Legal Services of Northern California

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September 26, 2008

Ms. W Via fax and mail
Equal Housing Opportunity Manager
[]

Dear Ms. W:

Thank you for working with us as we attempt to amicably resolve Ms. F's housing dilemma. We hope you will agree that federal law, combined with Ms. F's unique circumstances and other factors, warrant reconsideration of her application for housing.

To summarize, we believe that Ms. F's housing application should be reconsidered for the following reasons: (1) federal regulations make it unreasonable to permanently bar individuals such as Ms. F from assisted housing; (2) California laws on domestic violence and self-defense have changed since 1985, so it is likely that Ms. F would not be convicted of the same charges today; (3) the Violence Against Women Act (VAWA) demonstrates Congress' intent to prevent housing discrimination against domestic violence victims; and (4) you did not provide specific reasons in writing for denial of Ms. F's application.

1. FEDERAL LAW DOES NOT PERMIT AN APPLICANT TO BE DENIED HOUSING IF A REASONABLE TIME HAS PASSED SINCE THE CRIMINAL ACTIVITY OCCURRED

In our view, the Criteria for Residency applied to Ms. F's application appear to be overly restrictive and in violation of the governing federal regulations. Rural Housing Service (RHS) regulations provide that owners of RDA properties are not required to bar applicants due to their criminal history. The regulations at 7 C.F.R. § 3560.154 provide that borrowers "may" deny admission for criminal activity in accordance with HUD regulations 24 C.F.R. §§ 5.854, 5.855, 5.856, and 5.857. Section 5.855 governs when admission may be prohibited due to Ms. F's type of criminal history.

Admission to federally assisted housing may be denied under 24 C.F.R. § 5.855(a) "under your standards if you determine that any household member is currently engaging in, or has engaged in during a reasonable time before the admission decision ... violent criminal activity ... [or] criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents ... or criminal activity that would threaten the health or safety of the PHA or owner or any employee, contractor, subcontractor or agent of the PHA or owner who is involved in the housing operations." Under 24 C.F.R. § 5.855(b), the owner "may establish a period before the admission decision during which an applicant must not have engaged in the activities specified in paragraph (a) of this section (reasonable time)." Also, § 5.855(c) provides:

"If you previously denied admission to an applicant because of a determination concerning a member of the household under paragraph (a) of this section, you may reconsider the applicant if you have sufficient evidence that the members of the household are not currently engaged in and have not engaged in, such criminal activity during a reasonable period, determined by you, before the admission decision."

A "reasonable time" is not defined in the regulations, but the regulations make it clear that "never" and "indefinitely" are not reasonable time periods when considering a tenant with a criminal history like Ms. F's. Guidelines have been established in a number of federal housing programs, but we have found none that provide for indefinite bars. Most applicable appears to be HUD has suggested that a five-year period might be reasonable for "serious offenses" for Public Housing Authorities. (*See* Screening and Eviction for Drug Abuse and Other Criminal Activity; Final Rule, 66 Fed. Reg. 28, 776 28,779 (May 24, 2001)). Owners may differentiate different time periods for different categories of offenses, but nowhere in the regulations have we found a time period greater than 5 years suggested as "reasonable" for any type of offense. Implicit in the statutory and regulatory term 'reasonable period' of time is the concept that at some point **most applicants with an aging criminal record should be eligible for the housing** and should not be barred by screening criteria. This acknowledgment, that over time most applicants should be given the opportunity to demonstrate eligibility through **good behavior**, **rehabilitation**, or **changed circumstances**, is consistent with litigation challenging policies that rejected all applicants with any record of any past criminal activity"

Ms. F meets and exceeds all criteria for eligibility mentioned above:

(a) Aging criminal record

Ms. F's offense was committed in 1985. She has not had any criminal activity within the past 23 years. Her prison records reflect no criminal activity. Additionally, her prison records reflect that she was a model prisoner with no behavioral issues. Social science research demonstrates that, after about 7 years, there is little or no difference in propensity to re-offend between individuals with a criminal record and those without a criminal record.

