



**When Discretion Means Denial:**  
A National Perspective on Criminal Records  
Barriers to Federally Subsidized Housing



Sargent Shriver National Center on Poverty Law

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Barriers to Federally Subsidized Housing

Marie Claire Tran-Leung | February 2015

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## About the Shriver Center

The Sargent Shriver National Center on Poverty Law provides national leadership in advancing laws and policies that secure justice to improve the lives and opportunities of people living in poverty. We work to ensure that laws and policies provide low-income communities with access to adequate health care, decent housing, a social safety net, and opportunities to achieve their full potential. We advocate for positive policy and systems changes on a range of issues, including asset building, budget and taxes, community justice, economic justice, education, health care, housing, and challenges facing women and girls. Most importantly, we ensure that the voices of marginalized people are heard.

The Shriver Center achieves its mission through three interconnected programs: advocacy, communication, and training. We advocate for and serve clients directly, while also building the capacity of the nation's equal justice providers to advance justice and opportunity for their clients.

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# Executive Summary

In August 2011, the Shriver Center issued its first report “When Discretion Means Denial: The Use of Criminal Records to Deny Low-Income People Access to Federally-Subsidized Housing in Illinois,” which reviewed the criminal records policies of nearly all the public housing and Housing Choice Voucher programs in Illinois as well as over 100 properties participating in the project-based Section 8 program. This report came out the same year as HUD Secretary Shaun Donovan issued a letter to public housing authorities reiterating the importance of “second chances” for people with criminal records and a commitment to “helping ex-offenders gain access to one of the most fundamental building blocks of a stable life – a place to live.” Secretary Donovan reaffirmed these commitments in a June 2011 letter to PHA executive directors encouraging them to use the wide discretion they have in a way that allows people with criminal records to rejoin their families in the public housing and Housing Choice Voucher programs when appropriate. In underscoring President Barack Obama’s commitment to second chances, Secretary Donovan further stressed to PHA executive directors that other than two specific areas where the federal government imposes mandatory bans, there are no other areas where PHAs must reject an applicant.

Concentrating on areas where the United Department of Housing and Urban Development (“HUD”) give public housing authorities (“PHA”) discretion to admit applicants with criminal records, the 2011 Illinois report identified four areas where PHAs and project owners were most likely to abuse their discretion and applicants admission to assisted housing due to overly aggressively and potentially illegal criminal background policies. The report urged HUD to align its programs with its own stated “belie[f] in the importance of second chances” by taking affirmative steps toward ending each of these abusive practices. Now more than three years later, HUD has no foreseeable steps towards addressing this problem and to place limits on the criminal records policies of the public housing authorities and private owners participating in the federally subsidized housing programs. This new national report, which reviews more than 300 written admissions policies of various public housing, Housing Choice Voucher, and project-based Section 8 programs across the country, hopes to serve as the second, larger wake-up call to HUD urging it to set guidelines on the use of criminal records in admissions.

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**“We do not allow people convicted of felonies to live here.”**

**“If it’s a drug conviction, that’s zero tolerance.”**

**“Anyone who has a criminal record with any sort of violence or drug-related crimes is pretty much excluded from getting housing.”**

These three criteria from reviewed admission policies are fairly common among housing providers. When PHAs and project owners set these limits, there is a clear disconnect between HUD’s rhetoric and the actual administration of its programs. Housing providers usually implement such policies in the name of public safety, but according to the U.S. Interagency Council on Homelessness, “a person’s criminal background does not predict whether that person will succeed or fail at staying housed.” Indeed, overly restrictive policies against people with criminal records can lead to a vicious cycle where “the difficulties in reintegrating into the community increase the risk of homelessness for released prisoners, and homelessness in turn increases the risk for subsequent re-incarceration” – a cycle that HUD recognizes and should take steps to stop.

Furthermore, because these policies may infringe upon the fair housing rights of applicants to be free from unwarranted discrimination, PHAs and project owners have an affirmative duty to end these policies. This duty also extends to HUD, which needs to supplement its rhetoric with more concrete policy developments. In fact, both housing providers and prospective tenants have requested further guidance from HUD on the proper use of criminal records in housing decisions. In addition, HUD can help usher in actual changes to admissions policies by actively monitoring the effect of these policies on people with criminal records and enforcing federal law to eliminate unlawful screening practices.

