms** used in this section are as follows:
 - i. *Currently engaging in illegal use of a drug.* Illegal use of a drug occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.
 - ii. *Drug abuse treatment facility.* An entity:
 1. That holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use; and
 2. That is either an identified unit within a general care facility, or an entity other than a general medical care facility.
 - c. **Authorization by household member for PHA to receive information from a drug abuse treatment facility.**
 - i. The PHA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head or spouse regardless of age, one or more consent forms signed by such household member that:
 1. Requests any drug abuse treatment facility to inform the PHA only whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use;
 2. Complies with the form of written consent required by 42 CFR 2.31; and
 3. Authorizes the PHA to receive such information from the drug abuse treatment facility, and to utilize such information in determining whether to prohibit admission of the household member to the PHA's public housing program in accordance with § 960.203 which states:
3. 24 CFR § 960.203 Standards for PHA tenant selection criteria.
 - 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. The PHA may use local preferences, as provided in § 960.206.

- 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.
- 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:
 - i. An applicant's past performance in meeting financial obligations, especially rent;
 - ii. 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
 - iii. 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:
 1. 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.
 2. 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.
 - iv. PHA tenant selection criteria are subject to 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking). In cases of requests for emergency transfers under VAWA, with the written consent of the victim of domestic violence, dating violence, sexual assault, or stalking, the receiving PHA may accept and use the prior covered housing provider's determination of eligibility and tenant screening and all related verification information, including form HUD 50058 (Family Report).
- 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).
 - i. 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:

1. Evidence of rehabilitation; and
 2. 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.
 - ii. Consideration of rehabilitation.
 1. 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.
 2. 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.
4. Before a PHA denies admission to, terminates the assistance of, or evicts an individual or household on the basis of criminal activity by a household member or guest, they must determine that the relevant individual engaged in such activity.
 - a. PHAs are prohibited from denying admission or terminating assistance solely based on arrest records.
 - b. Prior to evicting a tenant because of a guest's criminal activity, the PHA may consider whether the tenant was aware of the criminal activity or evidence that the guest is unlikely to return to the property. A tenant in a housing program covered by VAWA may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if the criminal activity is engaged in by a member of the household, a guest, or a person under the control of the tenant, and the tenant or an affiliated individual of the tenant, is the victim or threatened victim.
 - c. If the PHA decides to deny admission based on a criminal conviction record, the PHA must notify the family of the proposed action and must give the family an opportunity to dispute the accuracy and/or relevance of the record.
 - i. A copy of the criminal conviction record must be provided to the head of household and to the subject of the record (if not the head of household). If the family does not dispute the record, or if the family disputes the record but the PHA rejects the families' dispute, a denial notice must be sent.
 - ii. The notification of a proposed action on the basis of a criminal record is a regulatory requirement and is separate from the PHA's informal review procedures.
5. **PHAs must deny admission when:**
 - a. Any household member has been convicted of manufacturing methamphetamines on the premises of federally assisted housing.

- b. Any household member is subject to a lifetime sex offender registration requirement.
 - i. The PHA must check for sex offender registration in its own state and in any other state where the family has resided. Use of a nationwide database such as www.nsopw.org is recommended to conduct this required check.
- c. The PHA determines that a household member is currently engaging in illegal drug use.
- d. The PHA has reasonable cause to believe that other tenants' health, safety or right to peaceful enjoyment may be threatened by a household member's:
 - i. Illegal drug use or pattern of illegal drug use, or
 - ii. Abuse or pattern of abuse of alcohol.
- e. A household member has been evicted from federally assisted housing within the last three years for drug-related criminal activity.
 - i. The PHA may admit the family, however, if it determines that the household member who engaged in the activity has successfully completed a supervised rehabilitation program, or
 - ii. the circumstances no longer exist (for example, the household member has died or is imprisoned).
 - 1. The term "admission" includes and applies to a person seeking to become a new member of an already-existing household. For example, PHAs must prohibit a person subject to a lifetime sex offender registration requirement from becoming a new member of an already-existing household (e.g., being added to an already-existing lease). Such addition to the existing household would constitute a new "admission" for the added individual a proposed action on the basis of a criminal record is a regulatory requirement and is separate from the PHA's informal review procedures.

