



## How Does a Criminal Record Affect Your Housing Rights? Public Housing and Section 8 Vouchers in San Francisco

**Note:** There are over 6000 public housing units and 7000 vouchers in San Francisco. The San Francisco Housing Authority (SFHA) is in charge of both programs. Due to the large demand for affordable housing, the wait lists are often closed. You can check with SFHA to see when the wait lists will open.

### 1. Will SFHA reject me if I have a criminal record?

It depends. SFHA does a criminal background check on each adult applicant for public housing or vouchers.

SFHA **WILL** reject you if...

- You must register as a lifetime sex offender in any state;
- You have ever been convicted of manufacturing methamphetamine in federally assisted housing; or
- You have been evicted from federally assisted housing for drug-related activity within the past 3 or 5 years **UNLESS** you completed a drug treatment program approved by SFHA. The ban is 3 years for public housing applicants and 5 years for voucher applicants.

SFHA **MIGHT** reject you if the background check reveals...

- Drug-related crimes;
- Violent crimes; or
- Other crimes that could threaten the health, safety, or right to peaceful enjoyment of the building by other residents or SFHA employees.

SFHA will look at arrests and convictions within the past 5 years.

### 2. What if my convictions have been dismissed/expunged?

- SFHA might look at dismissed convictions.
- If asked, you should reveal the convictions, but explain that the convictions have been dismissed pursuant to Penal Code section 1203.4 or 1203.4a.
- It is important to remember that SFHA can reject you if you lie during the application process.

### 3. Will SFHA consider my individual circumstances?

SFHA will consider a number of “mitigating” circumstances. “Mitigating” circumstances are facts that put your criminal record in context and show that you will not commit crimes in the future.

- For example...
  - You have made positive changes since your arrests or convictions;
  - You have a job, attend a job training program or school, or participate in a treatment program;
  - You are a survivor of domestic violence, and acts of domestic violence against you led to your arrests or convictions; or
  - Your convictions have been dismissed/expunged.
- It is your job to present “mitigating” circumstances to SFHA. (See question 4 below).

**Note:** SFHA will **NOT** consider your individual circumstances if: (1) you must register as a lifetime sex offender in any state or (2) you have been convicted of manufacturing or producing methamphetamine in federally assisted housing.

#### 4. How do I present “mitigating” circumstances to SFHA?


- Letters of support are important to show SFHA that you will be a good tenant and will not commit crimes in the future.
- You should gather letters from your parole or probation officer, teacher, employer, treatment program, social worker, neighbor, or current or prior landlord. The letters should show that you are respectful and responsible.
- SFHA will not give much credit to letters from a friend or family member.
- Once you reach the top of the wait list, SFHA will ask you to sign a release form so that it can do a background check. You can submit letters of support at that point. You can also bring letters to the informal hearing. (See question 6 below).

#### 5. What if my criminal record is related to a mental or physical disability?

- You should ask SFHA to waive its admission criteria as a reasonable accommodation. A reasonable accommodation is a change in policy or practice that is needed to allow a person with a disability to access housing.
- You should show SFHA that...
  - You have a disability;
  - The disability is related to your criminal record; and
  - You are doing everything you can to manage the disability.
- It is important to remember that past substance abuse can be a disability if you are in recovery.

#### 6. SFHA told me that I do not qualify. What can I do?

- SFHA must send you a notice in writing, and the notice must explain the reasons that you are not eligible.
- In addition, SFHA must give you a copy of the criminal background check it relied on. You should check to make sure that the information in the background check is accurate.
- The notice is **NOT** the final word. You have a right to challenge the decision at an informal hearing. Follow the instructions in the notice about how to request an informal hearing.
- The informal hearing is a chance for you to prove to SFHA that you will be a good tenant and not commit crimes in the future. You can present letters of support and have witnesses speak about the positive changes that you have made since your arrests or convictions.
- You have a right to bring an attorney or advocate to the informal hearing.

 **Note:** Even if you are given a voucher, it could be hard to find a private landlord that will overlook your criminal record. A private landlord may run its own background check and may be stricter than SFHA.

#### 7. Who can I contact for help?

If you need help filling out an application or preparing for an informal hearing, call the Housing Rights Committee of San Francisco/Bay Area Legal Aid helpline (415) 354-6353.

**San Francisco Housing Authority Contact Information:**  
1815 Egbert Avenue  
San Francisco, CA 94124  
415.715.3280  
www.sfha.org