Chapter 3

ELIGIBILITY FOR ADMISSION
[24 CFR Part 960, Subpart B]

INTRODUCTION

This Chapter defines both HUD's and HAKC's criteria for admission and denial of admission to the program. The policy of HAKC is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. HAKC staff will review all information provided by the family carefully and without regard to factors other than those provided with the regulation and HAKC policies. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by HAKC pertaining to their eligibility. When permissible by HUD, the HAKC may also use units for resident/employee housing. Screening criteria will be consistent with occupancy standards, with the exception of the preferences.

Exemption from Eligibility Requirements for Police Officers and Other Security Personnel

The Authority shall be permitted to admit to Public Housing, police officers and other security personnel who are not otherwise eligible for such housing under any other admission requirements or procedures (i.e. police officers would not be required to be income eligible to qualify for admission to the Public Housing program.) HUD’s objective in granting this exemption is to permit long-term residency in public housing developments of police officers and security personnel whose visible presence is expected to serve as a deterrent to criminal activity in and around housing.

Before HAKC would be permitted to house police officers or other security personnel under this provision and as contained in the five-year plan, HAKC would submit to HUD the Housing Authority’s standards and criteria for approval/waiver of admission criteria in accordance with 24 CFR 960.501.

A. QUALIFICATION FOR ADMISSION

It is HAKC's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

Is a family as defined by regulation.

Where at least one member of the household is either a U.S. citizen or is an eligible non-citizen. (24 CFR Part 5, Subpart E).

Has an Annual Income at the time of admission that does not exceed the low-income limits.
for occupancy established by HUD and posted separately in the PHA offices.

The Quality Housing and Work Responsibility Act of 1998 authorizes PHAs to admit families whose income does not exceed the low-income limit (80% of median area income) and the PHA is required to meet the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income or the poverty rate as established by HHS). It is the policy of the HAKC to meet the income-targeting requirement.

Provides a Social Security number (SSN) for all family members that declare eligibility. Anyone not declaring eligibility will provide written certification that they do not have Social Security numbers and are not declaring eligibility;

Meets or exceeds the standards for the criminal background check;

The head of household meets the criteria to execute an enforceable contract;

Meets or exceed the Tenant Selection and Assignment Plan (Chapter 4) as set forth in this policy.

B. FAMILY COMPOSITION

Definition of Family (PIH 2014-20)

The applicant must qualify as a Family. A family may be a single person or a group of persons. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law. For occupancy standards purposes, the applicant may claim a spousal relationship. (See Chapter 5, Occupancy Guidelines.)

A group of persons is defined by HAKC as two or more persons who intend to share residency, and whose income and resources are available to meet the family's needs, and will live together in HAKC housing.

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

2. A group of persons residing together, and such group includes, but is not limited to:

   (a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
(b) An elderly family;

(c) A near-elderly family;

(d) A disabled family;

(e) A displaced family; and

(f) The remaining member of a tenant family.

3. A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family;

4. Two or more elderly or disabled persons living together or one or more elderly or disabled persons living with one or more live-in aides are a family;

5. Two or more near-elderly persons living together or one or more near-elderly persons living with one or more live-in aides.

6. An expectant mother with no children will qualify for assistance as a family.

7. The temporary absence of a child from the home due to placement in foster care will not be considered in determining the family composition and family size.

*Sexual orientation* means homosexuality, heterosexuality or bisexuality.

*Gender identity* means actual or perceived gender-related characteristics.

For the purposes of the definition of a qualified family and admission of a single higher education student, the restrictions on assistance to students enrolled in an institution of higher education do not apply to public housing. (24 CFR 5.612) The student rule would apply to mixed finance properties on units that are non-public housing.

**Head of Household**

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Emancipated minors who qualify under State law may be recognized as head of household.

Missouri does not have a formal procedure for the emancipation of minors, in which a minor is declared an “adult” in the eyes of the law (and thus eligible for all the privileges and responsibilities of adulthood). But Missouri does allow for the emancipation of minors by court
order in some limited circumstances, which include:

- Express parental consent (waiving parental rights)
- Implied parental consent (minor is already living apart from parents and supporting him or herself)
- Significant change in status (this may include military enlistment or marriage)

**Spouse of Head**

Spouse means the husband or wife of the head, real or perceived.