(b) Good behavior

Ms. F's prison record and her conduct after release have been exemplary. Ms. F does not merely stay out of trouble; she is actively involved in positive endeavors. Her activities include helping other battered women and educating the public about the effects of domestic violence.

c) Rehabilitation

Ms. F has undergone years of counseling and treatment for the psychological condition known as battered women's syndrome. While in prison, she took optional classes to learn more about many subjects, including spousal abuse and battered women's syndrome. As a result of her increased knowledge and counseling, she is not likely to involve herself in an abusive relationship again.

(d) Changed circumstances

Ms. F's circumstances have changed drastically. She no longer lives in an abusive environment. This should alleviate any concerns you may have about the health and safety of other residents. Moreover, due to extensive counseling and education, it is implausible that Ms. F will get involved in another abusive relationship. Her focus today is on her children, her grandchildren, her volunteer work, her arts and crafts, and her health.

2. CALIFORNIA LAWS REGARDING DOMESTIC VIOLENCE AND SELF-DEFENSE HAVE CHANGED SINCE 1985, AND THE OUTCOME OF MS. F'S CASE WOULD HAVE BEEN DIFFERENT UNDER TODAY'S LAWS

In reassessing Ms. F's application, you may wish to consider how California's law on domestic violence and self-defense has changed since her 1985 conviction. The outcome of her case would have been different had she been allowed to tell the court about the physical, psychological, and emotional impact she suffered due to years of abuse. At the time of Ms. F's trial, California courts did not consider evidence of battering and its effects on victims.

In 1992, the California legislature recognized the reality of the Battered Women's Syndrome and enacted a law stating that evidence of the effects of physical, emotional, or mental abuse upon the beliefs or behavior of victims is admissible to prove that the victim's criminal behavior was a result of that abuse. *See* Evidence Code § 1107. To assist victims like Ms. F who never had the opportunity to present evidence of battering during their trials, the legislature enacted a law permitting these victims to submit petitions for reduced sentences. As you are aware, Ms. F successfully submitted such a petition with the help of community advocates.

The legislature enacted these laws because there is no reason to penalize domestic violence victims who had good defenses for their actions but were unable to raise these defenses at their trials. The laws recognize that many of these women would not have been convicted of their crimes had they been allowed to tell the court about the abuse they suffered at the hands of their partners. In Ms. F's case, the State of California found that the outcome of her case would have been different had she been allowed to fully tell her story. Your denial of Ms. F's application appears inconsistent with the state's action because it continues to penalize her for a crime for which she should not have been convicted. The State of California has recognized that Ms. F is not a threat to others and is entitled to a new start, and we would ask that you do the same by reconsidering your denial of her application.

3. THE VIOLENCE AGAINST WOMEN ACT OF 2005 (VAWA) PROTECTS DOMESTIC VIOLENCE VICTIMS

Under the Violence Against Women Act of 2005 (VAWA), Congress prohibited public housing authorities and Section 8 owners from denying admission to applicants on the basis of their status as victims of domestic violence. *See* 42 U.S.C. § 1437f(o)(6)(B). Congress also recognized that many applicants have been denied housing because they are victims of domestic violence, and that domestic violence is a leading cause of homelessness. *See* 42 U.S.C. §

14043e. As stated in VAWA, Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the federal housing programs. *See* § 14043e.

To receive funds under VAWA, grantees must assist victims of domestic violence "with otherwise disqualifying rental, credit or criminal histories to be eligible to obtain housing ... if such victims would otherwise qualify for housing ... and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories ..." *See* 42 U.S.C. § 14043e-4(f)(1). While we recognize that VAWA does not currently apply to the rural housing programs, Congress' overall intent was to increase subsidized housing opportunities for domestic violence survivors and to prevent them from becoming homeless. Your reconsideration of Ms. F's application and acknowledgment that her conviction was a direct result of her status of as a domestic violence victim would demonstrate that the corporation seeks to comply with the spirit of the law and is taking affirmative steps to address victims' housing needs.

4. SPECIFIC REASONS WERE NOT GIVEN FOR DENIAL OF MS. F'S APPLICATION

We would also ask that you reconsider Ms. F's application in light of Rural Housing Service (RHS) regulations requiring owners to give specific reasons for denial of housing. *See* 7 C.F.R. § 3560.154(h). In making admissions decisions, you have discretion to examine the age of a criminal conviction and whether there are mitigating circumstances. Because of the presence of mitigating circumstances as well as the age of Ms. F's conviction, a generalized rejection due to criminal history is not specific enough. Rather, you should explicitly describe in writing whether you examined the mitigating circumstances presented in Ms. F's case, such as the age of her conviction, the fact that she does not pose a threat to tenants or staff, and that others have attested to her good character.

