

**HOUSING LAWS AFFECTING
INDIVIDUALS WITH CRIMINAL CONVICTIONS**

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The public housing law *requires* public housing agencies and providers of Section 8 and other federally assisted housing to deny housing to certain individuals.

- (1) Individuals who have been evicted from public, federally assisted, or Section 8 housing because of drug-related criminal activity are ineligible for public or federally assisted housing for three years. The housing provider has the discretion to shorten the three-year period if the person successfully completes a rehabilitation program approved by the local housing provider or the circumstances leading to the eviction no longer exist (e.g., the person has died or is imprisoned). The three-year time period begins to run from the date of the eviction.
- (2) Any household with a member who is subject to a lifetime registration requirement under a state sex offender registration program is permanently ineligible for public, Section 8, and other federally assisted housing.
- (3) Any household with a member who has been convicted of methamphetamine production on public housing premises is permanently ineligible for public, Section 8, and other federally assisted housing.
- (4) Any household with a member who is currently abusing alcohol in a manner that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents or is illegally using drugs is ineligible for public, Section 8 or other federally assisted housing. Current tenants must be evicted on the same basis. The housing provider may permit these individuals to be admitted or remain in such housing if the person demonstrates that he or she is not currently abusing alcohol or illegally using drugs and has been rehabilitated in any one of three ways: (1) participation in a supervised alcohol or drug rehabilitation program; (2) completion of a supervised alcohol or drug rehabilitation program; or (3) successful rehabilitation in some other manner.

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The public housing law *permits* public housing agencies and providers of Section 8 and other federally assisted housing to deny housing to households if a member has certain kinds of criminal records.

Individuals who have engaged in (1) any drug-related criminal activity; (2) any violent criminal activity; or (3) any other criminal activity that would adversely affect the health, safety, or right to peaceful enjoyment of the premises may be denied public, Section 8, and other federally assisted housing if the criminal activity occurred a “reasonable” time before the person seeks admission. The statute is silent on how recent a conviction must be to be a “reasonable” basis for denying housing.

Public housing agencies and providers of Section 8 housing have the right to obtain criminal records for tenants and applicants.

If a person is denied or evicted from public or Section 8 housing because of a criminal record, the individual must be provided with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.