



Port Huron HOUSING Commission

905 Seventh Street - Port Huron, Michigan 48060
Phone: (810) 984-3173 - "TDD" (810) 984-6406 - Fax: (810) 984-6430

TERMINATION OF ASSISTANCE TO THE FAMILY BY THE PORT HURON HOUSING COMMISSION (24 CFR 982.552 and .553)

Termination of assistance for participant may include any or all of the following

- Refusing to enter into a HAP contract
- Terminating Housing Assistance Payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

The PHHC may at any time terminate program assistance for a participant, because of any of the actions or inaction by the household:

- A. If the family violates any family obligations under the program.
- B. If a family member fails to sign and submit consent forms.
- C. If a family fails to establish citizenship or eligible immigrant status and is not eligible or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the PHHC determines that a family member has knowingly permitted an ineligible NON-CITIZEN (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.
- D. If any member of the family is evicted from housing assisted under the Section 8 program for serious violations of the lease.
- E. Have a household member who is currently engaged in violent criminal or illegal drug related activity.

For purposes of this policy, a household member is "currently engaged in" the above behavior if the behavior is recent enough to justify a reasonable belief that the behavior is current.
- F. If any member of the family commits drug-related criminal activity, or violent criminal activity, (in violation of 24 CFR 982.551)
- G. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- H. If the family currently owes rent or other amounts to the PHHC or to another Housing Commission in connection with Section 8 or public housing assistance under the 1937 Act.
- I. If the family has not reimbursed any Housing Commission for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.



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- J. If the family breaches an agreement with the PHHC to pay amounts owed to a Housing Commission, or amounts paid to an owner by a Housing Commission. (The Housing Commission, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a Housing Commission or amounts paid to an owner by a Housing Commission. The Housing Commission may prescribe the terms of the agreement.)
- K. If any household member has engaged in or threatened abusive or violent behavior toward Housing Commission personnel, contractor, or agent.
- L. If any household member is subject to a lifetime registration requirement under a State sex offender registration program. Registration requirements for anything less than a lifetime registration requirement under a state sex offender registration program will be reviewed on a case-by-case basis, and a determination made based on the degree of conviction and any other pertinent information.
- M. If a household member's illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the PHHC to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- N. If a household is found to ever have been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of Federally Assisted Housing. (Denied for Life)
- O. Have a household member who is a fugitive felon, parole violator or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a crime under the laws of the place from which the individual flees.
- P. Any violent or drug-related criminal activity by the Tenant, household members or guests on or off the premises, not just on or near the premises. Drug related criminal activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell distribute or use a controlled substance. This includes but is not limited to the manufacture of Methamphetamine on the premises of the PHHC, or any other Federally Assisted Housing.
- Q. Families absent from the assisted unit more than 60 calendar days without good cause and PHHC approval, or more than 180 calendar days, regardless of good cause or not;
- R. FOR SITUATIONS INVOLVING THE USE OF MEDICAL MARIJUANA, PLEASE REFER TO THE PHHCs "MEDICAL MARIJUANA POLICY".

The PHHC may terminate for any of the above criminal activity by a household member if the PHHC determines, based on a preponderance of evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted of such activity.

An arrest record, alone, will not serve as sufficient evidence of criminal activity that can support an adverse termination, or eviction decision. Before the PHHC evicts an individual or household on the basis of criminal activity by a household member or guest, it will determine that the relevant individual actually engaged in such activity.

An arrest record can trigger an inquiry into whether there is sufficient evidence to determine that a person engaged in disqualifying criminal activity, but is not itself evidence on which to base a determination. The PHHC can utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist them in making a determination that disqualifying conduct occurred. Reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred.

When criminal records are used for the purposes to terminate participation for criminal activity as shown by the criminal record, or the Sex Offender Registration, the PHHC will notify the household of the proposed action, and will provide the subject of the record, and the program participant/tenant, with a



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copy of such information, and an opportunity to dispute the accuracy and the relevance of the record. This opportunity will be provided before a termination of participation. The cost of obtaining the criminal record check will not be passed along to the tenant participant. (24 CFR 905 (d)) Fourteen (14) calendar days to dispute the accuracy and relevance of the record in writing. If the Port Huron Housing Commission does not receive the dispute within the allotted time, the applicant will be denied. The family will have fourteen (14) calendar days to dispute the accuracy and relevance of the record in writing. If the PHHC does not receive the dispute in writing within the time allotted, the family will be terminated based on the original proposed information and dates.

An incident or incidents or actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

The Housing Commission may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence, sexual assault or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

The Housing Commission may honor court orders regarding the rights of access or control of the property, including EPO's, DVO's, and other orders issued to protect the victim and disused to address the distribution or possession of property among household members where the family "breaks up".

There is no limitation on the ability of the Housing Commission to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, and sexual assault or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

There is no prohibition on the Housing Commission terminating assistance if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's (victim's) assistance is not terminated.

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

The Housing Commission may require certification by the victim of victim status on such forms as the Housing Commission and/or HUD shall prescribe or approve.

Refer to Section 24.0 of this Policy for further information on our Violence Against Women Act Policy.

In determining whether to terminate because of action or failure to act by members of the family, the PHHC may consider all relevant circumstances. (See section 17.4, "Consideration of Circumstances")



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