

TRESPASS POLICY FOR FELONY DRUG ARRESTS

PURPOSE

The purpose of this Policy is to promote the safety, security and well-being of all NYCHA residents, employees and other persons who have a legitimate purpose on NYCHA Property. Drug dealing unquestionably has a profoundly negative impact on public safety and the quality of life in NYCHA housing. No one should have to live in an environment infested with criminal drug activity. This Policy seeks to combat such drug dealing and drug-related crime, and thereby protect residents in the City's public housing, by denying access to persons arrested for felony drug sales.

Federal law provides for every public housing authority to maintain its housing developments in a safe condition. In addition, it requires every tenant thereof to assure that his or her guests do not engage in any drug-related criminal activity that threatens the health, safety or right to peaceful enjoyment of other tenants of the development. This Policy seeks to implement and accommodate these federal policies.

At the same time, this Policy recognizes that NYCHA residents have an interest in legitimate visitation. Accordingly, this Policy provides a mechanism by which a NYCHA resident can challenge the denial of access of a desired visitor and/or seek an exemption that would permit appropriate necessary visitation. Additionally, this Policy provides an opportunity for excluded persons to again be granted access to NYCHA Property if they do not continue to pose a threat to the public housing community.

Public housing should be a place where families can live and children can be raised without the physical and psychological threat that accompanies criminal drug activity. The goal of this Policy is to eliminate this threat by ensuring that drug dealers are not allowed access to public housing.

DEFINITIONS

- A. "Common Areas" means all areas on NYCHA Property to which all tenants are authorized to have access in connection with their tenancies (other than their own apartments), including laundry rooms, playgrounds, lawns, sidewalks, walkways, driveways and parking lots.
- B. "Trespass Notice" means an order to leave and not return to NYCHA Property that is issued in accordance with Section III and contains, in addition to any other information deemed appropriate by the Trespass Coordinator, the following:
 - 1. A notification that the Felony Drug Arrestee is excluded from NYCHA Property and will be subject to arrest for trespass if he or she returns to NYCHA Property; and

2. General information relating to the procedures for challenging, obtaining an exemption from, and/or terminating exclusion under a Trespass Notice.
- C. "Felony Drug Arrestee" means a person who has been arrested for a Felony Drug Offense committed on NYCHA Property or on property immediately adjacent to NYCHA property, has been issued a Trespass Notice and is at least sixteen (16) years of age at the time of arrest.
- D. For the purpose of this policy, "property immediately adjacent to NYCHA property" shall include the following:
1. New York City Department of Parks & Recreation areas and playgrounds within or immediately adjacent to NYCHA property;
 2. New York City Department of Education playgrounds within or immediately adjacent to NYCHA property;
 3. Sidewalks and streets (to the center line of such streets), which are immediately adjacent to NYCHA Property and entire streets where such streets are bordered on both sides by NYCHA property; and
 4. Piers or bulkheads immediately adjacent to NYCHA property.
- E. "Felony Drug Offense" means any of the following felonies, currently and as may be amended:
1. Criminal sale of a controlled substance in the first degree (Penal Law § 220.43)
 2. Criminal sale of a controlled substance in the second degree (Penal Law § 220.41)
 3. Criminal sale of a controlled substance in the third degree (Penal Law § 220.39)
 4. Criminal sale of a controlled substance in the fourth degree (Penal Law § 220.34)
 5. Criminal sale of a controlled substance in the fifth degree (Penal Law § 220.31)
 6. Criminal sale of marihuana in the first degree (Penal Law § 221.55)
 7. Criminal sale of marihuana in the second degree (Penal Law § 221.50)
 8. Criminal sale of marihuana in the third degree (Penal Law § 221.45)
- F. "NYCHA" means the New York City Housing Authority.
- G. "NYCHA Property" means all housing developments owned by the New York City Housing Authority.
- H. "Interested Tenant" means a NYCHA tenant of record who is interested in inviting a Felony

Drug Arrestee to visit such tenant's apartment consistent with this Policy.