Mandatory and discretionary denials of admission for criminal activity or drug abuse are summarized below:

Type of Criminal Activity or Offense/Drug Abuse	Action
Convicted of producing methamphetamine on the premises of federally assisted housing	Mandatory denial.
Subject to a lifetime registration requirement under a State sex offender program	Mandatory denial.
Determined to be currently engaging in illegal use of a controlled Substance	Mandatory denial
Reasonable cause to believe that illegal use or pattern of illegal use of a controlled substance or abuse or pattern of abuse of alcohol may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents	Mandatory denial

<p>Evicted from federally assisted housing for drug-related criminal activity within the last three years, UNLESS</p> <ul style="list-style-type: none"> • The circumstances leading to the eviction no longer exist, or • The evicted household member has successfully completed an approved supervised drug rehabilitation program 	Mandatory 3-year denial on admission, except if specified conditions are met then PHA may exercise discretion
History of drug-related criminal activity	Discretionary denial
History of violent criminal activity	Discretionary denial
History of criminal activity that adversely affects the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner, persons residing in the immediate vicinity of the premises, or public housing agency employees	Discretionary denial

6. PHAs request for information from drug use treatment facility.

- a. The PHA may request that a drug abuse treatment facility disclose whether the drug abuse treatment facility has reasonable cause to believe that the proposed household member is currently engaging in the illegal use of a drug (as defined in § 5.100).
- b. The PHA's request to the drug abuse treatment facility must include a copy of the consent form signed by the proposed household member.
- c. A drug abuse treatment facility is not liable for damages based on any information required to be disclosed under this section if such disclosure is consistent with section 543 of the Public Health Service Act (42 U.S.C. 290dd-2).
- d. The PHA is not obligated to request information from a drug treatment facility under this section and is not liable for damages for failing to request or receive such information.
- e. A drug abuse treatment facility may charge the PHA a reasonable fee for information provided under this section. The PHA may not pass along to the applicant or tenant the costs of obtaining this information.

7. Prohibition of discriminatory treatment of applicants.

- a. A PHA may request information from a drug abuse treatment facility under paragraph 6 of this section only if the PHA has adopted and has consistently implemented either of the following policies, obtaining a signed consent form from the proposed household members:
 - i. Policy A - Request for all families. Under Policy A, the PHA must submit a request for information to a drug abuse treatment facility in accordance with paragraph 6 of this section before admitting any family to the PHA's public housing program. For each such family, the request must be submitted for each proposed household member described in paragraph 2(c)(i).
 - ii. Policy B - Request for certain household members. Under Policy B, the PHA must submit a request to a drug abuse treatment facility only with respect to each proposed household member.

1. Whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission under § 960.205; or
 2. Whose prior tenancy records indicate that the proposed household member:
 - a. Engaged in the destruction of property.
 - b. Engaged in violent activity against another person. Or
 - c. Interfered with the right of peaceful enjoyment of the premises of other residents.
 - d. The policy adopted by the PHA must be included in the PHA administrative plan and the PHA plan.
8. Records management and confidentiality. Each PHA that receives information from a drug abuse treatment facility under this section must establish and implement a system of records management that ensures that any information which the PHA receives from the drug abuse treatment facility about a person:
- a. Is maintained confidentially in accordance with section 543 of the Public Health Service Act (12 U.S.C. 290dd-2);
 - b. Is not misused or improperly disseminated; and
 - c. Is destroyed, as applicable:
 - i. Not later than 5 business days after the PHA makes a final decision to admit the person as a household member under the PHA's public housing program; or
 - ii. If the PHA denies the admission of such person as a household member, in a timely manner after the date on which the statute of limitations for the commencement of a civil action based upon that denial of admissions has expired without the filing of a civil action or until final disposition of any such litigation.
 - iii. Records Retention and Confidentiality

Because there are strict penalties for improper disclosure of criminal conviction records, the PHA must establish procedures aimed at maintaining confidentiality. Criminal records must be maintained confidentially and may only be disclosed to persons within the PHA with a job-related need to know the contents. Criminal background records, including sex offender registration information must be destroyed promptly once the purpose has been served. For example, if the PHA decides to admit the family to the PH program, the records must be destroyed immediately. If the PHA decides to deny admission based on a criminal conviction record, the record may be retained during the period allowed for requesting an informal review, and until the review, if requested, has been completed. The record must then be destroyed promptly. The PHA must not retain criminal conviction records for longer periods, even if the records are stored separately from the family's file.

In addition, any information an individual submits regarding medical or other information to support an individual's reasonable accommodation request, including reasonable accommodation requests related to a PHA's decision to deny admission based on a criminal record, must be kept confidential. Additionally, if the individual has represented

that they are a victim of domestic violence, dating violence, sexual assault, or stalking while invoking rights under VAWA, any information they submit must be kept strictly confidential.

- A. Is not already adequately housed in any Shelton Housing Authority-owned dwelling unit.
- B. Owes no money to Shelton Housing Authority or any other housing authority in connection with any Federal housing program.