

## New Requirements Regarding Sex Offenders

In a 2009 audit, the OIG (Office of Inspector General) estimated that 2000-3100 assisted households included a lifetime registered sex offender. HUD Notice H 2012-11, issued by HUD on June 11, 2012, re-confirmed that applicants subject to a lifetime state sex offender registration requirement cannot be admitted to federal housing programs. It also requires immediate eviction of tenants who were admitted in error (i.e. management did not identify that they were on offender registries, beginning June 25, 2001).

Properties have been required to screen out state registered lifetime sex offenders since June 25, 2001, by statutory law. This requirement was announced in HUD Notice 02-22, released on October 29, 2002. So, through no management error, there may be tenants living on site that moved in before that date. In these cases, there is no law or HUD regulation that requires eviction or subsidy termination.

Notice 2012-11 requires criminal background checks prior to offering a unit, both in the state where the site is located and in every state where household members have lived. Search results must be kept with the application for the term of tenancy plus three years.

- Applicants must provide a complete list of all states in which any household member has lived. Failure to provide accurate information to management is grounds to deny the application.
- Management must ask whether the applicant, or any member of the household, is subject to a lifetime sex offender registration requirement in any state. If so, the family must be given the opportunity to remove the ineligible household member – and if they refuse, the application must be denied.
- The written rejection notice must clearly state the reason that the family is being denied admission.
- For in-place tenants, if management discovers that a tenant was admitted in error (s/he was admitted after June 25, 2001 and was subject to a state's lifetime registration requirement), eviction/termination of that individual must be pursued immediately.

This Notice recommends that O/As adopt admission and Annual procedures to prevent lifetime registered sex offenders from receiving federal housing assistance.

- Criminal history information provided by applicants should be verified via resources like the Dru Sjodin National Sex Offender Database (free, online Dept. of Justice website at <http://www.nsopw.gov>). Screening should include juveniles to the extent allowed by state and local law.
- During ARs, management should ask whether any household member is subject to any state's lifetime sex offender registration program, and then verify using a website such as the Dru Sjodin Database. If this process reveals that the tenant falsified information, or failed to disclose criminal history, subsidy termination (or eviction for PRAC sites, since there is no such thing as termination) should be pursued.

-- Regardless of when the family moved in, if any household member engages in criminal activity (including sex offenses) while living on site, eviction/termination should be pursued to the extent allowed by the lease, HUD regulations, and state/local law.

Review your criminal screening procedures to be sure they're compliant with these new requirements. Do you need to add to your application documents to get a list of states where family members have lived? Revise your applicant interview procedures to include asking about sex offender registration? Revise written rejection notices or AR questionnaires? Update your Tenant Selection Plan? Consider implementing the recommended procedures as well, and be sure to document changes in your policies as needed.

Since HUD requires that you have written procedures in order to verify household composition, you may need to update yours to include how removal of the household member will be verified. How will the household be required to document that the ineligible member is no longer living in the unit?

Find Notice H 2012-11 *State Registered Lifetime Sex Offenders in Federally Assisted Housing* here: <http://portal.hud.gov/huddoc/12-28pihn12-11hsgn.pdf> Address questions to Mr. Zeljko Jovanovic (202-402-315 or [Zeljko.Jovanovic@hud.gov](mailto:Zeljko.Jovanovic@hud.gov))