- I. "Related Crime" means any felony or misdemeanor offense arising out of the same circumstances as the Felony Drug Offense.
- J. "Trespass Coordinator" means the person designated as such by the New York City Housing Authority or any person(s) designated by the Trespass Coordinator to act on his or her behalf.
- K. "Business Days" refer to all days excluding Saturdays, Sundays, and New York City Holidays.

EXCLUSION OF A FELONY DRUG ARRESTEE

- A. Following the arrest of a person over the age of sixteen (16) for a Felony Drug Offense on or after the effective date of this Policy, an authorized person will personally issue a Trespass Notice to such arrested person. Arresting officers (including, without limitation, New York City police and peace officers), NYCHA employees, and any other person authorized by NYCHA, are authorized to issue Trespass Notices on behalf of NYCHA.
- B. After the issuance of a Trespass Notice to a person pursuant to Section III.A., such person shall be immediately excluded from NYCHA Property as a Felony Drug Arrestee in accordance with this Policy. The Felony Drug Arrestee shall thereafter be subject to arrest for trespass for entering upon NYCHA Property in any manner.
- C. A Felony Drug Arrestee who is not a resident of NYCHA Property shall be excluded from all NYCHA Property until such time as he or she is again permitted access to such Property in accordance with Section III.E.
- D. A Felony Drug Arrestee who claims a NYCHA address as his or her residence may be entitled to a Residence Exception pursuant to Section IV.
- E. A Felony Drug Arrestee shall be excluded from NYCHA Property as provided in Section III.C. or III.D., as applicable, until:
 - 1. NYCHA determines that the Felony Drug Arrestee should not be subject to exclusion pursuant to Section V.;
 - 2. NYCHA grants an exemption from exclusion pursuant to Section VI; or
 - 3. NYCHA determines that the Felony Drug Arrestee should no longer be subject to exclusion pursuant to Section VII.

RESIDENCE EXCEPTION

- A. A Felony Drug Arrestee who is not subject to the terms of any previous Trespass Notice and who, at the time of receiving a Trespass Notice, claims a NYCHA address as his or her residence shall be entitled without further process to a Residence Exception, which allows

the Felony Drug Arrestee to have access to the apartment in which he or she resides at the time of arrest and any Common Areas of the housing development in which his or her building is situated. A Residence Exception is valid as long as the address claimed is the Felony Drug Arrestee's primary residence and until such time as the Residence Exception may be revoked pursuant to Section IX .

- B. A Felony Drug Arrestee who does not have a Residence Exception pursuant to Section IV.A. and wishes to move into a NYCHA residence or who already has a Residence Exception pursuant to Section IV.A. and wishes to transfer from one NYCHA residence to another NYCHA residence may request a new or modified Residence Exception by completing, signing and submitting to the Trespass Coordinator (in person or by mail) a Residence Exception Application together with any supporting documentary information.
- C. The Trespass Coordinator shall review the information submitted pursuant to Section IV.B. The Trespass Coordinator shall ascertain whether the Felony Drug Arrestee has been authorized by NYCHA to reside at the proposed new residence as a tenant or other authorized resident.
 - 1. If the Felony Drug Arrestee has already obtained such authorization, the Trespass Coordinator shall grant a new or modified Residence Exception, as appropriate.
 - 2. If the Felony Drug Arrestee has not obtained such authorization, the Trespass Coordinator shall deny the application and inform the Felony Drug Arrestee that he or she has not obtained the required authorization from the appropriate unit at NYCHA.
- D. The Trespass Coordinator will take action on a request made pursuant to Section IV.B. by providing a written notice, which will be mailed to the address(es) provided on the application and to the Management Office of the Interested Tenant's development, if any, within ten (10) business days after the Trespass Coordinator receives a completed application. If NYCHA has authorized the Felony Drug Arrestee to reside at the proposed new residence, the written notice will grant a Residence Exception.
- E. If the Trespass Coordinator decides that a new or modified Residence Exception is to be issued, the requested Residence Exception will be valid as of the date set forth in the written notice and the Felony Drug Arrestee will be allowed to have access to the new apartment address and any Common Areas of the housing development in which that resident building is situated.
- F. Unless the Felony Drug Arrestee who is subject to Section IV.B. has obtained authorization from NYCHA to reside at the proposed new residence as a tenant or other authorized resident, the Felony Drug Arrestee shall continue to be excluded from NYCHA Property in accordance with Section III.C. or III.D., as applicable, and shall continue to be subject to arrest for trespass for entering upon NYCHA Property in any manner inconsistent with such Sections.