**Co-head**

An adult member of the family who is treated the same as a head of the household for purposes of determining income, eligibility, and rent. A co-head never qualifies as a dependent.

**Elderly Family**

A family whose head, co-head, spouse or sole member is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. (24 CFR 5.403)

**Elderly Person**

A person who is at least 62 years of age (24 CFR 5.100)

**Near-elderly Family**

**For Admission purposes as defined** - Near elderly households are families whose head, co-head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 year of age but below the age of 62 living with one or more live-in aide.

**For Elderly only designation facilities, purposes and as defined** - Near elderly households are families whose head, spouse, or sole member is a person who is at least 55 years of age but below the age of 62; or two or more persons, who are at least 55 years of age but below the age of 62, living together; or one or more persons who are at least 55 year of age but below the age of 62 living with one or more live-in aide.
Disabled Family

The definition of a disabled family for purpose of eligibility, allowances, and deductions is as follows:

A disabled family means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

As defined in Section 24 CFR 5.403, a person with disabilities, means a person who:

1. Has a disability as defined in Section 223 of the Social Security Act (42 U.S.C.423), or
2. Is determined by HUD regulations to have a physical, mental or emotional impairment that:
   (a) is expected to be of long, continued, and indefinite duration;
   (b) substantially impedes his or her ability to live independently; and
   (c) is of such a nature that such ability could be improved by more suitable housing conditions, or
3. Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act(42 U.S.C. 6001(5)).

The definition of a person with disabilities does not exclude persons who have the disease acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV). However, for the purpose of qualifying for low income housing, the definition does not include a person whose disability is based solely on any drug or alcohol dependence.

(Note: The definition of a person with disabilities as defined in 24 CFR 8.3 is different and must be used for purposes of reasonable accommodations and program accessibility for persons with disabilities.)

Live-In Aide

A Family may include a live-in aide provided that such live-in aide:

1. Is determined by HAKC to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities,
2. Is not obligated for the support of the person(s), and
3. Would not be living in the unit except to provide care for the person(s).
A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.

2. Live-in aides are not subject to Non-Citizen Rule requirements.

3. Live-in aides may not be considered as a remaining member of the tenant family.

While a live-in aide or caretaker who resides in the unit may be a lawful occupant, nonetheless such individual is not a tenant and the protections of VAWA would not apply, except the live-in aide or caretaker cannot be denied assistance if he or she is a victim and independently applies for assistance.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

Family members of a live-in aide may also reside in the unit, provided doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit. The family will be eligible to increase the bedroom size by one bedroom to accommodate the live-in aide status.

A live-in aide may only reside in the unit with the approval of HAKC. Written verification will be required from a reliable, knowledgeable medical professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near elderly, or disabled.

HAKC will screen and qualify the live-in aide and the live-in aide must be eligible under non-criminal background requirements, not owe money to the PHA, not previously been terminated by a PHA, and must also have the necessary skills to meet the needs of the individual requesting the reasonable accommodation.

HAKC has the right to disapprove a request for a live-in aide based the "suitability criteria" described in this Chapter.

**Displaced Family**

A family is considered to be displaced when its dwelling has been extensively damaged or destroyed as a result of a declared disaster or otherwise formally recognized under federal disaster relief laws. A person also qualifies if he or she is displaced from his or her dwelling by federal, state or local governmental action.
Foster Children

Families will be permitted to have foster children live with them in public housing if HAKC determines that it will not result in overcrowding.

Dependents

Dependents are each member of the family residing in the household (other than the head of household, spouse, live-in aide(s), foster adult, or foster child who may be household members but not family members), who is under eighteen years of age, or who is eighteen years of age or older and disabled, or a full-time student.

Minors removed from the home:
If there is a one parent home and the children are removed from the parent by the Division of Family Services (DFS), HAKC will try to find out from DFS how long it will be and under what conditions the children will be returned to the parent. The parent will retain his/her eligibility as remaining member of the resident family. S/he may have to move to a different size apartment.

Joint custody:
Children who are subject to joint custody agreements but who will live in the housing unit at least 51% of the time will be considered members of the household. "51% of the time" means 183 days of the year, which do not have to run consecutively. Court documents will be used as the source of verification.

