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HOUSING MANAGEMENT BUREAU MEMORANDUM # 2012-B-04

To: All Federally-Assisted Housing Companies
Owners, Managing Agents and Site Managers

From: Linda Kedzierski, Federal Programs Coordinator

Date: July 20, 2012

Subject: HUD Notice PIH-2012-28
Registered Lifetime Sex Offenders in Federally Assisted Housing

On June 12, 2012, the Office of Multifamily Housing and the Office of Public and Indian Housing published a joint notice titled "State Registered Lifetime Sex Offenders in Federally Assisted Housing." This joint notice updates and supersedes Housing Notice 2009-11.

The revised Notice strengthens language relating to the statutory- and regulatory-based responsibilities of owners/agents to prohibit admission of lifetime registered sex offenders to federally assisted housing. The Notice provides the following:

- Owners / agents must perform criminal background checks during the application process to determine if an applicant, or a member of an applicant's household, is subject to a lifetime registration requirement under any State sex offender registration program. Criminal background checks must be performed in the state in which the housing is located and for states where the applicant and members of applicant's household may have resided. **As such, applicants for admission into our federally assisted housing programs must provide a complete list of all states in which any household member has resided.**
- Owners / agents must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime sex offender registration requirement in any state.
- If the screening process indicates that an applicant's household includes an individual subject to State lifetime sex offender registration, the owner/agent **must offer the family the opportunity to remove the ineligible family member from the household, before denying admission to the family.**

- HUD recommends that at annual recertification, owner/agents ask whether the tenant or any member of the tenant's household is subject to a State lifetime sex offender registration program in any state. If the owner/agent discovers that a household member was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001), the owner/agent must **immediately pursue eviction or termination of assistance for the household member**. If the family is unwilling to remove that individual from the household, the owner/agent must terminate assistance for the whole household.
- Owner/agents are reminded of their obligations with respect to Limited English Proficiency when processing applications for admission and also at the time of recertification.

Please note: For admissions before June 25, 2001, there is currently no HUD statutory or regulatory basis to evict or terminate the assistance of the household solely on the basis of a household member's sex offender registration status.

To find this Notice go to www.hud.gov and search for PIH-2012-28. If you have any questions, please call Linda Kedzierski at (212) 480-7258.



Linda Kedzierski