By showing how PHAs and project owners abuse their discretion, this report aims to encourage them – together with HUD – to take active steps to stop these practices. After reviewing over 300 written admissions policies of various public housing, Housing Choice Voucher, and project-based Section 8 programs across the country, this report identified four areas where these criminal records policies tend to be overly restrictive.

# Issue Area #1: Unreasonable Lookback Periods

Reasonable time limits on the use of criminal history ensure that the information remains relevant to the tenant screening process. Time limits also comport with federal law, which limits the inquiry to criminal activity that occurred during a “reasonable time” before the screening process takes place. All too often, however, these time limits are mere afterthoughts in the federally subsidized housing programs.

Some admissions policies forego time limits altogether, thus giving applicants no notice of the screening effect of an old criminal record. Other admissions policies are more explicit and permanently ban applicants who have ever been convicted of certain criminal activity.

Even admissions policies that contain an express lookback period may nevertheless fail to provide a reasonable time limit on the housing provider’s discretion. Although HUD has suggested that five years is a reasonable lookback period for serious crimes, some PHAs are looking back seven, ten, and even twenty years for a wide variety of crimes. In one project-based Section 8 property in Alexandria, Virginia, grounds for rejection include seven-year-old convictions for bouncing a check, shoplifting, public intoxication and other misdemeanors. Similarly, for the project-based Section 8 properties it manages, Maine Development Associates may deny applicants on the basis of an arrest with the last ten years for a host of criminal activity, including criminal mischief, theft, and negotiating worthless instruments.

Finally, even where admissions policies set forth seemingly reasonable lookback periods, they are often inconsistent in terms of which of the following events triggers the denial: (i) when the applicant engaged in the criminal activity; (ii) when the applicant was arrested; (iii) when the applicant was convicted; or (iv) when the applicant was released from incarceration or other correctional supervision. This inconsistency in application persists despite the fact that the relevant inquiry under HUD regulations is when the applicant engaged in the criminal activity.

### **Recommendation: Eliminate unreasonable lookback periods.**

PHAs, project owners, and HUD must rein in lookback periods whose unknown or unreasonable lengths deter people with criminal records from applying for housing.

In general, written admissions policies should include reasonable time limits on the use of a person's criminal history. These lookback periods should not extend indefinitely, nor should they be unreasonably long. They should also specify the event within the lookback period that triggers the denial.

For reasonable lookback periods to be the norm, HUD must provide guidance to PHAs and property owners on what is reasonable. One area in need of guidance is the appropriate length of a reasonable lookback period. Although HUD need not adopt a "one size fits all" time period, HUD should provide factors for PHAs and project owners to consider in establishing lookback periods, as well as best practices in this area. Additionally, HUD should specify which event within the lookback period triggers a denial to create consistency for applicants.

Additionally, HUD should increase its enforcement efforts and ensure that applicants to the federally assisted housing programs are not subject to unreasonable lookback period for criminal history. When reviewing admissions policies, therefore, HUD should carefully scrutinize policies that include: (a) no time limits on criminal history review; (b) permanent bans; (c) overly long lookback periods; or (d) minimum rather than maximum lookback periods. Where any of these problematic time periods exist, HUD should demand that PHAs and project owners justify these bans with evidence showing why a more narrowly tailored time limit cannot achieve the desired screening result.

### **Issue Area #2: Use of Arrests to Prove Criminal Activity**

Under federal law, PHAs and project owners may deny admission to applicants who have engaged in certain types of criminal activity. Yet instead of determining whether criminal activity took place, many housing providers treat a criminal *arrest* the same as criminal *activity*, even if the applicant was never convicted of the underlying offense.