EXCLUSION CHALLENGE

- A. A Felony Drug Arrestee, or an Interested Tenant acting jointly with a Felony Drug Arrestee, may at any time challenge an exclusion by completing, signing and submitting to the Trespass Coordinator (in person or by mail) an Exclusion Challenge Application together

with any supporting documentary information.

- B. The Trespass Coordinator will review the information submitted pursuant to Section V.A. together with any documentary evidence provided in opposition to the Exclusion Challenge to determine whether there is information sufficient to support a reasonable belief that the Felony Drug Arrestee committed a Felony Drug Offense on or immediately adjacent to NYCHA Property.
- C. The Trespass Coordinator will issue a final written decision on the challenge, which will be mailed to the address(es) provided on the Exclusion Challenge Application, within ten (10) business days after the Trespass Coordinator receives a completed application.
- D. If the Trespass Coordinator determines that the exclusion is not warranted, the Felony Drug Arrestee will no longer be excluded from NYCHA Property as of the date set forth in the written decision.
- E. If the Trespass Coordinator determines that the exclusion is warranted, the Felony Drug Arrestee shall continue to be excluded from NYCHA Property in accordance with Section III.C. or III.D, as applicable, and shall continue to be subject to arrest for trespass for entering upon NYCHA Property in any manner inconsistent with such Section.
- F. A Felony Drug Arrestee, or Interested Tenant acting jointly with a Felony Drug Arrestee, may again challenge exclusion pursuant to this section only if there are materially changed circumstances that provide new grounds for a challenge.

EXEMPTION FOR SPECIAL ACCESS

- A. An Exemption for Special Access may be requested by completing, signing and submitting to the Trespass Coordinator (in person or by mail) an Exemption Application together with any supporting documentary information. Absent special circumstances, such as a judicial visitation order, an application for an Exemption for Special Access must be made jointly by a Felony Drug Arrestee and an Interested Tenant. The Interested Tenant's signature must be notarized and the Interested Tenant must list any other excluded individuals who have been granted Exemptions for Special Access to that Tenant or any member of the Tenant's household.
- B. The Trespass Coordinator will review the information submitted pursuant to Section VI.A. together with any documentary evidence provided in opposition to the exemption request to determine whether the exemption is warranted.
- C. An Exemption for Special Access will be granted upon proof of the following circumstances:
 - 1. The Felony Drug Arrestee is a caregiver for the Interested Tenant (or other individual residing with the Interested Tenant) who is infirm or disabled, and no reasonable alternative means of providing such care exist;
 - 2. The Felony Drug Arrestee is a caregiver for his or her minor child or grandchild, who resides on NYCHA Property with the Interested Tenant, and no reasonable alternative

means of providing such care exist;

