

CHANGE

CHICAGO HOUSING AUTHORITY

Excerpts from

**FY2009 ADMISSIONS AND CONTINUED
OCCUPANCY POLICY (ACOP)**

Applies to Public Housing Units

http://www.thecha.org/filebin/pdf/mapDocs/FY2009_Admissions_and_Continued_Occupancy_Policy.pdf

Board of Commissioners Approved August 18, 2009

Screening Applicants for Suitability

The CHA will determine an applicant's suitability for tenancy for the type of unit being offered at the time of screening. All applicants will be screened in accordance with HUD regulations and sound management practices. Screening will include a criminal background, credit, and residential history check. The CHA will look at an applicant's criminal background from as far back as reasonably necessary for certain crimes.

1. During screening, the CHA requires applicants to demonstrate their ability to comply with the essential obligations of tenancy and the provisions of the lease, which include: **24 CFR § 960.202 – 205.**

- a. To pay rent, utilities, and other charges as required by the lease in a timely manner;
- b. To care for and avoid damaging the unit and common areas;
- c. To use facilities and equipment in their intended way;
- d. To create neither health nor safety hazards;
- e. To report damages and maintenance needs;
- f. To not interfere with the rights and peaceful enjoyment of others;
- g. To avoid damaging the property of others;
- h. To not engage in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, staff, or people in the immediate vicinity;
- i. To not engage in drug-related criminal activity; and
- j. To comply with necessary and reasonable rules and program requirements of HUD and the CHA.

2. The CHA will determine each applicant family's ability to comply with the essential obligations of tenancy and the provisions of the lease in accordance with the **CHA Applicant Screening Procedure** and the **CHA Verification Procedure**.

3. A qualified applicant with a disability may comply with the essential obligations of tenancy if he/she can demonstrate that assistance with caring for the unit, if needed, has been secured. The CHA will grant a reasonable accommodation to the applicant as outlined in Section I.B. **24 CFR § 8.20.**

4. An applicant who qualifies as a victim of domestic violence, sexual violence, dating violence, or stalking may provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, when disclosure of such rental and employment history is directly related to the situation of domestic violence sexual violence, dating violence, or stalking or would jeopardize the safety of the applicant or the applicant's children.

5. The applicant head, co-head, and all household members age 18 and over, including live-in aides, will be subject to a criminal background check. Sealed juvenile records will not be reviewed.

6. The CHA will conduct a credit check on the applicant head and co-head of household to determine whether the applicant has a history of non-payment of rent or utilities.

7. The CHA will perform a credit check on the applicant head, co-head, and all members of the applicant household age 18 years or older to verify income information, to determine if the person owes funds to another housing authority for any program, to confirm last place of residency, specifically in or out of state, and to determine whether a criminal background check must be conducted in states where the applicant(s) and household members have resided.

8. The applicant's past two years of residential history, including any lease violations, will be reviewed and verified.

9. All members, age 18 and over, of the applicant household must sign consent forms, including HUD Form 9886, that authorize the CHA to make necessary inquiries into the applicant's behavior or background as it relates to lease compliance. This includes obtaining arrest and eviction information in order to determine a pattern of behavior and the likelihood of lease compliance. Failure to sign consent forms, including HUD Form 9886, will result in the applicant's rejection.

The request for a person's fingerprints will be limited to those situations where there is conflicting information regarding the person's criminal history or when the law enforcement records center requires the fingerprints for positive identification (e.g. multiple individuals with the same name). Failure to meet the requirements of the background check will result in the rejection of the applicant.

10. Administrative costs incurred to complete the applicant screening process will be paid for by the CHA or property managers.

11. The CHA will comply with the provisions of the Juvenile Court Act, 705 ILCS 405/1-7 and 705 ILCS 405/1-8.

Admissions Screening Criteria

The CHA will use the screening criteria in this section to determine if an applicant will be accepted or rejected. If emergency applicants, who are victims of federally declared disasters, arrive without any documentation, the CHA will obtain the name and SSN of the head of household. The CHA will verify the families' current eligibility by calling REAC and conducting a credit check. If the data cannot be verified by REAC and a credit check, the CHA may accept alternate documentation that demonstrates participation in the public housing program, participation in the HCV Programs, or establishes eligibility.

