

Admissions and Tenant Screening in Federally Assisted Housing

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Public Housing

Waiting List

- Tenants are selected from a waiting list
 - Lists can be site-based or agency-wide
- To place on a waiting list, PHA can use a lottery or other random choice technique
- PHA can create local preferences
 - Find preferences in PHA administrative plan & tenant selection and assignment plan (TSAP)
 - Examples:
 - Residency
 - Working families
 - Person with disabilities
 - Survivors of DV
 - Homeless
- Selecting among tenants with same priority admission:
 - (1) date and time of application; or
 - (2) a drawing or other random choice technique

- 4 factors PHA considers when determining eligibility, the household:
1. Meet HUD's definition of a "family" (24 CFR § 5.403)
 2. Annual income cannot exceed the income limit (24 CFR §§ 960.201; 960.202)
 - Est. by HUD for the area
 - Generally, must be low income (80% AMI)
 3. Citizen or eligible immigration status with supporting documentation (24 CFR § 5.508)
 - Must disclose SSN

- PHA is responsible for screening for suitability for tenancy
- PHA may consider all relevant information, including:
 - Past performance meeting financial obligations (rent)
 - Record that may affect health, safety or welfare of other tenants
 - Disturbance of neighbors
 - Destruction of property
 - Housekeeping habits
 - Criminal history
- PHA's ACOP sets forth its applicant selection policies

- Absolute ban, if any household member:
 - Subject to a lifetime sex offender registration requirement
 - Convicted of the manufacture of methamphetamine on the premises of federally assisted housing
- Mandatory ban subject to exceptions, if any household member:
 - Evicted from federally assisted housing within the last three years for drug-related criminal activity
 - Currently illegally using a controlled substance
 - Currently uses controlled substance or alcohol, that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents

- If PHA denies assistance, must provide
 - Prompt notification
 - Basis for the determination
 - Opportunity for an informal hearing
 - VAWA Notice of Occupancy Rights & form HUD-5382
 - Notice that person with disability can request a RA
- Denial due to criminal history, PHA must provide
 - Opportunity to dispute accuracy and relevance
 - Copy of the criminal record

Live Content Slide

When playing as a slideshow, this slide will display live content

Poll: 1) Tammy applied for public housing, but was denied for prior criminal history. Tammy received notice of her denial, but did not receive a copy of the record. Is the PHA required to provide a copy of the criminal record to Tammy?

Poll #1 Answer!

Best Answer is A- Yes

HUD regulations at 24 CFR §§ 960.204(c) require that before a PHA denies admission on the basis of a criminal record, the PHA must notify the household of the proposed action, provide a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

Housing Choice Voucher

Waiting List

- Tenants are selected from waiting list
- When a waiting list is opened, PHA needs to give public notice
- PHA can create local preferences
 - Find preferences in PHA administrative plan
 - Examples:
 - Residency
 - Working families
 - Person with disabilities
 - Survivors of DV
 - Homeless
- Selecting among tenants with same preferences for admission:
 - (1) date and time of application; or
 - (2) a drawing or other random choice technique

- 4 factors PHA considers when determining eligibility, the household:
1. Meet HUD's definition of a "family" (24 CFR § 5.403)
 2. Annual income cannot exceed the income limit (24 CFR § 982.201)
 - Est. by HUD for the area
 - Generally, must be very low income (50% AMI)
 3. Citizen or eligible immigration status with supporting documentation (24 CFR § 982.201)
 - Must disclose SSN
 4. Restrictions on student eligibility (24 CFR § 5.612)

- PHA's are required to conduct criminal background screening
- Absolute ban, if any household member:
 - Subject to a lifetime sex offender registration requirement
 - Convicted of the manufacture of methamphetamine on the premises of federally assisted housing
- Mandatory ban subject to exceptions, if any household member:
 - Evicted from federally assisted housing within the last three years for drug-related criminal activity
 - Currently illegally using a controlled substance
 - Currently uses controlled substance or alcohol, that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents

Permissive reasons for a denial, PHA discretion

- Examples:
 - Violation of family program obligations
 - Eviction from federally-assisted housing in last 5 years
 - Prior termination by PHA
 - Debt to PHA
 - Certain criminal/quasi-criminal acts
- PHA should consider the circumstances in making their determination to deny assistance
- Review the PHA admin plan for more information

If PHA denies assistance, must provide

- Prompt, written notice of decision, which includes:
 - “brief statement of the reasons”
 - Right to request an informal review & how to arrange for it
 - Grounds for denial of assistance

