

APPENDIX C

HOUSING AUTHORITY OF THE COUNTY OF RIVERSIDE'S POLICY ON PROHIBITED CRIMINAL ACTIVITY

July 1, 2016

BACKGROUND

The primary mission of the Housing Authority is to assist low and moderate income families, including elderly and disabled persons, by operating programs which provide them decent, safe and sanitary housing at affordable costs.

PURPOSE

To establish a Housing Authority (HA) policy to prohibit housing fraud and/or welfare fraud, violent-related, gang-related, alcohol-related and drug-related criminal activity (including medical marijuana) or any other criminal activity.

POLICY

It is the policy of the Housing Authority of the County of Riverside that prohibited criminal activity will not be tolerated. The Housing Authority will foster crime-free housing by implementing aggressive strategies to deny and/or terminate assistance for households that violate conditions set forth in this policy.

Criminal activity as listed in this policy, misdemeanor and/or felony, will hereinafter be called 'prohibited criminal activity'. "Minor traffic offenses" may include offenses such as parking violations, registration violations or failure to provide proof of insurance. Traffic offenses that include illegal use of controlled substances or alcohol related violations of traffic laws are not considered minor. Two or more alcohol related criminal actions within the last **three (3)** year period constitute an abuse of alcohol (excluding alcohol-related DUI/DWI, or equivalent, criminal charges). Alcohol-related Driving Under the Influence (DUI) and Driving While Intoxicated (DWI), or equivalent, criminal charges do not require more than one offense to be considered abuse of alcohol; one alcohol-related DUI/DWI, or equivalent, offense is a violation of the HACR Policy on Prohibited Criminal Activity.

Criminal activity includes, but is not limited to, the following: housing fraud and/or welfare fraud, violent-related, gang-related, alcohol-related, drug-related criminal activity (including medical marijuana), or other criminal activity.

All persons applying for or receiving rental assistance, regardless of age, will be held to the same standard.

Participant households must report, in writing, all criminal activity for any household member within 10 calendar days of its occurrence.

The PHA may deny or terminate assistance for criminal activity by a household member as authorized in this Policy on Prohibited Criminal Activity if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity,

regardless of whether the household member has been arrested or convicted for such activity [24 CFR 982.553 (c), 24 CFR 966.4]. Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probably than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence. Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

Persons convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing will be permanently denied admission to any federally assisted housing program. Persons convicted of sex offenses that require a lifetime registration as a sex offender are prohibited from participation in any housing assistance programs administered by the Housing Authority in accordance with Federal Regulations. Exceptions in this policy do not apply to registered sex offenders or any person who was convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.

The Violence Against Women Act (VAWA) prohibits the eviction of, and removal of assistance from, victims living in public or Section 8 assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking.

If the household member participates in and is in compliance with a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program then it is the family responsibility to adhere to treatment program requirements and furnish to the PHA proof that the required program was completed. The applicant/participant must have enrolled in the treatment program prior to the date of the HA's discovery of the criminal activity. Failure to comply with anger management/parenting courses, drug diversion/substance abuse and/or supervised alcohol rehabilitation program will result in denial or termination. Supervised anger management/parenting courses, drug diversion/substance abuse or an alcohol rehabilitation program will be granted once in a lifetime.

The Housing Authority will deny or terminate assistance to any household containing a member that has one or more occurrences 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 others.

1. Denying or terminating rental assistance to all households containing a member that has engaged in prohibited criminal activity, unless that member can demonstrate the following:
 - a. Evidence of crime-free living within the last **seven (7)** years and no occurrence of criminal behavior (other than minor traffic offenses), **and**
 - b. Applicant/tenant must not have been incarcerated (in custody or doing any jail time) during the last **seven (7)** years for any action related to any prohibited criminal activity; **and**

- c. Applicant/tenant would not threaten the health, safety, or right to peaceful enjoyment of others); **and**
- d. Satisfactory adherence to all court and probation/parole mandated conditions for any action related to any prohibited criminal activity;
- e. For violent-related, drug-related and alcohol-related criminal activity, the HA may consider enrollment in a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program. At PHA discretion, first offenders may be only granted an exception to the Policy on Prohibited Criminal Activity once (1) per Lifetime due to participation in supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program. Approval is not automatic. Repeat or habitual offenders will not be granted an exception to our Policy on Prohibited Criminal Activity and rental assistance will be denied and/or terminated. The participant cannot elect to join an anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program in lieu of denial/termination of assistance after the HA has discovered prohibited criminal activity.