1. An applicant's past performance in meeting financial obligations, especially payment of rent, will be considered. **24 CFR § 960.203.**
2. Applicants with 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 may be denied. **24 CFR § 960.203.**
3. Applicants with negative findings from other housing authorities or housing programs will be reviewed. The burden shall be on the applicant to provide evidence to show the negative finding(s) was not the fault of the applicant.
4. Applicants who have been evicted from the CHA or any other subsidized housing program within the last two years from the date of the eviction for nonpayment of rent will have his/her application denied.
5. Applicants who owe funds to the CHA or any other housing authority for any program that the CHA or another housing authority operates will be denied. **24 CFR § 960.203.**
6. Applicants who owe funds or judgment debts to any utility company or cannot obtain utility connections will be denied.
7. An applicant family that is not an elderly family will not be leased a unit in a senior designated housing property until the family qualifies as an elderly family as defined in XIII.
8. Applicants must provide documentation that family members who will reside in the household between ages six through 17 are enrolled in and will attend school regularly. If regular attendance cannot be verified, the applicant must prove that the child(ren) is enrolled in school and demonstrate an improved attendance record.
9. Applicants must provide documentation that children age 13 and under will participate in day care, after school programs, or otherwise be adequately supervised when school is not in session.
10. Applicants, co-applicants, and all members of the applicant's household age 18 to age 61 are subject to the CHA Work Requirement as outlined in Section VIII. Note: Applicants are not eligible for safe-harbor status. Applicants must either be compliant with the CHA Work Requirement or exempt.
11. Applicants on the wait list will be sent information outlining the work requirement and resources available throughout the city to help them meet the requirement. If an applicant is called to be screened and is currently not meeting the work requirement, their spot on the list will be deferred for up to 12 months. If the applicant becomes compliant with the work requirement she/he will be offered the next available unit. If the applicant is unable to meet the work requirement within the 12 month deferment period she/he will be removed from the wait list.

12. If a member in the applicant household age 17 is not enrolled in school, the applicant must supply documentation that the child is employed for a minimum of 15 hours per week or otherwise in compliance with the CHA Work Requirement.

13. The CHA is required to deny the applications of certain applicants based on criminal activity or drug-related criminal activity by household members:

a. The CHA is required to deny any applicant, for three years from the date of eviction, if any household member has been evicted from any federally-assisted housing for drug-related criminal activity. However, the CHA may admit the household if the CHA determines that: **24 CFR § 960.204(a)**.

i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the CHA;

ii. The circumstances leading to the eviction no longer exist (e.g. the household member involved in the drug-related criminal activity is imprisoned); or

iii. The applicant household will not include the household member involved in the drug-related criminal activity. **24 CFR § 960.203(c)(3)(i)**.

b. The CHA is required to deny the application of a household if the CHA determines that:

i. Any household member is currently engaging in illegal use of a drug; **24 CFR § 960.204 (a)(2)**⁹

⁹ 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 belief that the behavior is current. **24 CFR § 960.204(2)(i)**

ii. There is 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; **24 CFR § 960.204 (a)(2)(ii)**.

iii. Any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of any federally-assisted housing; **24 CFR § 960.204 (a)(3)**.

iv. Any member of the household is subject to a lifetime or any registration requirement under a state sex offender registration program, including the ten-year Illinois State Sex Offender Registration Act; or **24 CFR § 960.204(a)(4)**

v. Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.¹⁰ **24 CFR § 960.204(b)**.

¹⁰ The CHA must be able to show a relationship between the applicant household member's abuse of alcohol and behavior that threatens the health, safety, or right to peaceful enjoyment of other residents.

14. In addition to the federally-required rejections for criminal activity, the CHA will deny applicants if the CHA can document via police arrest and/or conviction documentation that:

a. An applicant or household member has ever been convicted of arson or child molestation. **24 CFR § 960 203 (c)(3)**.

b. An applicant or household member has ever been convicted of a crime that requires them to be registered under a state sex offender registration program including the ten-year Illinois State Sex Offender Registration Act.

c. An applicant or household member has ever been convicted of the manufacture or production of methamphetamine on any premises.

d. An applicant or household member has a criminal history in the past three years that involves crimes of violence to persons or property as documented by police arrest and/or conviction documentation. **24 CFR § 960.203(c)(3)**.