If in fact you considered all of this information, you should specifically explain why you rejected her application despite the mitigating factors. You should clearly explain the information you considered in making your decision, including whether you examined Ms. F's supporting documents, and justify the reasons for your determination in light of the mitigating circumstances presented in Ms. F's case.

For the reasons above, we respectfully disagree with your decision to deny Ms. F's application for federally-assisted housing, and request reconsideration of the denial. If there is any other information that we can provide which may assist in obtaining a favorable result for our client, please let us know. Please feel free contact me at []. I will contact you in a couple of days after you have had an opportunity to review this material so that we can discuss how to proceed with Ms. F's application.

Thank you very much for your attention and time.
Best regards,

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June 8, 2009

[REDACTED]

Re: B—G—: Rejection of Housing Application

Dear Ms. [REDACTED]:

Our office was recently contacted by Ms. B—G— about the rejection of her application for housing at the [REDACTED] development. According to Ms. G--, a [REDACTED] employee stated that Ms. G--'s application was denied because she was arrested on two occasions, even though, in both cases, all charges against her were dropped. As Ms. G-- attempted to explain, these arrests were related to incidents of domestic violence involving her then-husband, from who she is now divorced. Ms. G-- contends that her ex-husband was, in fact, the perpetrator in these incidents, but because his English was superior to hers, he was able to bring charges while she was not.

We understand that Ms. G-- freely disclosed her arrests on the form; that, at the request of [REDACTED] staff, she provided evidence that charges had been dismissed in both cases; that Ms. G-- was told that a supervisor from the management company would contact her to discuss the denial, but that this was never done; and that Ms. G--'s so-called "criminal background" was the only reason given for denial of her application.

It is our position that denying Ms. G--'s application for housing based on these arrests is illegal discrimination and, moreover, violates the intent of both Congress and the state legislature.

Past arrests have no probative value regarding past misconduct.

The Supreme Court has found that the mere fact that someone has been arrested has "very little, if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense. When formal charges are not filed against the arrested person and he is released without trial, whatever

probative force the arrest may have had is normally dissipated."[1] If an arrest has no probative value, then denying a housing application solely on this basis is arbitrary and therefore discriminatory.[2]

[REDACTED]'s **apparent policy of denying housing applications based on incidents of arrest without conviction will have a discriminatory disparate impact on members of protected groups, particularly in cases like Ms. G--'s that implicate multiple protected statuses.**

The federal Fair Housing Act (FHA) makes it "unlawful to refuse to sell or rent…or otherwise make unavailable or deny, a dwelling to any person because of race, religion, sex, familial status, or national origin."[3] The FHA outlaws not only individual acts of racially motivated discrimination, but also policies of housing providers that appear neutral but have the "disparate impact" of excluding certain groups disproportionally, even without a demonstrated intent to discriminate against those groups.[4]

Similarly, California's Fair Employment and Housing Act (FEHA) makes it unlawful to "make unavailable or deny a dwelling based on discrimination because of race, color, religion, sex, sexual orientation, familial status, source of income, disability, or national origin."[5] Like FHA, FEHA prohibits not only intentional discrimination but practices that have a disparate, discriminatory impact.[6]

Because African-Americans are arrested substantially more frequently than other groups, a policy that bars applicants from housing on the basis of arrests without convictions will disparately affect applicants from particular racial groups.[7] Furthermore, Ms. G--'s arrests occurred in part due to her limited English proficiency. Therefore, a policy using such arrests as the basis for disqualification will disparately affect housing applicants with limited English

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[1] *Schware v. Board of Bar Examiners of New Mexico*, 353 U.S. 232, 241 (1957). *See also Gregory v. Litton Systems, Inc*., 316 F. Supp. 401 (C.D. Ca. 1970) (finding no evidence that persons who have been arrested but not convicted perform less efficiently or honestly than other employees, and that a record of arrests without convictions is irrelevant to suitability or qualification for employment).

[2] *See generally* 59 Ops. Cal. Atty. Gen. 223 (explaining that California's Unruh Civil Rights Act, Cal. Civ. Code § 51, prohibits landlords from refusing to rent housing on the basis of any arbitrary criteria).

