

# Housing Happenings

FINDING HOUSING WHILE LIVING WITH CHEMICAL DEPENDENCY

The lack of sufficient affordable housing continues to be a major concern for many people, including over half of those living with HIV in Minnesota. For people coming out of treatment, or living with substance abuse issues, finding and accessing housing can be a key factor in their ability to work toward or maintain sobriety. Stable housing is also critical in maintaining health care and adherence to HIV medications.

## **New Stricter Federal Regulations**

HUD issued requirements effective June 25, 2001, making changes to admissions and evictions in federally funded housing. These new rules affect applicants and tenants in a variety of situations where criminal activity is alleged, as well as situations involving either illegal drug use or alcohol abuse. These policies affect housing programs that are federally funded, including public housing, Section 8 Housing Choice Vouchers and project-based Section 8. (This will not affect programs run with state funds).

Certain crimes must now be considered in denying applications for federally assisted housing. These include a previous eviction from federally funded housing for drug-related criminal activity, as well as having a household member who is currently engaging in illegal use of drugs, or whose alcohol abuse, pattern of alcohol abuse or pattern of illegal drug use interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

## **No Second Chances**

These regulations can keep people who have committed a crime out of the majority of subsidized housing programs. The housing provider is not required to have proof beyond a reasonable doubt, a conviction or even an arrest to evict for prohibited criminal activity.

In addition, the tenant is responsible for other members of the household, as well as guests. For example, if your teenager or a guest engages in "drug-related criminal activity," you can be evicted. Lack of knowledge of the activity or lack of control over the individual is irrelevant. Your household can be evicted if any household member or guest engages in drug-related criminal activities "in or on the premises" for public housing, and "in, on or near the premises" for Section 8. Once you have been evicted from federally funded housing, you will not be admitted again for a minimum of three years, if at all.

## **How Does this Affect Your Housing?**

Both active chemical use and criminal convictions will interfere with an individual's ability to obtain rental assistance or access affordable housing. Public housing authorities are now authorized to do criminal background checks. They can ask that you be fingerprinted in order to get records from the National Crime Information Center, but they cannot charge you a fee. If you are denied, you have a right to a copy of your criminal record.

These are new regulations, and they are not clearly understood at this time. Many housing providers and landlords do not yet know about these regulations. Some of the guidelines are rather vague. For example, you can be denied if the housing provider has "reasonable cause" to believe that you are engaged in the identified activities. Housing authorities must put their policies in writing, so you can ask for a copy of their administrative plans and policies. If you feel that you have been unfairly denied housing or receive a termination notice or eviction complaint, check with your local legal services office as soon as possible. You may be able to appeal the denial or eviction.

There are some programs designed for tenants struggling with alcohol or chemical dependency. These programs can choose to admit tenants despite some of these restrictions. For example, if the previously evicted household member has completed an approved supervised drug rehab program, he or she could be accepted.

## **Housing Resources**

For someone coming out of treatment, or who is chemically dependent, housing options include halfway houses, transitional programs, supportive housing programs and permanent housing. If you are looking for a place to live, knowing what resources are available and what application criteria the housing provider will use helps to streamline the search and speed the process. With that in mind, MAP housing systems advocacy recently compiled a list of transitional housing options for people with a history of alcohol or drug abuse. Many sites provide and require a sober environment, though a few offer wet housing that allow for those who continue to drink, while providing a safe, stable housing situation. If you have a criminal record, your housing choices are even more limited. A list of places that will rent to ex-offenders is also available. To receive a copy of either list, contact Kim Lieberman at 612-373-9166 or [kliieberman@mnaidsproject.org](mailto:kliieberman@mnaidsproject.org)

*Housing Happenings is a timely update of housing-related information for HIV service providers and consumers. For further information contact Kim Lieberman, MAP housing systems advocate, at 612-373-9166, 800-243-7321 or via email at [kliieberman@mnaidsproject.org](mailto:kliieberman@mnaidsproject.org)*