For consideration of one lifetime exception to our Policy on Prohibited Criminal Activity, the following conditions must exist:

- i. The applicant/participant must be a first time participant in a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program, **and**
- ii. The applicant/participant must have enrolled in and compliant with a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program prior to the date of the HA's discovery of the prohibited criminal activity, **and**
- iii. Completion of the treatment program must be achieved within the allowed time by the court/treatment program, **and**
- iv. Evidence of completion must be provided to the HA within 10 calendar days from the date of completion of the program.

If an exception to our Policy on Prohibited Criminal Activity is granted by the PHA, the PHA will monitor compliance at the next regularly scheduled re-examination for determination of rental assistance eligibility.

- 2. Denying or terminating tenancy, in any Housing Authority (HA) owned unit or unit owned by an HA affiliate (i.e. Riverside Community Housing Corporation (RCHC)), to any household containing a member that has engaged in prohibited criminal activity, and who has a history or pattern of criminal activity which would adversely affect the health, safety, or welfare of other tenants, unless that member can demonstrate the following:
 - a. Evidence of crime-free living within the last **seven (7)** years and no occurrence of criminal behavior (other than minor traffic offenses), **and**
 - b. Applicant/tenant must not have been incarcerated (in custody or doing any jail time) during the last **seven (7)** years for any action related to any prohibited criminal activity; **and**

- c. Applicant/participant would not be a detriment to the health, safety, or welfare of his/her neighbors or the community in which they live; whose expected behavior would not have an adverse influence upon sound family and community life; who would not be a source of danger to the peaceful occupancy by the other tenants or cause damage to the premises or property of the Housing Authority or the immediate vicinity; **and**
- d. Satisfactory adherence to all court and probation/parole mandated conditions for any action related to any prohibited criminal activity;
- e. For violent-related, drug-related and alcohol-related criminal activity, the HA may consider enrollment in a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program. At PHA discretion, first offenders may be only granted an exception to the Policy on Prohibited Criminal Activity once (1) per Lifetime due to participation in supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program. Approval is not automatic. Repeat or habitual offenders will not be granted an exception to our Policy on Prohibited Criminal Activity and rental assistance will be denied and/or terminated. The participant cannot elect to join an anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program in lieu of denial/termination of assistance after the HA has discovered prohibited criminal activity.

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- i. The applicant/participant must be a first time participant in a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program, **and**
- ii. The applicant/participant must have enrolled in and compliant with a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program prior to the date of the HA's discovery of the prohibited criminal activity, **and**
- iii. Completion of the treatment program must be achieved within the allowed time by the court/treatment program, **and**
- iv. Evidence of completion must be provided to the HA within 10 calendar days from the date of completion of the program.

If an exception to our Policy on Prohibited Criminal Activity is granted by the PHA, the PHA will monitor compliance at the next regularly scheduled re-examination for determination of rental assistance eligibility.

- 3. Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, sexual assault, or stalking, provided that the victim member demonstrates the following:
 - a. The perpetrator of the domestic violence no longer resides in the assisted unit.

- b. Applicant/tenant requesting exception based on 3 above shall complete HUD form 50066 within 14 business days after the HA has requested such certification in writing.
 - c. If the applicant/tenant does not provide the certification within 14 business days after the HA has requested such certification in writing, assistance may be denied/terminated.
4. Alerting all rental assistance program participants and tenants residing in Housing Authority (HA) owned housing or housing owned by an HA affiliate (i.e. RCHC) about their obligation to keep rental units free from prohibited criminal activity.
 5. Incorporating the HUD required Tenancy Addendum which includes grounds for termination of tenancy due to criminal activity into all rental leases used by the Housing Authority and requiring the use of said Tenancy Addendum for all private rental property owners in the county.
 6. Conducting workshops for rental property owners and managers to stress the importance of screening potential tenants, inspecting the premises of rental property, and taking action against tenants engaged in criminal activity, fraud, or side payments.
 7. Seeking a collaborative relationship with all law enforcement agencies within the County of Riverside and the Office of Inspector General to assist in the enforcement of Policy on Prohibited Criminal Activity.
 8. Screening all housing program applicants and participants including but not limited to the Riverside Superior Court online system, Consolidated Courts of the County of San Bernardino online system, Consolidated Courts of the County of Los Angeles online system, National Credit Reporting (or similar service), any and all available Sex Offender registries, and any other available sources (i.e. police reports, court records, information that is independently verifiable, law enforcement investigations and arrest warrants) to disclose any criminal background information.
 9. Providing the Riverside County Sheriff Department with requested incident reports from Public Housing properties, to be used by the Crime Analysis unit in identifying crime patterns, series, and other potential problems.