Some PHAs expressly provide that they will regard applicants with even one past arrest as having engaged in criminal activity, regardless of the outcome of the arrest. A single arrest in the past seven years, for example, will jeopardize a family's application to the Fayetteville Metropolitan Housing Authority in North Carolina. Similarly, PHAs define criminal activity as being arrested within the past five years in various localities in Pennsylvania, Georgia, South Carolina, North Carolina, Connecticut, Maine, and California.

Although the more common policy among housing providers is to consider arrests as evidence (as opposed to proof) of criminal activity, such a policy does not guarantee protection from an application denial on the basis of arrests in the absence of convictions.

When PHAs and project owners deny housing on the basis of mere arrests without convictions, they take a problematic shortcut that threatens to infringe upon fair housing rights. The Fair Housing Act outlaws housing discrimination, including racially neutral policies that have an unjustified disparate impact on racial minorities. Though facially neutral, arrest record screening disparately impacts racial minorities because their rate of arrest is disproportionate to the arrest rate of the general population. Public safety concerns cannot justify this disproportionate racial impact since housing providers, such as the PHAs of the cities of Los Angeles and New York City, have excluded arrests from their screening process without undermining their abilities to combat crime. Given the uncertain link between arrest record screening and improved public safety, therefore, the practice of using arrests as proof of criminal activity is highly suspect under the Fair Housing Act.

PHAs and project owners cannot afford to ignore the disparate racial impact of arrest record screening, and neither can HUD. These entities are specifically tasked with the duty to administer these federally assisted housing programs in a manner that will affirmatively further fair housing. Consequently, they should be affirmatively analyzing the degree to which screening for arrests records impedes fair housing choice, and subsequently, how to eliminate those fair housing impediments.

### **Recommendation: Abandon the use of arrests as conclusive proof of criminal activity.**

PHAs and project owners should not deny admission to federally subsidized housing on the basis of arrests that never resulted in a conviction. Instead, they should limit their assessment to criminal convictions, and their written admissions policies should expressly state that they will not consider arrests that resulted in dismissed charges, acquittals, and other dispositions short of a finding of guilt. By refusing to rely on such inadequate indicators of past criminal activity, PHAs and project owners will uphold their duties to refrain from discrimination and to affirmatively further fair housing under the federal Fair Housing Act.

HUD should also take a more active role in eliminating arrest record screening in its federally subsidized housing programs. The first step is to ensure that written admissions policies do not equal criminal arrests with criminal activity. Next, HUD – and the Office of Fair Housing and Equal Opportunity in particular – should encourage housing providers not to factor arrests into their admissions decisions by issuing guidance to housing providers outlining the fair housing implications of arrest record screening. Finally, HUD should enforce the Fair Housing Act against any housing providers whose use of arrests disproportionately and unjustifiably impacts minority groups.

### **Issue Area #3: Overbroad Categories of Criminal Activity**

Generally, federal law permits PHAs and project owners to develop admissions policies regarding three types of criminal activity: drug-related criminal activity, violent criminal activity, and criminal activity that pose a threat to the health, safety, and welfare of other residents. Some PHAs and project owners deny admission to applicants with other types of criminal activity, excluding far more people than necessary to preserve public safety.

Some admissions policies, for example, broadly eliminate anyone with a criminal history, even if that history is only tenuously related to being a good tenant. Other policies use categories so vague that applicants lack notice of the prohibited criminal activity, such as a ban on applicants whose “arrest or conviction record [...] indicates that the applicant may be a [...] negative influence on other residents” or a ban on applicants with convictions for “immoral conduct of any type.”

More common are prohibitions against applicants with past felony charges and convictions. These bans can be found all over the country, from Dubuque, Iowa, to New Smyrna Beach, Florida, to Mesquite, Texas, and beyond. For at least one of its project-based Section 8 properties, AIMCO, one of the largest owners and operators of apartment buildings in the country, employs a seemingly complex criminal history matrix that essentially boils down to one rule: deny admission to any applicant with a felony record. This directive applies even if the felony is nothing more than littering, shoplifting, or failure to pay fare. Furthermore, there is no lookback period that constrains AIMCO's ability to deny admission on these grounds, thus producing particularly harsh results for such minor offenses.