If the minor is in the household less than 183 days per year, the minor may be considered an eligible visitor but will not be classified as a dependent.

Military Absence

If an adult member goes into the military and leaves the household, they may be determined permanently absent.

Students

A student, other than husband or wife, who attends school away from home but lives with the family during school recesses, may be considered a part of the family.

C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216]

Families are required to provide verification of Social Security Numbers for all family members if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial of admission or
termination of tenancy.

The HAKC must request the applicant and participant (including each member of the household), who are not exempt under SSN Disclosure, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:

- An original SSA-issued document, which contains the name and SSN of the individual; or
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

**SSN Disclosure**

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:

1. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.

   (a) A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance and cannot be housed.

   (b) A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance in accordance with 24 CFR 5.520. The HAKC may not deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.

2. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. The HAKC may confirm HUD’s validation of the participant’s SSN by viewing the household’s Summary Report or the Identity Verification Report in the EIV system.

3. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

4. Live-in Aides and foster members must possess and disclose their SSN.

5. Unless accepted as stated above, the HAKC determines that the assistance applicant is otherwise eligible to participate in a program; the assistance applicant may retain its place
Housing Authority of Kansas City

Eligibility for Admissions

Adopted by Commission:

Effective: February 12, 2018

on the waiting list for the program but cannot become a participant until it can provide the documentation as stated above to verify the SSN of each member of the household.

If a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household’s date of admission, the assistance applicant may become a participant, so long as the documentation required is provided to the HAKC within 90 calendar days from the date of admission into the program. The HAKC must grant an extension of one additional 90-day period if the HAKC determines that, in its discretion, the assistance applicant’s failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required within the required time period, the processing entity must follow the provisions of termination of the assistance.

Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC 552a, as amended). In accordance with 24 CFR 5.212, the collection, maintenance, use, and dissemination of SSNs, any information derived from SSNs and income information must be conducted, to the extent applicable, in compliance with that Act and all other provisions of Federal, State, and local law.

There is no provision under HUD regulations, which prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, some state laws prohibit an individual with ineligible immigration status from executing a contract (i.e. lease or other legal binding documents).

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD. Those categories are:

1. A noncitizen who has been lawfully admitted to the U. S. for permanent residence, as defined by Section 101(a)(20) of the Immigration and Nationality Act (INA) as an immigrant, as defined by Section 101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 2101(a)(15), respectively (immigrants). This category includes a noncitizen who has been admitted under Section 210 or 210A of the INA (8 U.S.C. 1160 or 1161), (special agricultural worker), and who has been granted lawful temporary resident status;

2. A noncitizen who entered the U. S. before January 1, 1972, or such later date as enacted by law, and who has continuously maintained residence in the U. S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General.
under Section 249 of the INA (8 U.S.C. 1259);

3. A noncitizen who is lawfully present in the U. S. pursuant to an admission under Section 207 of the INA (8 U.S.C. 1157) (refugee status); pursuant to the granting of asylum (which has not been terminated) under Section 208 of the INA (8 U.S.C. 1158) (asylum status); or as a result of being granted conditional entry under Section 203(a)(7) of the INA (U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity;

4. A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or for reasons deemed strictly in the public interest under Section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) (parole status);

5. A noncitizen who is lawfully present in the U.S. as a result of the Attorney General's withholding deportation under Section 243(h) of the INA (8 U.S.C. 1253(h)) (threat to life or freedom); or

6. A noncitizen lawfully admitted for temporary or permanent residence under Section 245A of the INA (8 U.S.C. 1225a) (amnesty granted under INA 245A).

7. A noncitizen in the 2014 Executive Order Granting Amnesty to Illegal Citizens enrolled in Healthcare

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed families". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students defined by HUD in the noncitizen regulations are not eligible for assistance. No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

E. OTHER ELIGIBILITY or SUITABILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and
sound management practices. Applicants will be required to demonstrate the ability to comply with essential provisions of the lease as summarized below.

