



DuPage Housing Authority
 711 E Roosevelt Rd, Wheaton, IL 60187
 PH: 630.690.3555 FAX: 630.690.0702
www.dupagehousing.org

Kendall Housing Authority
 811 W John St., Yorkville, IL 60560
 PH: 630.553.8093 FAX: 331.207.8923
www.kendallhousing.org



DHA

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CRIMINAL ACTIVITY POLICY

Introduction

The Housing Authority by its mandate from the United States Department of Housing and Urban Development, administers the Housing Choice Voucher (HCV) Programs in DuPage & Kendall Counties and the Project Based Voucher (PBV) Program in DuPage County. Pursuant to this policy set forth as a part in its Administration Plan, The Housing Authority fully intends to meet its responsibilities to its assisted families, its participating property owners, its neighbors, and the DuPage & Kendall communities. With the implementation of these procedures, the Housing Authority provides to the community and neighborhoods additional protections that are not present in market-place rentals.

Goal

To provide housing assistance to only those families who meet their obligations with respect to the family's obligation not to engage in criminal activity:

24 CFR §982.551 Obligations of participant.

(k) *Fraud and other program violations.*

The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

(l) *Crime by household members.*

The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see §982.553). Under 24 CFR §5.2005(c)(2), criminal activity directly related to domestic violence, dating violence, 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 tenancy, occupancy rights, or assistance of the victim, if the tenant or immediate family member of the tenant is the victim.

(m) *Alcohol abuse by household members.*

The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.



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Definitions

For purposes of these procedures, the Housing Authority adopts these definitions, as set forth in 24 CFR §982.4:

Drug-related criminal activity: Drug trafficking or illegal use or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]).

Violent Criminal Activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Mitigating Circumstances: Verifiable facts that overcome or outweigh negative information.

Family: All the members of a household under one roof and consisting of approved household members as listed on the Housing Assistance Payment (HAP) contract or as subsequently approved by both the owner and the Housing Authority.

Preponderance of Evidence: That evidence which, when fairly considered, produces the stronger impression, and has the greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto.

Adult Family Member: Any member of the family who has reached the age of 18 years or greater.

Procedures

See attached chart: ***Criminal Background Screening Matrix***

The Housing Authority will take the following steps:

- A. Education: The Housing Authority shall provide to all applicants, transferees and participants the information entitled "Statement of Family Obligations." The Housing Authority shall also provide to all applicants, transferees, and participants the information sheet concerning criminal activities.
- B. Contact Public Housing Agency (PHA): The Housing Authority may contact any appropriate HUD or PHA source as to whether any family member has ever been denied assistance pursuant to any federal housing assistance program for violation of the family obligations relating to drug and/or violent criminal activities.
- C. Investigation: Investigation of alleged criminal activity may include



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1. Conference with appropriate family member
2. Contact with property owner to obtain information about alleged activities; advise property owner of his rights and responsibilities.
3. Contact with local police department to request all incident reports and warrants, if any, at the particular address.
4. Obtain copies of complaint from local court.
5. Conduct such other activity as may be deemed appropriate.

D. Request Criminal Background Records: The Housing Authority will request criminal background records for all adult applicants, additions requested to the household and transferees, 18 years of age and older, through a private contractor. The Housing Authority may also utilize criminal background reports received from any source for adult visitors or guests 18 years of age and older, who are alleged to be unauthorized occupants of the subsidized unit.

1. Records relating to criminal background shall be maintained electronically by the private contractor. Working documents may be held by Program Department Managers, in a locked file separate from applicant, transferee and participant files. Access to these records shall be limited to the Program Managers and other Housing Authority Senior Management as necessary.
2. When it has been documented by the background records of the private contractor, or from any other outside source, and based on the guidelines in the attached *Criminal Background Screening Matrix*, that a family member has engaged in criminal activity, that family member will be denied assistance or have their assistance terminated.

