

LAKE COUNTY HOUSING ASSISTANCE OFFICE



Housing Assistance Programs Provided by

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Criminal & Drug-Related Activity Policy

Ronan Housing Authority (RHA), Lake County Community Housing (CHDO), Section 8 Housing Choice Voucher Program & Rural Development 515 Housing Assistance Programs

Section 1

Applying for Ronan Housing Authority (RHA), Lake County Community Housing (CHDO), Section 8 Housing Choice Voucher Program and Rural Development 515 Housing Assistance Programs

When an application is received for housing or any other assistance program with Ronan Housing or Lake County Community Housing, and the head of-household or a member of the household composition has engaged in Drug-Related Criminal Activity, as defined below under Section 3-Definitions, Criminal Possession of Drug Paraphernalia, as defined below under Section 3-Definitions, or other Criminal Activity as defined below under Section 3-Definitions, the following policies shall apply:

Drug-Related Criminal Activity or Criminal Possession of Drug Paraphernalia

If Ronan Housing or Lake County Housing has a preponderance of evidence documenting that the applicant or a member of the applicant's household composition is/was engaged in drug-related criminal activity or criminal possession of drug paraphernalia within the last five (5) years, the applicant cannot apply for services with Ronan Housing or Lake County Community Housing for one (1) year from the date of the occurrence. Applicant must provide written documentation from a professional source that all person(s) listed on the applications that were involved in the drug-related criminal activity or criminal possession of drug paraphernalia, has successfully completed an approved rehabilitation program, or did not require rehabilitation. The applicant must also provide a court order or written documentation from his/her probation officer or professional counselor that all person (s) listed on the applications that were involved in the criminal activity have; 1) successfully completed all requirements of the court; 2) is in good standing with his/her probation or parole officer; 3) has a parole plan in place deemed acceptable by the Department of Corrections parole analyst or Board of Pardons and Parole; 4) if in an outpatient treatment program, must be in good standing with his/her treatment provider.

Criminal Activity

If Ronan Housing or the Lake County Community Housing has a preponderance of evidence documenting that the applicant or a member of the applicant's household composition is/was engaged in criminal activity within the last five (5) years, the applicant must provide a court order or written documentation from his/her probation officer or professional counselor that all person(s) listed on the applications that were involved in the criminal activity have successfully completed all requirements of the court.

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To file a Civil Rights program complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 voice, or (202) 720-6382 (TDD)

Medical Use of Marijuana

Per Federal Law, use of marijuana for medical or medical treatment purposes is an illegal use of marijuana. Because Ronan Housing and Lake County Community Housing operate under the guidelines of certain Federal programs and funding supports, the agencies must follow Federal Law concerning the use of medical marijuana.

Section 2

Termination of Ronan Housing Authority (RHA), Lake County Community Housing (CHDO), Section 8 Housing Choice Voucher Program and Rural Development 515 Housing Assistance Programs

A. Thirty-Day (30) Notice to Terminate Services

Ronan Housing and Lake County Community Housing may terminate services by providing a termination notice not to exceed thirty-(30) days, if either agency has a preponderance of evidence that a tenant, any member of the tenant's household, or a guest or other person under the tenant's control has engaged in criminal activity as defined below under Section 3 Definitions, that:

1. Threatens the right to peaceful enjoyment of any RHA, CHDO or partner premises (being utilized by a participant in a program such as Section 8, living in a resident not owned by the RHA or the CHDO) by other tenants or employees of the RHA or the CHDO.
2. Threatens the peaceful enjoyment of person(s) residing in the immediate vicinity of the RHA or CHDO premises. (Neighbors, business owners, etc.)

B. Seven-day (7) Eviction

The RHA and/or the Lake County Community Housing Program may terminate services by providing a seven-day (7) termination notice if the RHA or Lake County Community Housing has a preponderance of evidence that a tenant, any member of the tenant's household, or a guest or other person under the tenant's control was involved in the following:

1. Drug-related criminal activity, as defined below under Section 3-Definitions:
2. Criminal Possession of Drug Paraphernalia, as defined below under Section 3-Definitions; or
3. An act that threatens the health or safety to other tenants, employees or property of Ronan Housing or the Lake County Community Housing Program.
4. Threatens the health or safety of person(s) residing in the immediate vicinity of the RHA or CHDO premises. (Neighbors, business owners, etc.)

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Section 3

Definitions

A. “Drug-Related Criminal Activity” means the illegal possession, manufacture, sale, distribution or use of a controlled substance as defined in Section 102 of the controlled substance act (21 U.S.C. 802) or fraudulently obtaining or attempting to obtain a controlled substance, that occurs on or off properties under management of Ronan Housing or Lake County Community Housing. The standard of proof used to determine “drug related criminal activity” has occurred is a preponderance of the evidence that the activity has occurred. A specific criminal conviction is not required.