All applicants must demonstrate through an assessment of current and past behavior the ability:

- To pay rent and other charges as required by the lease in a timely manner;
- To care for and avoid damaging the unit and common areas;
- To use facilities, appliances and equipment in a reasonable way;
- To create no health or safety hazards, and to report maintenance needs in a timely manner;
- Not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;
- Not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off HAKC premises;
- Not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed," on the premises of assisted housing;
- Not to be subject to lifetime sex offender registration requirement;
- Not owe debts to other landlords or public utilities;
- To not commit fraud against any assisted housing program;
- To comply with necessary and reasonable rules and program requirements of HUD and HAKC;
- To comply with local health and safety codes; and
- Is not on the HAKC Trespass list.

In the event of the receipt of unfavorable information with respect to an applicant, the HAKC must consider the time, nature and extent of the applicant’s conduct (including the seriousness of the offense). As discussed in Chapter 3-G, the HAKC may also need to consider whether the cause of the unfavorable information may be that the applicant is a victim of domestic violence, dating violence or stalking or disability that may be corrected through a reasonable accommodation.
Denial of Admission for Previous Debts to This or Any Other PHA

Previous outstanding debts to HAKC or any Public Housing Authority (PHA) resulting from a previous tenancy in the public housing, HCV, or assisted housing program must be paid in full prior to unit offer. No payment agreement will be accepted at move-in.

Spouse, co-head or adult member twenty-one (21) or over, or recognized as an adult are responsible for the entire debt incurred as a previous PHA tenant. Children of the head or spouse who had incurred a debt will not be held responsible for the parent's previous debt. In no case will the debt be forgiven.

Denial of Admission for Past Performance in Meeting Financial Obligations Especially Rent and Utilities.

The HAKC will gather a minimum of three years information from previous PHAs and landlords about past performance meeting rental obligations such as the rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. HAKC will consider patterns of negative residential history, mitigating circumstances, and unverifiable information in its determination for suitability. Previous outstanding debts to public utilities must be paid before the applicant is processed by HAKC for a unit to be occupied that requires the resident to obtain utility service. The standard will be that utilities can be turned on in the name of the head of household, co-head, spouse or other adult member on the lease. NOTE: Outstanding utility debt will not prevent admission to properties where resident are not required to pay utilities. Applicants with previous PHA debts will be permitted to execute a payment agreement at the time of pre-application, but 100% of the debt must be paid prior to offer of a unit.

HAKC reserves the right, in the case of extreme hardship, i.e. homelessness, to enter into a Payment Agreement. Full documentation of the hardship will be required. In no case will the debt be forgiven.

F. NON-ECONOMIC ELIGIBILITY and SUITABILITY CRITERIA (Including Criminal/Drug)

In developing its admission policies, the aim of HAKC is to attain a resident body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families and families with serious social problems. Therefore, it is the policy of HAKC to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood or on the quality of life for its residents.

As part of eligibility determination, the Authority will screen each applicant household to assess its suitability as renters. Factors not related to economics to be considered are housekeeping habits, prior history as a tenant, criminal records, and the ability of the applicant to maintain the responsibilities of tenancy.
Considerations for Determining Qualifications

In determining qualifications for tenancy, HAKC will consider the following items:

- Whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety, or welfare of other residents, or the physical, environmental, or financial stability of the development.

HAKC will rely upon sources of information which may include, but not limited to, HAKC records, the records of other housing authorities, personal interviews with the applicant or tenant, home visits, interviews with previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians, or the police department. This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant or tenant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare.

In making a decision to deny assistance, the HAKC will consider factors discussed in Chapter 3-G, PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [VAWA 2013]

An authorized representative of HAKC will document any pertinent information relative to the following:

1. **Criminal Activity** – including the activities further defined herein as of a criminal nature.

2. **Pattern of Violent Behavior** – includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to neighbors’ peaceful enjoyment of their premises. HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity was/is being engaged in by any family member.

3. A pattern of conduct reflected by several violations of Federal, State or local law indicative of disregard for the law and the rights of others. Examples include, but are not limited to, violations for trespassing, disturbing the peace, disorderly conduct, prostitution or public drunkenness on or near Public Housing property.