3. The Felony Drug Arrestee has parental visitation rights with respect to a child residing on NYCHA Property and it is necessary under the circumstances that such Felony Drug Arrestee be allowed access to NYCHA Property in connection with such visitation; or
 4. Any other situation where it is necessary under the circumstances presented that such Felony Drug Arrestee be allowed access to NYCHA Property and there is no reasonable alternative to allowing such access.
- D. The Trespass Coordinator will issue a written decision on the request for an exemption, which will be mailed to the address(es) provided on the application and to the Management Office of the Interested Tenant's development, within ten (10) business days after the Trespass Coordinator receives a completed application.
- E. If the written decision grants an Exemption for Special Access, such decision will set forth the nature and extent of the exemption, and the Felony Drug Arrestee shall continue to be subject to arrest for trespass for entering upon NYCHA Property in any manner inconsistent with the Exemption for Special Access. Absent extenuating circumstances set forth in such decision, a Felony Drug Arrestee who is granted an Exemption for Special Access:
1. Will only be permitted to proceed directly to and from the relevant apartment;
 2. Will not be permitted access to any other apartment on NYCHA Property; and
 3. Will not be permitted access to any Common Areas of NYCHA Property (or other areas closed to NYCHA residents), except for direct ingress and egress to the relevant apartment.
- F. If the written decision does not grant the Exemption for Special Access:
1. The Felony Drug Arrestee shall continue to be excluded from NYCHA Property in accordance with Section III.C. or III.D, as applicable, and shall continue to be subject to arrest for trespass for entering upon NYCHA Property in any manner inconsistent with such Section; and
 2. The Felony Drug Arrestee and Interested Tenant may appeal the decision in accordance with Section VIII.
- G. In the event of an emergency requiring immediate access to NYCHA property, an oral application may be made to the Trespass Coordinator or other NYCHA designee by telephone or, during business hours, in person. If the requested access is not necessary within twenty-four (24) hours, the Trespass Coordinator may require that the request be in writing. After considering the request (which may include further investigation, if appropriate) in light of the standards set forth in Section VI.C. and the asserted need for expedited determination, the Trespass Coordinator or other NYCHA designee may:
1. Temporarily grant the request on such terms and conditions deemed appropriate by the Trespass Coordinator or other NYCHA designee, after which the applicant(s) may make a written application pursuant to Sections VI.A. through VI.F. in cases where it appears

that there will be a continuing need for the exemption; or

2. Deny the request, after which the applicant(s) may make a written application pursuant to Sections VI.A. through VI.F.
- H. In addition to being subject to all other terms and conditions set forth in the decision of the Trespass Coordinator or Impartial Hearing Officer (in the case of an appeal pursuant to Section VIII.), an Exemption for Special Access granted pursuant to this Section VI. shall continue in force for the length of time provided in the decision of the Trespass Coordinator or Impartial Hearing Officer, as the case may be, but in no case longer than one year. Prior to the expiration of the Exemption for Special Access, the Felony Drug Arrestee and the Interested Tenant may seek renewal of the exemption pursuant to the procedures set forth in this Section.
- I. A Felony Drug Arrestee and Interested Tenant may again request an Exemption for Special Access after the denial thereof only if there are materially changed circumstances that provide new grounds for an exemption.

EXCLUSION TERMINATION

- A. A Felony Drug Arrestee, or Interested Tenant acting jointly with a Felony Drug Arrestee, may at any time request termination of exclusion by completing, signing and submitting to the Trespass Coordinator (in person or by mail) an Exclusion Termination Application together with any supporting documentary information.
- B. The Trespass Coordinator will review the information submitted pursuant to Section VII.A. together with any documentary evidence provided in opposition to the request to determine whether the termination is warranted.
- C. Termination of exclusion will be granted upon proof of any of the following three (3) circumstances:
1. The Felony Drug Offense and all Related Crimes (if any) have been dismissed and the Felony Drug Arrestee is no longer subject to prosecution for such offense(s). This also applies in circumstances in which the Felony Drug Offense and all Related Crimes are resolved in a conviction for one or more violations as defined by Penal Law § 10.00(3).
 2. The Felony Drug Arrestee has met each of the three (3) following requirements:
 - a. Has served his or her sentence for the Felony Drug Offense and all Related Crimes (including the completion of probation and/or parole and the satisfaction of any other conditions imposed by the sentence);
 - b. Has had no further convictions for any offense specified in Penal Law Articles 220 and 221 (currently and as shall be amended) for the following number of years following the completion of his/her sentence:
 - (1) For class A, B and C felony convictions, six years