B. “Criminal Possession of Drug Paraphernalia” means the unlawful use or possession with the intent to use drug paraphernalia that occurs on or off properties under management of Ronan Housing or Lake County Community Housing. This will include all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug, that occurs on or off properties under management of Ronan Housing or Lake County Community Housing.
The standard of proof used to determine “possession of drug paraphernalia” is a preponderance of the evidence. A specific criminal conviction is not required.

C. “Criminal Activity” means activity that threatens/threatened the health, safety, or right to peaceful enjoyment of others including the Ronan Housing or Lake County Community Housing employees, including but not limited to the following activities-

1. Criminal Activity that occurs on or off RHA or CHDO premises is as follows:
Homicide, aggravated assault, stalking, indecent exposure, elder/child abuse, kidnapping, aggravated kidnapping, terrorism, designated as a Sexual Offender, designated as a violent offender, sexual assault, sexual abuse of children, obstructing a law enforcement officer, obstruction of justice, weapons offense.

a. Designated Sexual Offender

Definition: Per Montana Code Annotated 2005, 46-23-502

“Department” means the Department of Corrections provided for in 2-15-2301 of the Montana Code Annotated 2005.

“Sex offender evaluator” means a person qualified under rules established by the department to conduct sexual offender and sexually violent predator evaluations.

Sex Offender means:

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i. any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-301 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-302, 45-5-303, 45-5-502 (3), 45-5-503, 45-4-504(1) (if the victim is 18 years of age and the offender is 18 years of age or older), 45-5504(2), 45-5-507 (if victim is under 18 years of age and the offender is 3 or more years older than the victim), 45-5-603(1)(b), or 45-5-625; or

ii. any violation of a law of another state or the federal government that is reasonably equivalent to a violation listed in subsection (6) (a) or for which the offender was required to register as a sex offender after conviction.
“Sexual or violent offender” means a person who has been convicted of a sexual or violent offense.

“Sexually violent predator” means a person who has been convicted of a sexual offense and who suffers from mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses.

Applicants or Tenants that are designated as a sexual offender by a rulemaking authority i.e. the “Department” or a “Sexual Offender Evaluator” that has assigned one of three recognized levels depicting possible threats of future offenses of the offender. The higher the level, the higher the level of threat the sexual offender poses to the public safety.

Level I-The risk of a repeat sexual offense is low;

Applications from Level I Sex Offenders will be accepted as follows:

- i. Applications from Level I Sex Offenders will be accepted on the condition that the applicant provides documentation that they have successfully completed a certified treatment program.
- ii. If already receiving RHA or CHDO services or a current Tenant, the person receiving services or Tenant must provide documentation that they have successfully completed a certified treatment program. This designation may not have any bearing on their tenancy or services.

Level II-The risk of a repeat sexual offense is moderate;

Applications from Level II Sex Offenders will be accepted as follows:

- i. Applications from Level II Sex Offenders will be accepted on the condition that the applicant provides documentation that they have successfully completed a certified treatment program.
- ii. When placed in a unit, the applicant must agree to be placed on a renewable Probationary Dwelling Lease.

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iii. If Tenant is designated as a Level II offender (was not an offender upon entry), after moving in, the RHA or CHDO may proceed with termination of services or Tenant's dwelling lease for violation of Section C (1) above.

Level III-The risk of a repeat sexual offense is high, there is a threat to public safety and the sexual offender evaluator believes that the offender is a sexually violent predator.

Applications from Level III Sex Offenders will not be accepted, as Level III offenders are subject to lifelong registration requirements.

i. If Tenant is designated as a Level III offender (was not an offender upon entry), after moving in, the RHA or CHDO may proceed with termination of services or Tenant's dwelling lease for violation of Section C (1) above.

b. Notification: If a client is already receiving services then designated as a Sex Offender or a Sex Offender is granted RHA or CHDO services, the RHA and CHDO staff will distribute information obtained from the Sexual and Violent Offender Registry and/or the Department of Corrections web site and any other pertinent information to the surrounding housing community in regards to this designation. This notification is to inform and protect all beneficiaries of RDA and CHDO services.

2. Criminal Activity that occurs on properties under the management or in partnership with the Ronan Housing Authority or the Lake County Community Housing Agency:

Assault, intimidation, domestic situations, robbery/burglary/theft, unlawful restraint, contributing to the delinquency of an underage person, arson, trespass, harboring runaway(s), custodial interference, verified stolen property, driving under the influence or other crimes against persons or personal property, to include BB guns, air rifles, sling shots and paint guns.

Approved by the Board of Directors of Lake County Community Housing Organization at a regular board meeting held April 25, 2017.

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