[3] 42 U.S.C. § 3604.

[4] *Metropolitan Hous. Dev. Corp. v. Village of Arlington Heights*, 558 F.2d 1283, 1290 (7th Cir. 1977); *see also Pfaff v. U.S. HUD*, 88 F.3d 739, 744 (9th Cir. 1996).

[5] Cal. Gov. Code § 12955

[6] *Guz v. Bechtel National, Inc.*, 24 Cal. 4th 317, 354 n. 20 (2000).

[7] *See Gregory*, 316 F. Supp. at 403 (holding that policy of excluding from employment persons who have suffered a number of arrests without any convictions is unlawful because it has the foreseeable effect of denying black applicants an equal opportunity for employment).

proficiency, and thereby have a disparate impact on individuals based on their national origin.[8] Finally, Ms. G--'s arrests occurred because of her status as a victim of domestic violence. Therefore, a policy using such arrests as the basis for disqualification will discriminate against housing applicants who are victims of domestic violence, and thereby have a disparate impact on the basis of gender.[9]

Congress has expressed a clear intent to eliminate discrimination against victims of domestic violence in government-assisted housing programs.

Under the Violence Against Women Act of 2005 (VAWA), Congress prohibited public housing authorities and Section 8 owners from denying admission to applicants on the basis of their status as victims of domestic violence.[10] This legislation demonstrates Congress' clear intent to combat discrimination against domestic violence survivors, increase the subsidized housing opportunities available to them, and prevent them from becoming homeless. Whether or not VAWA applies to any of the housing developments that [REDACTED] manages, we believe that other federal and state law concerning housing discrimination must be considered in the context of the congressional intent demonstrated by VAWA to protect victims of domestic violence from discrimination.

The California legislature has clearly expressed the intent to prevent arrests which do not lead to convictions from serving as a basis for rejecting applicants for rental housing and employment.

The California Investigative Credit Reports Act (ICRA) requires that consumer reporting agencies adopt reasonable procedures in the preparation of "investigative consumer reports" (i.e., background checks or tenant screening reports) used in tenant selection, hiring of employees, etc.[11] ICRA prohibits credit agencies from reporting records of arrest for which a conviction did not result, unless judgment is still pending on the matter.[12] Under ICRA, Ms. G--'s arrests could not have been disclosed to [REDACTED] by a credit agency.

Furthermore, California law prohibits employers from asking an applicant for employment to disclose any information regarding an arrest that did not result in a conviction.[13] While these laws may not directly apply to Ms. G--'s application, they further support the inference that denying Ms. G-- housing on the basis of arrests not resulting in convictions is arbitrary and discriminatory.

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[8] *See, e.g., Lau v. Nichols*, 414 U.S. 563, 568 (1974) (holding that discrimination against Chinese speakers constituted discrimination on the basis of national origin under Title VI of the Civil Rights Act of 1964).
[9] *See, e.g., Bouley v. Young-Sabourin*, 394 F. Supp. 2d 675 (D. Vt. 2005).
[10] 42 U.S.C. § 1437f (o) (6) (B).
[11] Cal. Civ. Code § 1786 (a).
[12] Cal. Civ. Code § 1786.18 (a) (7).
[13] Cal. Lab. Code § 432.7.

We understand that [REDACTED] is currently reviewing the decision to reject Ms. G--'s application. We hope that the initial rejection of Ms. G--'s application on the basis of an irrelevant "criminal background" reflects an error committed by an overzealous employee, and not [REDACTED] company policy. The ACLU of San Diego maintains that such a policy would be illegal, and may be prepared to take further steps to challenge it.

I look forward to receiving your response. If I can provide any clarification that will help expedite your attention to this request, please contact me at (619) 232-2121 x 30.

Thank you for your time and attention to this matter.