Low-Income Housing Tax Credit

- Program is primarily administered by state tax credit agencies. Review your states Qualified Allocation Plan (QAP)
- Eligibility determined by Area Median Gross Income (AMI), based on the income limitation required under the minimum set-aside test applicable to the subject building (26 U.S.C. §42(g)(1))
 - Income cannot exceed 50% of the AMI (under the 20-50 test),
 - Income cannot exceed 60% of AMI (under the 40-60 test)
- Some restrictions on full-time students. (26 U.S.C. §42(i)(3)(D))
 - Applies when unit occupied exclusively by full-time student
- No citizenship requirement
- Cannot discriminate against voucher holders (26 U.S.C. §42(h)(6)(B)(iv))

Owners are not prohibited from using criteria that are common in private, market-rate housing

- Examples:
 - Credit scores
 - Income minimums
 - Prior history
- Some state “qualified allocation plans” reward less-restrictive screening

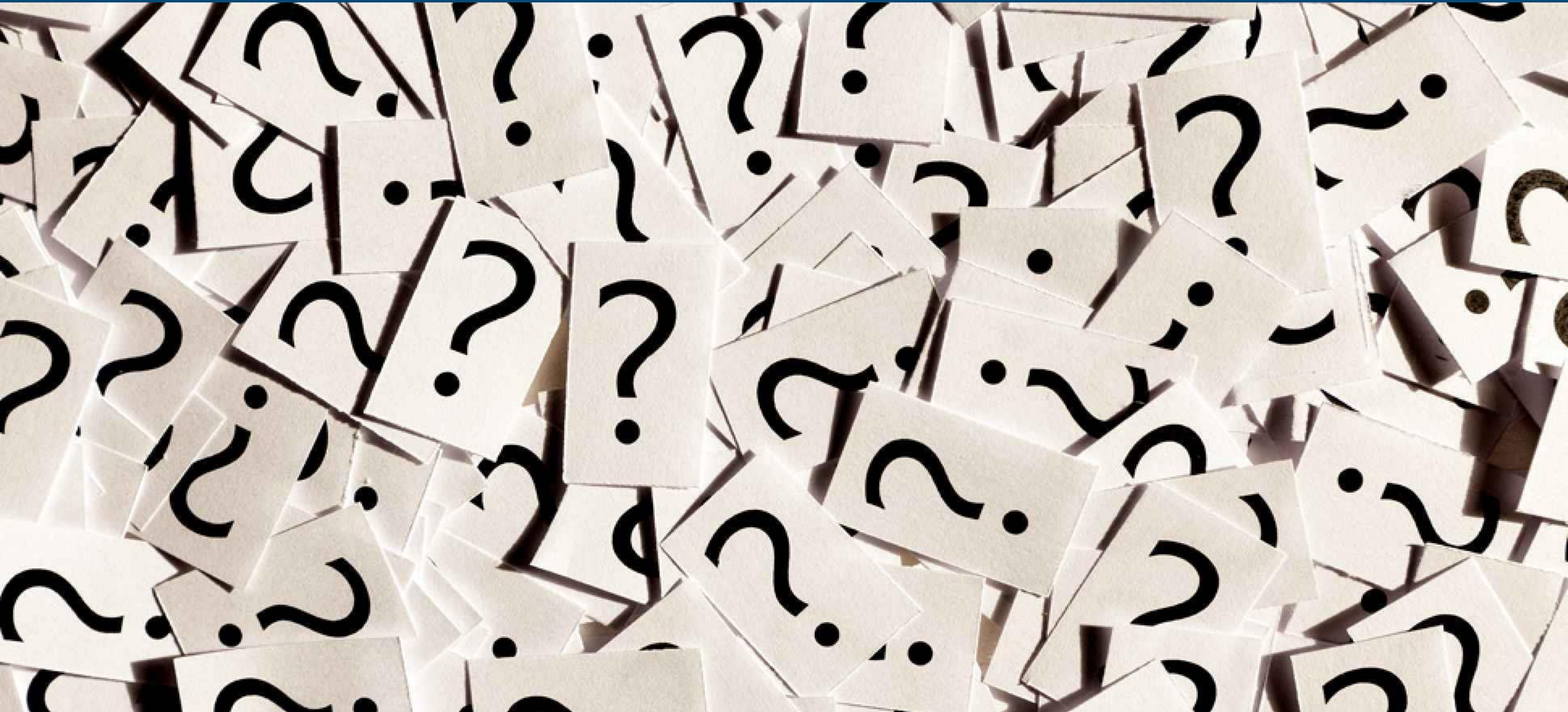
- No express federal notice requirement beyond FCRA (15 U.S.C. § 1681m)
- Though not required by statute, appeal procedures common in LIHTC properties

- [NHLP, HUD Housing Programs: Tenants' Rights \(Green Book\)](#)
- [HUD, Public Housing Occupancy Guidebook](#)
- [HUD, Occupancy Requirements of Subsidized Multifamily Housing Programs \(4350.3\)](#)
- [HUD, Housing Choice Voucher Program Guidebook](#)
- [NHLP, An Advocate's Guide to Tenants' Rights in the LIHTC Program](#)

Fighting Denials

Practical Tips

Questions?



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