

**YORK HOUSING AUTHORITY
CRIMINAL ACTIVITY POLICY**
(Public Housing Program)

POLICY STATEMENT

An Applicant/Tenant or any member of Applicant/Tenant's household who engages in violent criminal activity, sexual offences as described under Megan's Law, or drug related criminal activity as defined in this policy, shall deem the entire household ineligible for admission to or continued occupancy in the Public Housing program. Applicant's/Tenant's or members of Applicant/Tenant household who are required to register under a state sex offender registration program will be determined ineligible for the Public Housing Program. A State Police Criminal check will be required for Applicants/Tenants and members of Applicant/Tenant households who have not resided exclusively in the state of Pennsylvania for five years prior to the time of their eligibility interview. If this information is not available to the York Housing Authority, the Applicant/Tenant will be required to provide the requested record.

Should the household member involved in the subject crime be an adult, other than the head of household or spouse/co-tenant, the remaining household members may remain eligible for admission to or continued occupancy in the program only if the following circumstances apply:

1. The head of household and spouse/co-tenant, if applicable, must verify in writing to the Public Housing Program that they did not have any knowledge of the adult member's involvement in the drug related or violent criminal activity, and
2. This adult member will not remain or return to this household nor enter onto Housing Authority property at a future date unless approved in writing in advance by the Housing Authority in accordance with the requirements of this policy.

DEFINITIONS

- A. Lifetime Exclusion Crimes: Any of the following crimes committed by an applicant, tenant or applicant/tenant household member wherein a conviction has occurred will require the denial and/or termination of assistance regardless of the date committed:

Murder

Criminal Homicide

Kidnapping

Rape, Aggravated Indecent Assault or other crimes of Sexual Assault

Crimes Involving Indecency with a Child

Arson (including risking or causing a catastrophe)

- B. Ten Year Exclusion: Applicants/Tenants or applicant/tenant household members who have been convicted of drug related or other violent criminal activity occurring within a ten year period prior to the date of an applicant/tenant eligibility interview or application for continued occupancy are ineligible for admission to or continued occupancy in the Public Housing Program. Violent criminal activity is defined as an offense that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another. Drug related criminal activity is defined as the manufacture, sale, or possession with the intent to manufacture, sell or distribute a controlled substance or a non-controlled substance resembling a controlled substance as defined by the Controlled Substance Act. The start date of the ten year period is defined as the date of arrest. Crimes will include, but are not limited to the following:

Manslaughter

Robbery

Crimes involving the illegal possession/use of a firearm or other deadly weapon

Aggravated Assault

Drug manufacture, delivery or possession with intent to deliver a controlled substance or non-controlled substance resembling a controlled substance

Eligibility for Public Housing by applicants/tenants in this category will be determined when the ten year period from the date of the arrest leading to the conviction has passed. Applicants/Tenants must have completed their sentence, including the completion of probation or parole and the payment of any fines or costs (or be able to prove that regular payments, as established by the court, are being made on fines and costs) and also cannot be involved in any further criminal activity for the three year period following release from probation or parole.

When the convicted person is currently imprisoned and cannot be released earlier than ten years from the date of the eligibility interview, the applicant will not be determined eligible until they have met all of the above criteria.

- C. Possession: Applicants or members of an applicants' household who have been convicted of use or possession of a controlled substance within the 12 month period prior to their eligibility interview will be determined ineligible for admission to the Public Housing Program unless they can demonstrate that he or she:

1. Has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such an impairment, AND
2. Has recovered from such addiction and does not currently use or possess controlled substances and can verify in writing from an accredited Drug Rehabilitation Program, the successful completion of the rehabilitation program; AND
3. Has no other criminal record and has not been involved in any additional criminal activity following the possession arrest

Applicants Currently Serving Probation or Parole

Applicants or members of the applicants' household who, at the time of the eligibility interview for Public Housing, are currently serving probation/parole for offenses not categorized as violent criminal activity nor drug related criminal activity as defined in this policy, will not be considered for admission to the Public Housing Program until they have completed their probation/parole requirement including the payment of any fines or costs (or be able to prove that regular payments, as established by the court, are being made on fines and costs)

REPEAT OFFENDERS OF NON-VIOLENT CRIMES

Applicant/Tenant or members of the applicant/tenant's household who have a history of three or more convictions for crimes not considered to be violent criminal activity nor drug related criminal activity during the three year period preceding the date of their eligibility interview or application for continued occupancy, will be determined ineligible. Criminal activity will include convictions both at the criminal court level and convictions at the Magistrate level. Convictions at the Magistrate level will only include offenses that would affect the health, safety or property of others such as, but not limited to, harassment, disorderly conduct, prostitution, etc.

APPLICANTS AWAITING COURT DATES

Applicants or members of the applicant's household who at the time of the eligibility interview have criminal charges pending that guilt or innocence has yet to be determined by the court system, will be determined ineligible. If within a year from the date of application withdrawal, documentation is provided by the applicant that verifies a not guilty determination was made by the court, the applicant will be reinstated on the Public Housing wait list as of the application date when the applicant was removed from the wait list. A plea to a lesser charge, a plea bargain or a nolo contendere plea will not constitute a not guilty determination.

REQUIRED INELIGIBILITY DUE TO FEDERAL REGULATIONS

Federal Regulations require the denial of admission of applicants/tenants and household members to Public Housing programs for the following:

1. Denial of admission to applicants 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.
2. Applicants/Tenants and household members currently engaged in the illegal use of a drug.
3. Applicants/Tenants and household members convicted of drug related criminal activity for manufacture or production of methamphetamine on the premises of

federally assisted housing will permanently not be eligible for the Public Housing Program.

4. Applicants/Tenants and household member who are subject to a state sex offender registration requirement will not be eligible for Public Housing.
5. Applicants/Tenants and household members that show a pattern of abuse of alcohol that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.