Sincerely,

Sean Riordan
Staff Attorney

Cc: B-- G--
[REDACTED]

Federally-Assisted Housing Programs: Admissions for Applicants with Certain Criminal Backgrounds[1]

	Convicted of producing methamphetamine at federally-assisted housing	Lifetime registered sex offender	Prior eviction from federally-assisted[2] housing for drug-related activity	History of drug-related criminal activity	History of violent criminal activity	History of crimes that threaten health, safety, or peaceful enjoyment	Current user of illegal substances
Public Housing	Permanent ban on admission. 42 U.S.C. § 1437n(f); 24 C.F.R. § 960.204(a)(3).	Permanent ban on admission. 42 U.S.C. §§ 13663 and 13664; 24 C.F.R. § 960.204(a)(4).	3-year ban on admission unless applicant is rehabilitated. 42 U.S.C. §§ 13661(a) and 13664; 24 C.F.R. § 960.204(a)(1).	PHA has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 960.203(d).	PHA has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 960.203(d).	PHA has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 960.203(d).	PHA must deny admission. 42 U.S.C. § 13661(b); 24 C.F.R. § 960.204(a)(2).
Voucher Program	Permanent ban on admission. 42 U.S.C. § 1437n(f); 24 C.F.R. § 982.553.	Permanent ban on admission. 42 U.S.C. §§ 13663 and 13664; 24 C.F.R. § 982.553.	3-year ban on admission unless applicant is rehabilitated. 42 U.S.C. §§ 13661 and 13664; 24 C.F.R. § 982.553.	PHA has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 982.553.	PHA has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 982.553.	PHA has discretion to admit applicant. 42 U.S.C.A. § 13661(c); 24 C.F.R. § 982.553.	PHA must deny admission. 42 U.S.C. § 13661(b); 24 C.F.R. § 982.553.
Section 8 Mod Rehab	Permanent ban on admission. 42 U.S.C. § 1437n(f); 24 C.F.R. § 882.518.	Permanent ban on admission. 42 U.S.C. §§ 13663 and 13664; 24 C.F.R. § 882.518.	3-year ban on admission unless applicant is rehabilitated. 42 U.S.C. §§ 13661 and 13664; 24 C.F.R. § 882.518.	PHA has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 882.518.	PHA has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 882.518.	PHA has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 882.518.	PHA must deny admission. 42 U.S.C. § 13661(b); 24 C.F.R. § 882.518.

[1] There are no federal requirements regarding admission of individuals with criminal background to Low Income Housing Tax Credit (LIHTC) housing, Shelter Plus Care (S+C) (see generally 24 C.F.R. §§ 582.325 and 582.330), Supportive Housing Program (SHP) (see generally 24 C.F.R. § 583.325) or Housing Opportunities or People with Aids (HOPWA) (see generally 24 C.F.R. § 574.603).

[2] Federally-assisted housing is defined, in this context, to include, public housing, Section 8, Section 202, Section 811, Section 221(d)(3), Section 236, Section 515 and Section 514.

	Convicted of producing methamphetamine at federally-assisted housing	Lifetime registered sex offender	Prior eviction from federally-assisted[3] housing for drug-related activity	History of drug-related criminal activity	History of violent criminal activity	History of crimes that threaten health, safety, or peaceful enjoyment	Current user of illegal substances
Section 8 SRO Mod. Rehab. for homeless	Current funds are appropriated for homeless individuals. 42 U.S.C. §11401. Regulations may require a ban. 24 C.F.R. §§ 882.805(c) and 882.808(b)(2); *see also* provisions cited above under Section 8 Mod. Rehab.	Current funds are appropriated for homeless individuals. 42 U.S.C. §11401. Regulations may require a ban. 24 C.F.R. §§ 882.805 (c) and 882.808(b)(2); *see also* provisions cited above under Section 8 Mod. Rehab.	Current funds are appropriated for homeless individuals. 42 U.S.C. §11401. Regulations may require a ban. 24 C.F.R. §§ 882.805 (c); *see also* provisions cited above under Section 8 Mod. Rehab.	PHA or owner has discretion to admit applicant. 24 C.F.R. §§ 882.805 (c) and 882.808(b)(2), *see also* provisions cited above under Section 8 Mod. Rehab.	PHA or owner has discretion to admit applicant. 24 C.F.R. §§ 882.805 (c) and 882.808(b)(2), *see also* provisions cited above under Section 8 Mod. Rehab.	PHA or owner has discretion to admit applicant. 24 C.F.R. §§ 882.805 (c) and 882.808(b)(2), *see also* provisions cited above under Section 8 Mod. Rehab.	Current funds are appropriated for homeless individuals. 42 U.S.C. §11401. Regulations may deny admission. 24 C.F.R. §§ 882.805 (c) and 882.808(b)(2); *see also* provisions cited above under Section 8 Mod. Rehab.
Project-based Section 8	No requirement imposed by federal law. Owner has discretion to admit applicant. 42 U.S.C. § 1437n(f); 24 C.F.R. § 5.855.	Permanent ban on admission. 42 U.S.C. §§ 13663 and 13664; 24 C.F.R § 5.856.	3-year ban on admission unless applicant is rehabilitated. 42 U.S.C. §§ 13661 and 13664; 24 C.F.R. § 5.854.	Owner has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 5.855.	Owner has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 5.855.	Owner has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 5.855.	Owner must deny admission. 42 U.S.C. § 13661(b); 24 C.F.R § 5.854

