

**U. S. Department of Housing and Urban Development  
Office of Housing**

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**Special Attention of:**

**Notice: H2003-22**

**Regional Directors  
Field Office Directors  
All Contract Administrators  
Owners and Management Agents of  
Section 8 Project-Based Assisted Properties**

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**Issued: November 3, 2003  
Expires: November 30, 2004**

**Subject: Guidance to Contract Administrators on Providing Information to Law  
Enforcement on Fugitive Felons**

**PURPOSE**

This Notice provides guidance to contract administrators who are required to disclose certain information they maintain on individuals to law enforcement authorities for the purpose of apprehending fugitive felons who are living in Section 8 project-based assisted properties.

The Notice also indicates what is required of the contract administrator and of the law enforcement agency.

**APPLICABILITY**

This Notice applies to all contract administrators who have entered into a contract to provide Section 8 project-based assistance administered by the Office of Multifamily Housing. Contract administrators that have entered into a contract for assistance for project-based Section 8 assistance are considered Public Housing Agencies (PHAs).

**BACKGROUND**

The impetus for this Notice is the directives stated in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which amends Title I of the U.S. Housing Act of 1937 by adding a new Section 27, now Section 28 of the U.S. Housing Act of 1937. Section 28 requires that PHAs that enter in a contract for assistance under Section 8 of the U.S. Housing Act of 1937 provide, upon legitimate request from a law enforcement officer, the current address, Social Security number and photograph (if applicable) of any recipient of assistance who is a fugitive felon and/or parole or probation violator.

## **EXCHANGE OF INFORMATION**

Contract administrators are required to comply, on a case-by-case basis, with information requests from Federal, state or local law enforcement officers regarding possible fugitive felons and/or parole or probation violators who may reside in their development.

Upon legitimate request, contract administrators must supply (1) the current address, (2) Social Security number and (3) photograph (if applicable) of any recipient of assistance.

A Federal, state or local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification.

- I. The law enforcement agency must notify the PHA that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties.
- II. The location or apprehension of the recipient must be within law enforcement officer's official duties; and
- III. The request must be made in the proper exercise of the official duties of the law enforcement officer.

The Fair Housing Act prohibits discrimination because of race, national origin, religion, sex, disability and familial status in most housing transactions. Therefore, when contract administrators respond to inquiries from law enforcement officials, the response must be made in a nondiscriminatory fashion, and all procedures must be uniformly followed.

**FOR FURTHER INFORMATION**

If there are questions regarding this guidance, please contact your local HUD Field Office.

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John C. Weicher  
Assistant Secretary for Housing -  
Federal Housing Commissioner

**J:HMIP:Fugitive Felon Notice**