Crimes of violence to persons or property include, but are not be limited to, homicide or murder; destruction of property or vandalism; burglary; armed robbery; theft; trafficking, manufacture, use, or possession of an illegal drug or controlled substance; threats or harassment; assault with a deadly

weapon; domestic violence; sexual violence, dating violence, or stalking; weapons offenses; criminal sexual assault; home invasion; stalking; kidnapping; terrorism; and manufacture, possession, transporting or receiving explosives. **24 CFR § 960.203(3)**.

e. Any applicant or household member evicted from any housing for drug-related criminal activity is barred for three years from the date of eviction.

f. Any applicant or household member has been paroled or released from a facility within the last three years for violence to persons or property.

g. Any applicant or household member has a pattern of criminal history that involves crimes of violence to person or property or drug-related criminal activity as documented by police arrests and/or conviction documentation.

h. If the CHA denies an applicant based upon a police arrest report pending case information, the applicant's name will remain on the wait list until documentation is presented showing the outcome of the case.

15. An applicant's intentional misrepresentation or omission of information related to eligibility, income, preference for admission, housing history, allowances, family composition, or rent will result in denial of admission. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

16. Applicants must be able to demonstrate the ability and willingness to comply with the terms of the CHA lease, either alone or with assistance that they can prove they will have at the time of admission.¹¹ Availability of assistance is subject to verification by the CHA.

11 Applicants whose landlord, financial, criminal, and other references demonstrate that they are already willing and able to comply with lease terms in their existing housing will be considered to have met this criterion. Applicants with disabilities who demonstrate that an agency or individual will assist them with complying with the essential obligations of tenancy will be considered to have met this criterion. Applicants whose housing situations make it difficult for the CHA to determine whether or not they are able and willing to comply with lease terms (e.g. they are homeless, living with friends or relatives, or have other non-traditional housing circumstances) will have to demonstrate ability and willingness to comply with lease terms.

H. Screening Applicants with Mitigating Circumstances 24 CFR § 960.203(d).

1. If information received through screening negatively impacts an applicant's qualification for admission, the CHA shall consider the time, nature, and extent of the applicant's conduct and any factors that might indicate a reasonable probability of favorable future conduct. Mitigating circumstances must be verifiable to be considered in accordance with the ***CHA Mitigating Hearing for Rejected Applicants Procedure***.

2. The CHA will consider whether individuals with behavior in their recent past that negatively impacts their qualification for admission can document that they have been rehabilitated.

3. Applicants are encouraged to inform the CHA at the time of application of their domestic violence, sexual violence, dating violence, or stalking situation if the applicant believes it may affect their preference standing or screening.

a. An applicant who is a victim of domestic or sexual violence, dating violence, or stalking will have a reasonable opportunity to present information regarding their status as a victim and the causal relationship between the violence and how it has impacted their ability to meet other eligibility criteria such as an acceptable credit and rental payment history, landlord references, eviction history, employment history, or criminal history. The CHA and property manager will consider such information in mitigation.

b. If the modified consideration is based on the work requirement, the applicant must submit documentation to show if there are any established hours the applicant can work. The amount of hours the applicant is able to work shall be determined by a verified agency and this amount of hours will be the applicant's established work hours for admission to CHA. Once housed, continued lease compliance requires re-examination every 90 calendar days and what steps have been taken to meet the full work requirements established for the property.