The primary problem with felony bans is their tendency to sweep in criminal activity that does not bear on a person's ability to meet their obligations as a tenant. These felony bans may also have a disparate racial impact runs afoul of the Fair Housing Act since racial minorities, particularly African-Americans and Latinos, are convicted of felonies at a rate disproportionate to that of the general population. The main difference between arrest record screening and felony bans, however, is that felony convictions will, at times, be relevant to the admissions analysis. Consequently, the call here is not for housing providers to ignore felony convictions altogether. Rather, housing providers need to add more nuance to their felony record policies instead of bluntly banning applicants who would otherwise thrive in federally assisted housing.

### **Recommendation: Replace overbroad categories of criminal history with clear and narrowly tailored standards for reviewing criminal history.**

PHAs and project owners should exercise restraint when adding categories of criminal activity beyond the three categories enumerated by federal law. They should not flood their policies with so many categories that anyone with a criminal record is screened out. They should also resist adopting overly inclusive categories of criminal activity, such as policies that bar applicants whose arrest records indicate they will be a “negative influence” on others or applicants who have been convicted for “immoral conduct of any type.” Finally, PHAs and project owners should abandon policies that deny housing generally to applicants with prior felony charges or convictions and should apply more nuanced standards instead.

HUD should take a more active role in preventing these overly inclusive policies from denying housing to people with criminal records by scrutinizing such policies, especially blanket prohibitions against people with prior felony records. Finally, HUD’s Office of Fair Housing and Equal Opportunity should issue policy guidance explaining how overinclusive policies, particularly felony bans, can constitute housing discrimination under the Fair Housing Act.

### **Issue Area #4: Underuse of Mitigating Circumstances**

In the public housing program, federal law requires PHAs to consider mitigating circumstances in deciding whether to admit an applicant. PHAs must consider, in particular, the time, nature, and extent of the applicant’s conduct, including the seriousness of the offense. Furthermore, HUD has strongly encouraged PHAs and project owners to give similar consideration to mitigating evidence in the Housing Choice Voucher and project-based Section 8 programs.

Yet some written admissions policies lack any reference to these regulations, thus failing to connect mitigating evidence to their criminal records policies. As a result, applicants sometimes are not even aware of their right to present such evidence. In Pittsburgh, Pennsylvania, for example, formerly incarcerated individuals knew about their local PHAs’ screening criteria, but they did not know that they could appeal the denial of their application.

## **Recommendation: Ensure that applicants can overcome criminal records barriers by presenting evidence of mitigating circumstances.**

PHAs and project owners must clarify the important role that mitigating circumstances plays in criminal record screening. For some, the first step is as simple as noting that an applicant may present mitigating evidence to overcome a criminal records-based denial.

In addition, PHAs and project owners should give applicants a sense of the type of evidence that they are looking for by providing concrete examples, such as government-issued certificates of rehabilitation or pardons; substance abuse treatment, where necessary; increased activity in education, religious, or other civic activities; and changed circumstances. PHAs and project owners could follow the example of the Boston Housing Authority, whose admissions policies include hypothetical circumstances that might mitigate a denial based on a larceny conviction.

Finally, PHAs and project owners can best convey their willingness to consider applicants with criminal records by prioritizing mitigating evidence in the application process. The Housing Authority of New Orleans (HANO) has instituted a series of policy changes that have reflected such a change in priority. For example, rather than wait for a post-denial hearing, applicants with a criminal record would have the opportunity to presenting mitigating evidence *before* HANO makes a final decision regarding their application. Furthermore, the decision will come from a panel whose mandate is to conduct “an individualized assessment based on the totality of the circumstances.” To assist applicants, HANO will make the process more transparent by making available a sample list of mitigating evidence as well as a list of factors for the panel members to consider. Finally, HANO will assign a case worker to applicants during the panel review to help shepherd them through the process. Because of these changes, HANO is ensuring that applicants with criminal records have every opportunity to present mitigating evidence before an admissions decision becomes final – a service that other PHAs and project owners should strive to do as well.

