

16. Denial of Assistance Rules at a Glance

Federal Programs

Program	Mandatory Denials	Mitigating Circumstances
All Federal Programs (Public Housing, Section 8, and Subsidized Multifamily Housing)	A permanent ban for applicants or household members who are sex offenders subject to the lifetime registration requirement	
	A three year ban for applicants or household members previously evicted from federally assisted housing for drug-related activity	Housing may be available for other family members if the one involved in drug-related activity is excluded
	Applicants or household members who are current users of illegal drugs	
	Applicants or household members with a history of drug use or alcohol abuse Housing authorities/owners must deny housing if they have a reasonable belief that this behavior will interfere with rights of other tenants	Whether abuse has stopped or whether applicant has undergone rehabilitation; whether a reasonable accommodation is due
Public Housing and Section 8 Only	A permanent ban for applicants or household members who have been convicted of manufacturing methamphetamine in federally assisted housing	
Section 8 Only	Applicants who refuse to sign and submit forms	
	Previous Section 8 tenants evicted for serious lease violations	
	Applicants who refuse to submit information about their immigration status	
	Applicants who are full time students and fail to meet other eligibility requirements	

Program	Discretionary Denials	Mitigating Circumstances
Federal Public Housing	<p>Housing authorities may establish guidelines to deny applicant for conduct reasonably related to the tenancy, including:</p> <ul style="list-style-type: none"> • Nonpayment of rent in past tenancies • Conduct in past residence • Poor housekeeping • Drug-related activity • Violent crimes, crimes to property, or crimes threatening health or safety of others within a reasonable time of the application 	<p>Housing authorities must consider evidence of:</p> <ul style="list-style-type: none"> • Rehabilitation • Willingness to accept counseling or other services • Willingness to increase family income • Availability of training
Section 8	<p>Housing authorities may deny Section 8 applicant if evidence of:</p> <ul style="list-style-type: none"> • Eviction from public housing or Section 8 within 5 years • Previous termination from the Section 8 program • Fraud, bribery, corruption in federal housing • Rent owed to federal housing agency, or failure to obey agreement to pay back rent • Money owed to previous Section 8 landlord • Abusive/violent acts toward housing authority staff • Previous failure to comply with Family Self-Sufficiency program (FSS) • Current or recent drug-related, violent or other criminal activity which may threaten safety of other residents or employees 	<p>Housing authorities may consider:</p> <ul style="list-style-type: none"> • Seriousness of the case • Extent of participation by individual family members • how a disability affects the situation • the effect of the denial on other family members • Participation in a rehabilitation program <p>A housing authority cannot deny applicant based on:</p> <ul style="list-style-type: none"> • Where family lives/will live • Family characteristics/suitability • If refused other housing assistance • Credit problems or other debt
Subsidized Multifamily Housing	<p>Generally, owners may consider the same factors as housing authorities consider, listed above</p>	<p>Owners must consider:</p> <ul style="list-style-type: none"> • the extent of involvement • the seriousness • evidence of rehabilitation or participation in social services • effect of denial on innocent family members

State Programs

Program	Mandatory Denials	Mitigating Circumstances
State Programs (Public Housing, AHVP, and MRVP)	<p>Housing authorities must deny housing if they determine that applicant or household member:</p> <ul style="list-style-type: none"> • Disturbed a neighbor at previous residence, • Damaged property at previous residence, • Had poor housekeeping, or • Engaged in criminal activity, <p>Any of which would interfere with or threaten the safety, security or rights of other tenants or LHA employees.</p> <ul style="list-style-type: none"> • Has a history of nonpayment of rent (unless evicted and had paid more than 50% of income) • Failed to meet lease terms which resulted in threat to health and safety • Failed to give housing authority necessary information • Made misrepresentation on an application or displayed abusive or threatening behavior toward housing authority staff within three years • Does not intend to use housing as primary residence 	<p>Housing authorities must consider evidence of:</p> <ul style="list-style-type: none"> • Severity of the conduct • Amount of time that has passed since conduct occurred • Degree of danger to others or to property • Disruption that a recurrence would cause • Likelihood of improved behavior
	<ul style="list-style-type: none"> • Is a current illegal user of controlled substance (use within previous year creates presumption of current use) 	<p>Housing authority may admit if applicant makes convincing showing of permanent cessation of illegal use</p>
MRVP only	<p>MRVP programs must deny if they determine that applicant or household member:</p> <ul style="list-style-type: none"> • Owes rent or damages to a housing authority and does not have a repayment agreement, or has not complied with a repayment agreement • Has been evicted for good cause from state-funded housing through judgment for possession • Has failed to comply with an MRVP voucher 	
Program	Discretionary Denials	Mitigating Circumstances
MassHousing (Multifamily Subsidized Housing)	<p>MassHousing properties may deny if there is a reasonable risk that applicant:</p> <ul style="list-style-type: none"> • will not pay rent • will interfere with other residents' health, safety, or peaceful enjoyment • will destroy property • lied on the application for housing 	<p>Owners must consider:</p> <ul style="list-style-type: none"> • Whether negative references are biased • How recent information is • For non-payment, how much income was needed to pay