4. Was convicted of prostitution within the past five (5) years in accordance with Section 99.103 RsMo.

5. **Pattern of Drug Use** – includes a determination by HAKC that the applicant has exhibited a pattern of illegal use of a controlled substance that might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
6. **Drug Related Criminal Activity** – includes a determination by HAKC that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

7. **Pattern of Alcohol Abuse** – includes a determination by HAKC that the applicant’s pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

8. **Initiation of Threats or Harassment** – or behaving in a manner indicating intent to assault or harassment of employees or other residents.

9. **Abandonment of a Public Housing Unit or Other Assisted Housing Unit (“skipped”)** – any abandonment of a unit assisted by HUD without advising the administering housing authority’s personnel of intent to vacate so that the unit may be properly secured and protected from any vandalism.

10. **Non-payment of Rightful Obligations** – including rent and/or utilities and other charges owed to HAKC or another housing authority.

11. **Intentionally Falsifying an Application for Leasing** – including providing false information about family income and family composition, using an alias on the application for housing, or making any other material false statement or omission intended to mislead.

12. **Record of Serious Disturbances of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior** – consists of patterns of behavior which endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility, which damage the equipment or premises in which the applicant resides, or which are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant’s inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.

13. **Unsanitary Housekeeping** – includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials; severe damages to premises and equipment caused by the family or persons under control of the family; seriously affecting neighbors by causing infestations, foul odors, depositing garbage outside of normal trash receptacles, or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors or a threat to health and safety.

14. **Destruction of Property** – **Material** damage to any previous rentals or property that the family has resided in the amount of which was adjudicated and resulted in a judgment against the family.

HAKC will not use a record of an arrest as the sole basis to deny a housing opportunity;
however, HAKC may make an adverse housing decision based on the conduct underlying an arrest if the conduct indicates that the individual is not suitable for tenancy and the HAKC has sufficient evidence, other than the arrest, that shows the individual engaged in the conduct. The conduct, not the arrest, is relevant for admissions and tenancy decisions.

However, an arrest record may trigger an inquiry into whether there is sufficient evidence for HAKC to determine that a person engaged in disqualifying criminal activity, but an arrest itself will not be sufficient evidence on which to base a determination. HAKC may utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist it 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.

In the event an individual has outstanding warrants or other negative court records, the HAKC may suspend the admissions and tenancy decision and offer the individual 60 days to resolve the issue(s). Failure on the individual’s part to provide mitigating circumstances or documentation supporting satisfactory resolution of the issue(s) may result in an adverse housing decision.

**Whether Applicant or Tenant is Capable of Maintaining the Responsibilities of Tenancy** – In the case of applicants for admission, the person’s present living arrangements and a statement obtained from the applicant’s physician or social worker will be among factors considered in making this determination. The availability of a Live-In Aide will be considered also in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration will be given to the time, nature, and extent of the applicant’s conduct, and to factors that might indicate a reasonable probability of favorable future conduct. Generally, the HAKC will consider the aforementioned items relating to suitability within the prior five (5) years of the date of the screening of such application for public housing benefits.

The HAKC will not admit persons evicted from public housing, Indian housing, Section 23, or any Housing Choice Voucher (HCV) program because of drug related criminal activity within the past three (3) years preceding date of interview. The HAKC may waive this requirement if the person demonstrates that he/she:

- Has successfully completed a supervised drug or alcohol rehabilitation program approved by HAKC;
- Has otherwise been rehabilitated successfully;
- Is participating in a supervised drug or alcohol rehabilitation program; or,
- The circumstances leading to the eviction no longer exists (i.e. the individual involved in drugs is no longer in the household because the person is incarcerated).
Permanent Ban on Admissions

1. Persons convicted of methamphetamine production - Any member of the household who has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

2. Persons subject to sex offender registration requirement - Any member of the household subject to a lifetime registration requirement under a State sex offender registration program. NOTE: The HAKC will perform necessary criminal history background checks in all States where household members are known to have resided.

Denial of admission for persons convicted of crimes of prostitution and/or sale or possession of controlled substances. (Section 99.103 RSMo)

The HAKC will deny the application for housing benefits of any person who has been convicted of a crime of prostitution or the possession or sale of a controlled substance listed in Schedule I and II of Section 195.017 RSMo., or whose dwelling unit is known to have been the site of such crimes within the preceding five (5) years of the date of screening of such application.