Last but not least, HUD should take steps to ensure that PHAs and project owners actually consider mitigating circumstances in their admissions decisions rather than simply pay lip service to the idea of second chances.

# Introduction

A survey asked Texas public housing authorities anonymously how long an applicant with a criminal record might have to wait before he would be eligible for federally subsidized housing. The answers varied in the number of years, but one answer stood out in its simplicity and candor:

“We do not allow people convicted of felonies to live here.”<sup>1</sup>

There were no qualifiers, no exceptions, no accounting for the changes a person might go through to move past his criminal history. The answer was simply “no.”

Such unequivocal rejection greets many people with criminal records across the country, slamming the door to second chances for them as well as their families. This type of policy would have excluded Marissa Morris,<sup>2</sup> a mother of three young girls who conquered a history of substance abuse with the support of her family and religious community. Freed from her addictions, Marissa harnessed her energy toward studying to work in the healthcare industry, helping her older daughters stay on the honor roll, and helping her youngest overcome a learning disability. When her local housing authority used its criminal records policy to deny her public housing application – and her last chance at affordable housing – she worried about whether the stress of probable homelessness would undo the life that she had worked so hard to put back together. Upon giving Marissa the rare opportunity to make her case, however, her local housing authority came to understand the error of its decision and, upon her appeal, admitted Marissa and her family.

For people applying to the Texas public housing authority and housing providers with similar exclusionary policies, however, these opportunities do not exist. These housing providers often implement these policies in the name of increasing public safety, even though “a person’s criminal background does not predict whether that person will succeed or fail at staying housed” according to the U.S. Interagency Council on Homelessness.<sup>3</sup> As a result, these overly broad policies become blunt tools that exclude people who, like Marissa, pose the least threat to the housing community, but whose need for housing is the greatest.

## A. Where Homelessness and Incarceration Intersect

As housing barriers increase for people with criminal records, so too does their likelihood of homelessness. Of the people who enter prison, roughly one out of ten will have experienced homelessness in the recent past. Of those who leave prison, one out of ten will experience homelessness in the future.<sup>4</sup> Indeed, approximately 20 percent of single homeless adults have previously been incarcerated.<sup>5</sup> The problem has become so acute in cities like San Francisco and Madison that they are searching for solutions for the growing number of parolees and probationers released into shelters and onto the streets.<sup>6</sup> Similarly, roughly one-third of single adults in New York City's shelters have recently been released from the jails.<sup>7</sup>

Without the critical support of stable housing, a person's ability to avoid future contact with the criminal justice system diminishes.<sup>8</sup> One study, for example, followed people for a year after their incarceration and found that those without adequate housing were more than twice as likely to commit another crime as those with adequate housing.<sup>9</sup> Conversely, in another study, homeless individuals with prior convictions were significantly less likely to recidivate if they secured rental housing.<sup>10</sup>

Recognizing this interrelatedness, the U.S. Department of Housing and Urban Development (HUD) has stressed that "the difficulties in reintegrating into the community increase the risk of homelessness for released prisoners, and homelessness in turn increases the risk of for subsequent re-incarceration."<sup>11</sup> Moreover, in extolling the integral role that public housing authorities (PHAs) can play in ending homelessness in their communities, the U.S. Interagency Council on Homelessness has recommended ways for PHAs to ease their screening criteria to reducing criminal records barriers to federally subsidized housing.<sup>12</sup>

In light of the relationship between homelessness and incarceration, overly restrictive criminal records policies reveal the housing providers' shortsightedness when it comes to public safety. Many policies, for example, cover not only people with prior convictions, but also those who were merely arrested and never convicted of a crime. By relegating potentially deserving applicants to homelessness, these housing providers miss an opportunity to decrease crime and risk aggravating the very problems that plague the safety and well-being of their communities.<sup>13</sup> As a result, their actions contradict HUD's direction to project owners and PHAs to screen "in the best interest of their communities"<sup>14</sup> since their decisions are failing to make those communities safer.