In cases where the family member requests an appeal of the denial or termination of assistance, the Program Manager of the Department or their designee shall determine whether to sustain or overrule the denial or termination of assistance based on a document review. In making the determination, the Program Manager or their designee may request that the family member obtain additional court records, if such exist. The Program Manager or their designee shall consider all aspects of the situation, any mitigating circumstances, and the effects of the action of denial or termination. The Program Manager or their designee shall consider all of the circumstances in each case, including:

- ❑ the deleterious impact of the activity upon the persons and neighborhood surrounding the assisted unit,
- ❑ the seriousness of the offense,



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- the extent of participation by family members, and
 - the effects that denial or termination would have on family members not involved in the proscribed activity.
 - 3. In appropriate cases, remaining family members may be permitted to continue receiving assistance and a condition may be imposed that family members determined to have engaged in the proscribed activities will not reside in the unit. If it is determined that denial or termination of assistance is appropriate, the applicant or transferee shall be notified in writing, including his or her right to an Informal Hearing in accordance with the Administrative Plan.
 - 4. If a Hearing is required, it shall be heard by a Hearing Officer.
- E. Informal Hearing: The Informal Hearing process may include a conference with the family. The Hearing Officer may require the family member(s) determined to have engaged in drug-related or criminal activity to obtain court records, if such exist, related to the activity. The Hearing Officer shall consider all of the circumstances in each case, including the deleterious impact of the activity upon the persons and neighborhood surrounding the subsidized unit, the seriousness of the offense, the extent of participation by family members, and the effects that denial or termination would have on family members not involved in the proscribed activity.

The Informal Hearing shall uphold, reverse, or modify the decision of the Program Manager or their designee. In appropriate cases, remaining family members may be permitted to continue receiving assistance and a condition may be imposed that family members determined to have engaged in the proscribed activities will not reside in the unit. The Hearing Officer may require a family member that has engaged in the illegal use of drugs to submit evidence of successful completion of a treatment program as a condition to being allowed to reside in the unit. Determinations shall be based upon a preponderance of the evidence presented at the hearing regardless of whether the family member has been arrested or convicted.

CRIMINAL RECORDS

Offenses	Felony (Years)	Misdemeanor (Years)	Patterns of Misdemeanors	Return Records
1) Alcohol Related	5	0	2 or more in 5 years	NEVER
2) Arson	Any	Any		
3) Assault &/or Battery	5	0	2 or more in 5 years	
4) Bad Checks	0	0		
5) Burglary	5	0	2 or more in 5 years	
6) Crimes Against Animals	5	1		
7) Crimes Against Children	Any	Any		
8) Crimes Against Gov't or Gov't Officials	5	0	2 or more in 5 years	
9) Crimes Involving Computers (Cybercrime)	5	0	2 or more in 5 years	
10) Destruction/Damage/Vandalism of Property	5	0	2 or more in 5 years	
11) Disturbance to Peace & Order	5	0	2 or more in 5 years	
12) Domestic Crimes	5	0	2 or more in 5 years	
13) Drug	5	0	2 or more in 5 years	
14) Drug - Sale, Manufacture, Distribution	Any	10		
15) Embezzlement	5	0	2 or more in 5 years	
16) Fraud	5	0	2 or more in 5 years	
17) Gambling	0	0		
18) Harassment	5	0	2 or more in 5 years	
19) Homicide	Any	10		
20) Kidnapping	Any	10		
21) Organized Crime/Conspiracy	10	5		
22) OUI, OVI, DWI	5	0	2 or more in 5 years	
23) Petit Theft	0	0		
24) Purposefully Obstructs, Impairs or Perverts the Law	5	0	2 or more in 5 years	
25) Robbery	10	5		
26) Sex Crimes - Other	10	5		
27) Sex Crimes Against a Person	Any	Any		
28) Theft/Larceny	5	0	2 or more in 5 years	
29) Traffic Violations	0	-	-	
30) Trespassing	0	0		
31) Weapons	Any	Any		
32) Incarceration (Due to Conviction) Release Date	5	5	-	
33) Any Offense Not Listed	5	0	2 or more in 5 years	