- (2) For class D and E felony convictions, five years
 - (3) For class A misdemeanor convictions, four years
 - (4) For class B misdemeanor convictions, three years; and
- c. Has no pending charges for any offense specified in Penal Law Articles 220 and 221 (currently and as shall be amended) at the time of his or her request that the exclusion be terminated.
3. The Felony Drug Arrestee has served his or her sentence for the Felony Drug Offense and all Related Crimes (including the completion of probation and/or parole and the satisfaction of any other conditions imposed by the sentence) and demonstrates that his or her future conduct likely would not adversely affect the health, safety or welfare of other tenants or the physical environment or the financial stability of any NYCHA Property in accordance with the factors set forth in Section 2. of NYCHA guidelines annexed hereto as Annex I.
- D. The Trespass Coordinator will issue a final written decision on the request for Exclusion Termination, which will be mailed to the address(es) provided on the application, within ten (10) business days after the Trespass Coordinator receives a completed application.
- E. If the written decision grants termination of the exclusion, the Felony Drug Arrestee will no longer be excluded from any NYCHA Property as of the date set forth in such decision.
- F. If the written decision does not terminate the exclusion:
- 1. The Felony Drug Arrestee shall continue to be excluded from NYCHA Property in accordance with Section III.C. or III.D., as applicable (subject to the terms of an exemption pursuant to Section VI., if any), and shall continue to be subject to arrest for trespass for entering upon NYCHA Property in any manner inconsistent with such Section; and
 - 2. The Felony Drug Arrestee may request an appeal in accordance with Section VIII.
- G. A Felony Drug Arrestee may again request termination of the exclusion after the denial thereof only if there are materially changed circumstances that provide new grounds for termination.

APPEAL PROCEDURES

- A. Upon written request, a Felony Drug Arrestee or Interested Tenant may appeal the denial of his or her request for Exemption for Special Access or Exclusion Termination. A hearing may be requested by completing, signing and submitting to the Trespass Coordinator an Appeal Application, which shall include a copy of the decision being appealed and a description of the facts and circumstances supporting the appeal.
- B. Grounds for the appeal shall be limited to whether the request for Exemption for Special Access or Exclusion Termination should be permitted pursuant to the standards set forth in Sections VI.C. or VII.C, as applicable.
- C. The Appeal Application must be received by the Trespass Coordinator within twenty (20) business days after the date that the original decision was mailed.
- D. The Trespass Coordinator will schedule an informal hearing, which will be held within fifteen (15) business days of the date the Trespass Coordinator receives the Appeal Application.
- E. The informal hearing will be held before a hearing officer who is a NYCHA employee. The Felony Drug Arrestee or Interested Tenant may bring legal counsel and/or witnesses to the hearing. Testimony and documentary evidence may be presented by the appellant and the Trespass Coordinator. The hearing officer will determine whether the appellant is entitled to the relief requested in accordance with the standards set forth in this Policy.
- F. The hearing officer will issue a written decision, which will be mailed to the address(es) provided on the application, within ten (10) business days of the hearing.
- G. If neither the Felony Drug Arrestee nor the Interested Tenant appear for the hearing:
 - 1. The hearing officer will issue a decision based upon the information available to the hearing officer, including the decision of the Trespass Coordinator and the Appeal Application; and
 - 2. In the event of an adverse decision by the hearing officer, the Felony Drug Arrestee and Interested Tenant may obtain a new hearing only upon written request, within twenty (20) days of the mailing of the hearing officer's written decision, explaining the reason for the default and attaching supporting evidence of both the reason the hearing was missed and the reason the exclusion should be lifted or modified. Absent extraordinary circumstances, a hearing may be rescheduled after a default only once.