If in the past the HAKC initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice (PIH 96-27) or amended changes, for a family, as a prior resident of public housing, the family will be ineligible for admission to Public Housing for a three (3) year period beginning on the date of such eviction.

Persons evicted for drug-related criminal activity. Applicants will be prohibited from admission to the public housing program for three (3) years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity. However, HAKC may admit the household if it is determined:

(a) The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HAKC; or

(b) The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).

Persons engaging in illegal use of a drug. The HAKC will prohibit admission of a household to the HAKC's public housing program if:

(a) The HAKC determines that any household member is currently engaging in illegal use of a drug (For purposes of this section, a household member is “currently engaged in” the criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current); or
(b) The HAKC determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

**Persons that abuse or show a pattern of abuse of alcohol.** The HAKC will prohibit admission to the HAKC's public housing program if the HAKC determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol within the preceding three (3) years of the date of screening of the person’s application may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

**Eviction** – Defined: A person/family will be considered evicted once a landlord has obtained an order/judgment from the court, regardless of whether the person/family moved from the residence prior to physical enforcement of the judgment order.

**Use of criminal records.** Before HAKC denies admission to the public housing program on the basis of a criminal record, the HAKC will notify the household of the proposed action to be based on the information and will provide the subject of the record and the applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

**Other Offenses and Provisions to Deny**

If on probation or parole for any conviction, assistance will be denied until the member has been discharged from probation or parole.

The HAKC will not admit persons whose conduct in present or prior housing has been such that admission to the program would adversely affect the health, safety, or welfare of other residents, or the physical environment, or the financial stability of the development.

In determining the criminal background for admission, the HAKC will not deny the family if the member is a “victim” of domestic violence as stated and protected under the Violence Against Women Act.

**Administration**

All screening procedures will be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, sexual orientation, disability or against other legally protected groups, and not to violate right to privacy.

To the maximum extent possible, the HAKC will involve other community and governmental entities in the promotion and enforcement of this policy.

In evaluating evidence of negative past behavior, the HAKC will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood
of favorable conduct in the future which could be supported by evidence of rehabilitation.

In order to obtain access to the records the HAKC must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903]. The HAKC will perform criminal background checks through local law enforcement, applicant or resident personal information, or other sources for all adult household members.

The HAKC is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

The HAKC may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, the HAKC may request the applicant to be fingerprinted and may request the information from the National Crime Information Center (NCIC). If the HAKC proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the HAKC must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

The HAKC will ensure that any criminal record received is maintained confidentially, not misused, or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished. The HAKC may require additional information from other sources to validate the criminal background requirements.

**Hearings**

If information is revealed that would cause the HAKC to deny admission to the household and the person disputes the information, he/she will be given an opportunity for an informal hearing according to HAKC’s hearing procedures outlined in Chapter 13 on Complaints, Grievances and Appeals.

**G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING [VAWA 2013 and Final Rule]**

The Violence against Women Reauthorization Act of 2013 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. The victim can be male or female, and both are protected under the Act. Specifically, Section 607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:
Every contract for contributions will provide that “... the public housing agency will not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section will be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.”

Definitions

As used in VAWA:

1. The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

2. The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship will be determined based on a consideration of the following factors:
   (a) The length of the relationship
   (b) The type of relationship
   (c) The frequency of interaction between the persons involved in the relationship

3. The term *stalking* means:
   (a) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
   (b) To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
   (c) In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.
4. The term “Affiliated Individual” means and is defined as with respect to an individual, as a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis, or any individual, tenant, or lawful occupant living in the household of that individual.

5. “Sexual assault” is defined as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (42 U.S.C. 13925(a)).

**Notification and Victim Documentation**

**HAKC Policy**

The HAKC acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history that would warrant denial under the HAKC’s policies. Therefore, if the HAKC makes a determination to deny admission to an applicant family on the basis of an unfavorable history, the HAKC will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

The documentation may include one of the two elements:

A signed statement (HUD-5382) by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking or

One of the following:

- A police or court record documenting the actual or threatened abuse
- A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The applicant must submit the required documentation with her or his request for an informal hearing or must request an extension in writing at that time. If the applicant so requests, the HAKC will grant an extension of 10 business days, and will postpone scheduling the applicant’s informal hearing until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the HAKC determines the family is eligible for assistance, no informal hearing will be scheduled and the HAKC will proceed with admission of the applicant family.
Perpetrator Removal or Documentation of Rehabilitation

HAKC Policy

In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, the HAKC will proceed as above but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the public housing unit or (b) that the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.