[3] Federally-assisted housing is defined, in this context, to include, public housing, Section 8, Section 202, Section 811, Section 221(d)(3), Section 236, Section 515 and Section 514.

	Convicted of producing methamphetamine at federally-assisted housing	Lifetime registered sex offender	Prior eviction from federally-assisted[4] housing for drug-related activity	History of drug-related criminal activity	History of violent criminal activity	History of crimes that threaten health, safety, or peaceful enjoyment	Current user of illegal substances
Sections 202, 811, 221(d)(3), 236	No requirement imposed by federal law. Owner has discretion to admit applicant. 42 U.S.C. § 1437n(f); 24 C.F.R. § 5.855.	Permanent ban on admission. 42 U.S.C. §§ 13663 and 13664; 24 C.F.R § 5.856.	3-year ban on admission unless applicant is rehabilitated. 42 U.S.C. §§ 13661 and 13664; 24 C.F.R. § 5.854.	Owner has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 5.855.	Owner has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 5.855.	Owner has discretion to admit applicant. 42 U.S.C. § 13661(c); 24 C.F.R. § 5.855.	Owner must deny admission. 42 U.S.C. § 13661(b); 24 C.F.R § 5.854.
USDA Housing	Owner has discretion to admit applicant. 7 C.F.R. § 3560.154.	Owner has discretion to admit applicant. 7 C.F.R. § 3560.154; *but see* 42 U.S.C. §§ 13663 and 13664, which extend to Section 515 and 514 housing.	Owner has discretion to admit applicant. 7 C.F.R. § 3560.154; *but see* 42 U.S.C. §§ 13661 and 13664, which extend to Section 515 and 514 housing.	Owner has discretion to admit applicant. 7 C.F.R. § 3560.154.	Owner has discretion to admit applicant. 7 C.F.R. § 3560.154.	Owner has discretion to admit applicant. 7 C.F.R. § 3560.154.	Owner has discretion to admit applicant. 7 C.F.R. § 3560.154; *see also* 42 U.S.C. § 13661(b) and 24 C.F.R. § 5.850(c).

[4] Federally-assisted housing is defined, in this context, to include, public housing, Section 8, Section 202, Section 811, Section 221(d)(3), Section 236, Section 515 and Section 514.

Chapter 2: Exhibit 3

	Convicted of producing methamphetamine at federally-assisted housing	Lifetime registered sex offender	Prior eviction from federally-assisted[5] housing for drug-related activity	History of drug-related criminal activity	History of violent criminal activity	History of crimes that threaten health, safety, or peaceful enjoyment	Current user of illegal substances
HOME	No requirements imposed by federal law; Owner has discretion to admit applicant. 24 C.F.R. § 92.253(d).	No requirements imposed by federal law; Owner has discretion to admit applicant. 24 C.F.R. § 92.253(d).	No requirements imposed by federal law; Owner has discretion to admit applicant. 24 C.F.R. § 92.253(d).	No requirements imposed by federal law; Owner has discretion to admit applicant. 24 C.F.R. § 92.253(d).	No requirements imposed by federal law; Owner has discretion to admit applicant. 24 C.F.R. § 92.253(d).	No requirements imposed by federal law; Owner has discretion to admit applicant. 24 C.F.R. § 92.253(d).	No requirements imposed by federal law; Owner has discretion to admit applicant. 24 C.F.R. § 92.253(d).

[5] Federally-assisted housing is defined, in this context, to include, public housing, Section 8, Section 202, Section 811, Section 221(d)(3), Section 236, Section 515 and Section 514.