REVOCATION, MODIFICATION, OR RESCISSION OF TRESPASS COORDINATOR'S DECISION

- A. Notwithstanding any inconsistent provision in this Policy:
1. A Residence Exception or an Exemption for Special Access may be revoked or modified at any time if the Trespass Coordinator determines that any of the circumstances warranting the exemption have materially changed; and
 2. A decision granting a Residence Exception, an Exclusion Challenge, an Exemption for Special Access or a Termination of Trespass Notice may be rescinded if it is determined that materially false information was provided by anyone in support of the Residence Exception, Exclusion Challenge, Exemption for Special Access or Exclusion Termination.
- B. If the Trespass Coordinator determines that revocation, modification or rescission is warranted, he or she will mail a notice to that effect to the Felony Drug Arrestee and, as applicable, the Interested Tenant to the address(es) in the Trespass Coordinator's records. Such notice will provide the basis for the revocation, modification or rescission and will include notifications that:
1. The notice may be appealed and must be in writing and include the grounds for the appeal and a copy of the notice being appealed;
 2. Any appeal must be received by the Trespass Coordinator (in person or by mail) within fifteen (15) business days after the date the notice of revocation, modification or rescission was mailed;
 3. The revocation, modification or rescission will become effective: (i) if a timely appeal is made and such appeal is denied, on the effective date set forth in the written decision of the impartial hearing officer, which date will be no less than five (5) business days from the date such written decision is mailed; or (ii) on the 16th business day after the date the notice of revocation, modification or rescission was mailed, if a timely appeal is not received.
- C. After an appeal has been timely made, an informal hearing on a revocation, modification or rescission will be scheduled by the Trespass Coordinator and held before a hearing officer. The procedure for such informal hearing will be as set forth in paragraphs VIII.E. through VIII.G. above.

MISCELLANEOUS PROVISIONS

- A. The Felony Drug Arrestee and/or the Interested Tenant shall inform the Trespass Coordinator in writing of a change of address or other changed circumstances relating to a Residence Exception, Exemption for Special Access or pending applications therefor, or a pending Exclusion Challenge.
- B. The granting of an Exclusion Challenge, request for an Exemption for Special Access or request for Exclusion Termination shall not prevent a Felony Drug Arrestee from becoming subject to another Trespass Notice based on another arrest for a Felony Drug Offense.

- C. All applications referred to in this policy are available to NYCHA employees online on NYCHA's Intranet, Forms and Reference Library, and to others at New York City Housing Authority, 90 Church Street, 12th Floor, New York, New York 10007, or by calling (212) 306-6914.
- D. In addition to the person(s) authorized to make an Exclusion Challenge, a request for a Residence Exception, a request for an Exemption for Special Access or a request for Exclusion Termination (including any appeals from denials thereof), such challenge or request may be made by anyone authorized in writing to act on behalf of such person(s). Such authorization must be notarized.
- E. The failure of the Trespass Coordinator or an impartial hearing officer to timely issue a written decision or comply with any other procedural requirement set forth in this Policy shall not constitute grounds for the granting of a Residence Exception, an Exclusion Challenge, Exemption for Special Access or Exclusion Termination, or for challenging a revocation, modification or rescission pursuant to Section IX.

ANNEX I

GUIDELINES FOR AIO STAFF AND McNAIR HEARING OFFICERS WHEN CONSIDERING APPLICANTS FOUND INELIGIBLE BECAUSE OF PENAL OFFENSES

In cases of penal offenses, AIO staff and McNair hearing officers should reverse a finding of ineligibility in the following two situations:

1. The applicant can show that the only basis for the original charges against the offender was an offense that the Housing Authority has chosen to overlook as a basis for ineligibility.