If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

HAKC Confidentiality Requirements

All information provided to the HAKC regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

H. SCREENING FOR SUITABILITY [24 CFR 960.204, 960.205]

It is the policy of HAKC to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood or on the quality of life for its residents.

HAKC will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. All information will be subject to third party verification.

An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance which they can demonstrate that they have or will have at the time of admission. (24 CFR 8.2 Definition: Qualified Individual with Handicaps)
Availability of assistance is subject to verification by HAKC.

The HAKC's minimum age for admission as head of household is 18. This requirement is to avoid entering into leases that would not be valid or enforceable under applicable law. Exception to the age requirement may be granted to those with emancipation status as granted by a court of law. HAKC will not allow under any circumstances a parent or legal guardian to co-sign a lease on behalf of an applicant in order to bypass the age requirement.

As a part of the final eligibility determination, HAKC will screen each applicant household to assess their suitability as renters.

HAKC will complete a credit check of each applicant so as to determine past rental history, including any possibility of bad debts to any federally assisted housing programs.

HAKC will rely upon sources of information which may include, but not be limited to, HAKC records, personal interviews with the applicant or tenant, interviews with previous landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians or the police department.

This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare.

Factors to be considered in the screening are:

- Housekeeping habits
- Rent paying habits
- Prior history as a tenant
- Criminal records

HAKC's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

- The applicant's past performance in meeting financial obligations especially rent.
- Eviction or a record of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
- Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
- Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
- Any history of initiating threats or behaving in a manner indicating intent to assault employees or other tenants.

- Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.

- History of recent serious criminal activity including cases in which a member of the family who is expected to reside in the household was or is engaged in prostitution, sale of narcotics, or other serious criminal activity provided that involvement in such activities shall not be a ground for ineligibility if it occurred more than five years ago.

- The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by HAKC. The information to be considered in the screening process will be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

- Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare.

- Adversely affect the physical environment or financial stability of the project.

- Violate the terms and conditions of the lease. [24CFR 8.3].

- Require services from PHA staff that would alter the fundamental nature of the PHA's program. [24 CFR 8.3]

### Rent Paying Habits

HAKC will examine any Housing Authority records from a prior tenancy (Public Housing and/or HCV), and will request written references from the applicant's current landlord and may request written references from former landlords (for up to the past 3 years).

Based upon these verifications, HAKC will determine if the applicant was chronically late with rent payments, was evicted at any time (during the past 3 years) for nonpayment of rent, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

Applicants will not be considered to have a poor credit history if they were late paying rent because they were withholding rent due to substandard housing conditions in a manner consistent with a local ordinance.
The lack of credit history will not disqualify a family, but a poor credit history will, with the exceptions noted above.

**Screening Applicants Who Claim Mitigating Circumstances**

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration will be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the PHA's screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, HAKC will have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. HAKC will also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

**Examples of Mitigating Circumstances**

Examples of mitigating circumstances include:

- Evidence of successful rehabilitation;
- Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by HAKC; and/or
- Evidence of the applicant family’s successful and sustained modifications of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. HAKC will consider such circumstances in light of:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
- The applicant's overall performance with respect to all the screening requirements.
Housing Authority of Kansas City

Eligibility for Admissions

Adopted by Commission:

Effective: February 12, 2018

Qualified and Unqualified Applicants

Information that has been verified by HAKC will be analyzed and a determination will be made with respect to:

- The eligibility of the applicant as a family;
- The eligibility of the applicant with respect to income limits for admission;
- The eligibility of the applicant with respect to citizenship or eligible immigration status;
- The eligibility of the family for suitability, non-criminal requirements, etc.;
- Preference category to which the family is entitled (i.e. Veteran, Non-Veteran).

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and HAKC procedures, except for a pending HAKC hearing.

