

4.8 ***GROUNDS FOR DENIAL***

The Metropolitan Development and Housing Agency 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;
- C. Fail to respond to a written request for information or a request to declare their continued interest in the program;
- D. Fail to complete any aspect of the application or lease-up process;
- E. 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.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of MDHA (including a MDHA employee or a MDHA contractor, subcontractor, or agent).

Immediate vicinity means within a three-block radius of the premises. Evidence of such criminal activity includes, but is not limited to:

For the purpose of this section, the following guidelines will be used in determining whether or not to deny an applicant family. MDHA will recommend the family be denied if any adult member in the household has a criminal record that meets any one of the following conditions:

1. Any household member has been convicted* of a felony-related, alcohol-related, violent criminal activity or other criminal activity in the past twelve (12) months;
2. Any household member has been convicted* of two (2) or more misdemeanor drug-related, alcohol-related, violent criminal or other criminal acts in the past twelve (12) months;
3. Any household member has three (3) or more convictions* for a misdemeanor or felony drug-related, alcohol-related, violent criminal activity or other criminal activity, one of which is less than three (3) years old;
4. Any household member has one or more convictions* for a felony sex offense in the past ten (10) years or any conviction (felony or misdemeanor) of a sex offense involving a minor;
5. Any household member or guest of a household member is convicted of a drug-related or violent criminal activity that allegedly occurred on or near the assisted unit premises at any time during the family's participation in the program.

* A criminal conviction occurs when on the date of final judgment (felony or misdemeanor offenses) a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere is entered and does not include a final judgment that has been expunged by pardon, reversed, set aside or otherwise rendered nugatory. Families that include a member with a disposition of post-trial diversion following a criminal conviction are not eligible to receive assistance until the terms of the diversion are met; record expunged; or the family becomes eligible otherwise.

- F. Currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 Programs.
- G. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- H. They have a family member who has been evicted, or moved to avoid eviction, or have been terminated from an assisted housing program for a negative reason in last 12 months. Negative Reasons include:

Failure to pay retroactive rent to MDHA or other PHA
 Failure to complete annual re-exam
 Criminal Activity – drugs, sex offender, violent criminal

Eviction for serious and repeated lease violations
Failure to report income
Non-compliance with program requirements
Unit abandoned – vacated without notice

- I. Have a family member who was evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- J. Have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Metropolitan Development and Housing Agency may waive this requirement if:
 - 1. The person demonstrates to the Metropolitan Development and Housing Agency's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - 2. The person has successfully completed a supervised drug or alcohol rehabilitation program;
 - 3. The person has otherwise been rehabilitated successfully; or
 - 4. The person is participating in a supervised drug or alcohol rehabilitation program.
- K. Have engaged in or threatened abusive or violent behavior towards any Metropolitan Development and Housing staff or residents;
- L. Have a family member who has been convicted of manufacturing or producing methamphetamine (speed) (Denied for life);
- M. Have a family member with a lifetime registration under a State sex offender registration program (Denied for life).