

NOTICE

The Cheyenne Housing Authority is proposing updates to the Administrative Plan. This Notice is to inform you that the Cheyenne Housing Authority Board of Commissioners has opened the Public Comment Period for acceptance of comments on the proposed updates.

Section(s) of the Administrative Plan proposed for update include:

- Section 3.2: Eligibility Criteria
- Section 3.3: Continued Eligibility Criteria

The proposed revisions are available for review on the Cheyenne Housing Authority website at www.cheyennehousing.org or at the Cheyenne Housing Authority's offices:

- In Cheyenne at 3304 Sheridan Street, Cheyenne, Wyoming. The office is open from 8:30 AM to 5:00 PM Monday through Friday, closed from 12:00 PM to 5:00 PM every Wednesday and closed all day on the second and fourth Wednesday of the month.
- In Laramie at 1265 North 3rd Street, Laramie, Wyoming. The office is open from 10:00 AM to 12 Noon, and from 1:00 PM to 5 PM Monday through Friday. The office is closed every Wednesday from 12 Noon to 5 PM for training.

Comments on the proposed revisions to the Administrative Plan are to be submitted in writing (US Mail, email, or hand delivered to the Cheyenne Housing Authority) before 12 NOON Monday July 6, 2020 to:

Sarah Smith
Deputy Director
3304 Sheridan Street
Cheyenne, WY 82009
ssmith@cheyennehousing.org

3.2 ELIGIBILITY CRITERIA

- F. Suitability for tenancy. The Cheyenne Housing Authority determines eligibility for participation and will conduct criminal background checks and sex offender registry checks on all adult household members, including live-in aides, as described below.

Criminal Background Checks. The CHA will conduct criminal background checks on all adult household members, including live-in aides, through an FBI authorized channeler accessing the FBI's National Crime Information Center (NCIC) or similar method of accessing that database. If the background check report includes background information that suggests that the individual may be disqualified from admission but lacks sufficient information to make a qualified/disqualified determination, the CHA will request additional documentation from the applicant and other sources required to determine the individual's eligibility. Criminal background checks will be conducted and evaluated for

eligibility prior to admission. The CHA will deny assistance to an applicant family because of disqualifying criminal activity, as set forth by this plan or by law, on the part of any adult household member including a live-in aide.

Sex Offender Registry Checks. The CHA will perform sex offender registry checks on all adult household members, including live-in aides, through the Department of Justice (Dru Sjodin) National Sex Offender Public Website (NSOPW) or similarly comprehensive sex offender database. Sex offender registry checks will be conducted and reviewed for eligibility prior to issuance of a voucher to the applicant family. The CHA will permanently ban from program participation any individual, including any live-in aide, subject to registration as a lifetime sex offender in any state. The CHA will deny assistance to an applicant family if any household member, including a live-in aide, is subject to registration as a sex offender in any state.

Applicants will be determined ineligible to receive rental assistance if the household consists of:

- A. Have any household member who has currently engaged in, or has engaged in during a reasonable time before the admission decision:
 1. Drug related criminal activity;
 2. Violent criminal activity;
 3. Other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
 4. Other criminal activity that would threaten the health or safety of the Cheyenne Housing Authority or any of its employees, agents, contractors, or subcontractors.
 - a) Examples of such criminal activity include, but are not limited to:
 - Arson
 - Assault
 - Burglary
 - Explosives
 - Extortion
 - Homicide
 - Kidnapping
 - Use of weapons
 - Manslaughter
 - Robbery
 - Identity theft
 - Sexual offenses
 - Trafficking
 - Treason

In making the determination whether this section is applicable to conduct by a household member, the following guidelines shall be used:

- a. A household member is “currently engaged in” the criminal activity if the person has engaged in the behavior within the previous 6 months.

The period of time that constitutes “a reasonable time” shall be three (3) years from the date of disposition. The disposition date on a criminal record is usually the date on which the defendant was found guilty or not guilty.

- a. Time spent in prison or jail shall be excluded from the calculation of reasonable time;

Consideration shall be given to the following factors relevant to the decision to provide or deny assistance: the resulting effect on the community if a decision to assist (or deny assistance) is made; the demand for assisted housing by families who meet assistance eligibility criteria; and the effect of the decision on the integrity of the Cheyenne Housing Authority’s housing programs.

Consideration may be given to other circumstances relevant to the decision to provide or deny assistance, including, but not limited to, such factors as: the seriousness of the criminal activity; the extent to which the household member has taken (or has not taken) responsibility for the criminal activity; the extent to which the household has taken all reasonable steps to prevent or mitigate the criminal activity; the effect of a potential decision to deny assistance on household members not involved in the criminal activity; and mitigating circumstances causing or relating to the criminal activity.

- B. Previous Behavior in Assisted Housing. The CHA to deny assistance based on the family’s previous behavior in assisted housing:

The CHA **will not** deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

The CHA **will** deny assistance to an applicant family if:

The family does not provide complete and true information to the PHA.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family owes rent or other amounts to any PHA in connection with Section 8 or other public housing assistance under the 1937 Act, unless the family repays the full amount of the debt prior to being placed on the waiting list.

If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being placed on the waiting list.

The family has breached the terms of a repayment agreement entered into with the PHA, unless the family repays the full amount of the debt covered in the repayment agreement prior to being placed on the waiting list.

A family member has engaged in or threatened violent or abusive behavior toward PHA personnel.

Abusive or violent behavior towards PHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny assistance, the CHA will consider the factors discussed in Section D below. Upon consideration of such factors, the PHA may, on a case-by-case basis, decide not to deny assistance.

- C. Have any household member who was evicted from federally-assisted housing within three (3) years (measured from the date of eviction) for drug-related criminal activity. However, the Cheyenne Housing Authority may admit the household if it determines:
1. That the evicted household member who engaged in drug related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Cheyenne Housing Authority; or
 2. That the circumstances leading to the eviction no longer exist (for example, the criminal household member had died or is imprisoned).
- D. Have any household member who is currently engaging in the illegal use of a drug; or if any household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or if any household member's abuse or pattern of abuse of

alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

In determining whether to deny assistance for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such abuse, or for abuse or a pattern of abuse by a household member who is no longer engaging in such abuse, the Cheyenne Housing Authority may consider whether the household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated.

- E. **Denied for Life:** Have any household member who has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- F. **Denied for Life:** Have any household member who is subject to a lifetime registration requirement under any state's sex offender registration program.
- G. **Victims of Domestic Violence – VAWA**
See section 6.0 Violence Against Women Act Policies.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the CHA will provide prospective owners with the family's current and prior address (as shown in CHA records) and the name and address (if known) of the owner at the family's current and prior addresses.

3.3 CONTINUED ELIGIBILITY CRITERIA

Annual Sex Offender Screening. At annual recertification or reexamination, CHA will ask whether the tenant or any member of the tenant's household is subject to a State lifetime sex offender registration program in any state. CHA will verify this information using the Dru Sjodin National Sex Offender Database and/or other official federal, state, and local resources and document this information in the same manner as at admission. If the recertification screening reveals that any household member is required to register as a sex offender in any State or the tenant has falsified information or otherwise failed to disclose criminal history on his/her application and/or recertification forms, CHA will terminate assistance.