Currently, the Housing Authority chooses to overlook the following offenses:

FELONIES

Unlawful use of secret scientific material
Trademark counterfeiting in 1st degree
Trademark counterfeiting in 2nd degree
Manufacture of unauthorized recordings in 1st degree
Unauthorized recording of a performance in 1st degree
Advertisement or sale of unauthorized recordings in 1st degree
Failure to disclose origin of recording in 1st degree

MISDEMEANORS

Subway fare evasion: first or second offense within the last ten years
Self-abortion in 1st degree
Self-abortion in 2nd degree
Consensual sodomy
Fortune telling
Trademark counterfeiting in 3rd degree
Unauthorized recording of performance in 2nd degree
Advertisement or sale of unauthorized recordings in 2nd degree
Failure to disclose origin of recording in 2nd degree
Improper labeling of "stereo" or "stereophonic" recordings of sound

VIOLATIONS

Hazing in 2nd degree
Unlawfully posting advertisements
Littering on railroad tracks and rights-of-way
First offense for theft of cable television service, or for avoiding payment for admission to a theater or a concert hall or a ski lift
Misconduct by a juror in 2nd degree
Unlawful prevention of public access to records
Offensive exhibition

To support a claim that one of these offenses was the only basis for the original charges, the applicant must present a copy of the arrest report containing the original charges. (This is a public record obtainable from the clerk of the court in the county where the offender was charged.)

The Authority has determined that applicant families containing persons who have committed offenses other than those listed above might adversely affect the health, safety or welfare of other tenants, Authority staff, or an Authority project.

2. Other Offenses

For all other offenses, consult the time periods of ineligibility set forth in the Applications Manual, Chapter I, Section VI, Subsection H(3) (a) .

If applicants have not satisfied the time periods of ineligibility, you may nevertheless reverse the finding of ineligibility in your discretion if, after considering all of the relevant evidence, you are convinced that there is a reasonable probability that the offender's future conduct would not be likely to affect adversely the health, safety or welfare of other tenants, and would not be likely to affect adversely the physical environment or the financial stability of an Authority project.

Factors you may consider include, but are not limited to:

- a. The seriousness of the offense(s).
- b. The frequency of the offense(s)
- c. When the offense(s) occurred.
- d. Evidence about the conduct underlying the offense(s).

NOTE: You are not required to conduct an independent investigation or a de novo determination of the conduct underlying convictions.

- e. Evidence of the offender's rehabilitation since the offense, including but not limited to:
 - (1) Documentary proof that since the offense, the offender has enrolled in school, has remained in school for at least six months, and has compiled a positive school record, as demonstrated by a registrar's record and/or a positive letter from a teacher or a school administrator.
 - (2) Documentary proof that since the offense, the offender has enrolled in a job-training program, has remained in the program for at least six months or has completed it, and has compiled a positive record, as demonstrated by a positive letter from a program supervisor or administrator.
 - (3) Documentary proof that since the offense, the offender has gotten a job, has kept it for at least six months, and has compiled a positive work record, as demonstrated by a positive letter from a supervisor and/or employer.
 - (4) A letter from the prosecutor's office or the sentencing judge indicating that the offender has been fully rehabilitated.
- f. Evidence of the offender's participation in or willingness to participate in counseling or social service programs designed to correct the offending behavior, and the availability of such programs. Such evidence might include, but is not limited to, documentary proof that since the

offense, the offender has enrolled in a counseling program designed to correct the offending behavior, has remained in the program for at least six months, and has compiled a positive record, as demonstrated by a positive letter from a program supervisor or administrator.

NOTE: Parole does not count as such a program, and parole officers do not count as counseling program supervisors or administrators.

The evidence supporting a claim that the offender's future conduct would not be likely to affect adversely the Authority's tenants or the Authority's property must be relevant and credible.

You should give more weight to objective documentary evidence than to unsupported testimony from the applicant, or letters or testimony from friends, advocates, or parole officers.

Uncorroborated testimony purporting to explain away, excuse, or justify the offense, without more, should ordinarily be insufficient to reverse a finding of ineligibility.

Any misrepresentations made to the Authority by the applicant family or the offender in the applications process, including concealing the fact of the penal offense, should be weighed against the applicant family.