I. Determination of Qualification for Admission

1. Upon verification of applicant information, a final determination of qualification for admission is made.
2. Qualified families will be notified by the CHA of the approximate date of occupancy insofar as that date can be determined; however, the date stated by the CHA is an estimate and does not guarantee that applicants will be housed by that date. **24 CFR § 960.208(b)**.
3. Unqualified applicants will be sent a notice of denial of admission. The notice will include the basis for such determination and the procedure to follow in the event that the applicant wants to request an informal hearing known as a mitigating hearing. (See ***CHA Mitigating Hearing for Rejected Applicants Procedure***.) At the mitigating hearing, the applicant can offer information about mitigating circumstances or mistakes in facts used by the CHA to make the decision. Mitigating hearings for applicants are different from the informal hearings of the resident grievance process. Applicants are not entitled to use of the resident grievance process contained in the ***CHA Resident's Grievance Procedure***. **24 CFR § 960.208(a)**.
4. Qualified applicants with a disability, who fail to meet the screening criteria, will be offered an opportunity to show whether a reasonable accommodation will make it possible for them to be housed in accordance with the admissions screening criteria. Such an individual is encouraged to present additional information at the initial interview; however he/she may request a second meeting to present such additional information.
5. Applicants who are victims of domestic violence, sexual violence, dating violence, or stalking and are denied admission because they did not pass applicant screening are encouraged to come forward and present any information directly related to the situation, which identifies them as victims of domestic violence, sexual violence, dating violence, or stalking. The CHA will determine if domestic violence, sexual violence, dating violence, or stalking is a factor in the unfavorable results of screening. The CHA will not deny otherwise qualified applicants on the basis that they are or have been victims of domestic violence, sexual violence, dating violence, or stalking.

VIII. CHA Work Requirement Policy

A. CHA Work Requirement

1. Every resident, applicant, and adult authorized family member of a public housing unit, age 18 up to age 61, is required to be engaged 15 hours a week on a regular basis for the first year of implementation and for 20 hours a week from then on (i.e., at least 15 hours per week from January 1, 2009 until December 31, 2009 and at least 20 hours per week starting on January 1, 2010 and on), unless the resident or adult authorized family member of the household is exempt or approved for Safe Harbor. Any member of the applicant or resident's household, who is 17 years of age and not attending school full-time, will be subject to the CHA Work Requirement. Applicants from the public housing wait lists are not eligible for Safe Harbor.
2. Applicants, residents, and adult authorized family members of the household may meet the work requirement through any combination of employment, attendance at an accredited school, educational institution, training program, job readiness, GED or literacy program, internship, or work experience opportunity (which includes serving as a Commissioner on the CHA's Board) .
 - a. If a resident is considered a part-time student at an accredited school, he/she must either work or volunteer the remaining 50% of the required hours.
3. Volunteer or community service opportunities are also allowable provided that the volunteer or community service is verified and constitutes no more than 50% of the required hours for the first three years of compliance.
4. Residents and adult authorized family members of the household, who are in compliance with the CHA Work Requirement, are in compliance with Community Service and Economic Self-Sufficiency Requirement (Section VI.G).
5. Any non-exempt resident or adult authorized family member of a public housing unit, who fails to meet the CHA Work Requirement and is not approved for Safe Harbor, may be subject to lease termination and eviction.

B. School Enrollment and the CHA Work Requirement

All school age authorized members of the household, who are under 18 years of age and who have not completed his/her secondary education, are encouraged to finish his/her enrollment in high school and obtain his/her high school diploma. Any authorized member of the resident's household, who is 17 years of age and not attending school full-time, will be subject to the CHA Work Requirement.

C. CHA Work Requirement Exemptions

Residents, applicants, and/or adult authorized family members of the resident's household may be eligible for an exemption from the CHA Work Requirement. An exemption will be provided for residents and/or adult authorized members of the household who are:

1. 62 years of age or older;
2. Blind or disabled as defined under 216(i)(1) or 1614 of the Social Security Act (42 USC 416(i)(1));
3. The primary caretaker of a blind person or person with a disability;
4. Retired and receiving a retirement annuity or pension;
5. Single parent serving as the primary, full-time caretaker for children age one and under; or
6. Receiving TANF and have an active Responsibility and Services Plan (RSP).

D. CHA Work Requirement Verification at Annual Re-examination

1. During the annual re-examination, the property manager will determine whether each resident and adult authorized family member of the resident's household, age 18 up to age 61, is in compliance with the CHA Work Requirement through a combination of employment, school attendance, or performance of volunteer or community service at least 15 hours a week from January 1, 2009 until December 31, 2009 and least 20 hours per week as of January 1, 2010 and on.

2. All information in the resident file must be verified and documented in accordance with Section VI. B.4. Any and all relevant documents will be placed in the resident file.
3. If a resident and/or adult authorized family member of the resident's household are not in compliance, the property manager will give the resident the opportunity to request Safe Harbor.