Applicants who are determined to be unqualified for admission will be promptly notified with a Notice of Denial of Admission stating the reason for the denial. In the case of criminal status denial for admissions, the HAKC will provide the opportunity to review the documents prior to the denial. HAKC will provide applicant an opportunity for an informal hearing (see Chapter 13 "Complaints, Grievances, and Appeals."

Applicants who have requested a reasonable accommodation as a person with a disability and who have been determined eligible, but fail to meet the Applicant Selection Criteria, will be offered an opportunity for a second meeting to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures.

HAKC will make every effort to accurately estimate an approximate date of occupancy. However, the date given by HAKC does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by HAKC, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of HAKC will document any pertinent information received relative to the admission and eligibility requirements.

In the event of the receipt of unfavorable information with respect to an applicant, consideration will be given to the time, nature, and extent of the applicant's conduct and to factors that might
indicate a reasonable probability of favorable future conduct or financial prospects.

**Prohibited Criteria for Denial of Admission**

Applicants will NOT be rejected because they:

- Have no income, but will still need to demonstrate they do have the means to comply with all terms and conditions of the lease and program requirements;
- Are not employed;
- Do not participate in a job-training program;
- Will not apply for various welfare or benefit programs;
- Have children;
- Have children born out of wedlock;
- Are on welfare;
- Are eligible students.

**I. HEARINGS**

If information is revealed that would cause HAKC to deny admission to the household and the person disputes the information, s/he will be given an opportunity for an informal hearing according to HAKC's hearing procedures outlined in Chapter 13, Complaints, Grievances and Appeals.

**J. CRITERIA FOR DECIDING TO DENY ASSISTANCE OR TERMINATION**

HAKC Policy

The HAKC will use the concept of the preponderance of the evidence as the standard for making all admission and termination decisions.

*Preponderance of the evidence* is defined as the greater weight of the evidence; that is, evidence that you believe because it outweighs or overbalances in your mind the evidence opposed to it. A preponderance means evidence that is more probable, more persuasive, or of greater probative value. It is the quality of the evidence that must be weighed. Quality may, or may not, be identical with quantity (the greater number of witnesses).

*Consider all evidence.* In determining whether an issue has been proved by a preponderance of the evidence, you should consider all of the evidence, regardless of who produced it.
Equally balanced. If the weight of the evidence is equally balanced, or if you are unable to determine which side of an issue has the preponderance, the party who has the burden of proof has not established such issue by a preponderance of the evidence.

K.  ADDITIONAL PROVISIONS

HAKC will terminate housing assistance for drug-related criminal activity, other criminal activity, and alcohol abuse in public housing and assisted housing communities. Drug-related and criminal activity increases resident fear and decrease unit marketability. Therefore, the Housing Authority will not tolerate such behavior from its applicants or residents. UNLESS OTHERWISE PROVIDED BY LAW, PROOF OF VIOLATION WILL NOT REQUIRE CRIMINAL CONVICTION, BUT WILL BE BY PREPONDERANCE OF EVIDENCE.

Definitions

Drug related criminal activity is defined as the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance.

Procedures for Applicants

1. The Housing Authority will screen out and deny admission to any applicant whereby either the applicant or authorized occupants proposed by applicants:

   a. Has a recent history of criminal activity involving crimes to persons and/or other criminal acts that affect the health, safety, or right to peaceful enjoyment of the premises by other residents;

   b. Was evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity. This requirement may be waived if:

      i. The person demonstrates successful completion of a rehabilitation program approved by the Housing Authority; or

      ii. The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated;

   c. The Housing Authority has determined the applicant to be illegally using a controlled substance; the Housing Authority has determined the applicant to be abusing alcohol in a way that may interfere with the health, safety or right of peaceful enjoyment of the premises by other residents;

   d. The Housing Authority has determined that there is a reasonable cause to believe the applicant’s pattern of illegal use of a controlled substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

2. The Housing Authority may waive policies prohibiting admission in these circumstances if, the applicant demonstrates to the Housing Authority’s satisfaction that the applicant is
no longer engaging in illegal use of a controlled substance or abuse of alcohol, and;

a. The applicant has successfully completed a supervised drug or alcohol rehabilitation program; or,

b. The applicant has otherwise been rehabilitated successfully.