The burden of these policies can also fall on law-abiding families who currently live in federally assisted housing. Although many would like to reunite with previously incarcerated family members, many policies stand in the way of reunification despite its potential for elevating a person above his criminal past. Given that approximately 65 million people in the United States have a criminal record,<sup>15</sup> the implications of these overly restrictive policies on these individuals, their families and their communities are far-reaching.

## B. Where Public Housing Authorities and Project Owners Go Wrong

In assessing applicants with criminal records, housing providers do not necessarily consider their role in ending the cycle of incarceration and homelessness. Instead, many PHAs and project owners appear to rely heavily on quick, bright-line rules of acceptable and unacceptable alleged criminal activity.<sup>16</sup> Although these rules help them administer their programs more efficiently, this efficiency can come at the cost of excluding well-deserving people from federally assisted housing programs. Furthermore, it contradicts HUD's admonition that "screening is the most demanding, and often, the most time consuming aspect of ... housing admissions."<sup>17</sup> As HUD describes, "screening decisions are more difficult when, as *often happens*, an applicant's tenant and/or criminal history is mixed or marginal." In these cases, HUD expects "thoughtful decisions by trained staff and, sometimes, gathering additional information and intervention by outside agencies."<sup>18</sup> In other words, bright-line rules and automatic denials are the opposite of what HUD expects from PHAs and project owners in assessing a person's criminal history.

Another strike against bright-line rules and automatic denials is that they threaten the rights of applicants to be free from unwarranted housing discrimination. The Fair Housing Act prohibits housing discrimination on the basis of race, including facially neutral policies that, nevertheless, have an unjustified disparate racial impact.<sup>19</sup> Because people of color are disproportionately represented in the American criminal justice system,<sup>20</sup> admissions policies that automatically bar people with criminal records will necessarily result in a disparate racial impact. In the absence of more narrowly-tailored screening criteria, PHAs and project owners will have a difficult time justifying the broad nature of their criminal records policies. Furthermore, PHAs and project owners have a federal duty to administer these housing programs in a manner that will affirmatively further fair housing.<sup>21</sup> They are, therefore, obligated to scrutinize the fair housing implications of their criminal records policies and adjust them accordingly.



Yet despite this obligation, housing providers frequently err on the side of denying assistance to individuals who have had even minimal contact with the criminal justice system.<sup>22</sup>

To define the contours of this problem, we examined Illinois policies and released a report in 2011 that identified the misuse of overly long lookback periods, arrests without subsequent convictions, and vague categories of criminal activity, as well as the inconsistent application of mitigating circumstances.<sup>23</sup> Finding similar areas of concern, the present report expands upon its Illinois predecessor by assessing these issues nationally and reviewing over 300 written admissions policies of various public housing, Housing Choice Voucher, and project-based Section 8 programs across the country.

Upon reviewing the written admissions policies, we have identified four areas where these policies tend to be overly restrictive regarding the admission of applicants with criminal records:

1. The use of long lookback periods for determining whether past criminal activity is relevant to the admissions decision;
2. The use of arrests without subsequent convictions as proof of past criminal activity;
3. The use of overbroad categories of criminal activity that sweep in activity tenuously related to the housing provider's public safety interest; and
4. The underuse of mitigating evidence as a means for overcoming criminal records-based denials.

PHAs and project owners should replace these overly restrictive provisions in their admissions policies with narrowly tailored criteria that properly balance the housing provider's interest in public safety with the applicant's need for safe, decent, and affordable housing. More housing provider should, like the Delaware State Housing Authority, "consider both the desire of all residents to live in a safe and secure environment and the community's need to provide housing for all individuals, including individuals with conviction records."<sup>24</sup> Striking this balance will allow project owners and PHAs, such as the Housing Authority of New Orleans, to uphold their "responsibility to give men and women with criminal histories the opportunity to rejoin their families and communities as productive members."<sup>25</sup>

### C. Where HUD Needs to Step Up

HUD's participation is also necessary to ensure balanced criminal records policies. In the past few years, HUD has expressed a strong belief in "the importance of second chances" for people with criminal records and a commitment to "helping ex-offenders gain access to one of the most fundamental building blocks of a stable life – a place to live."<sup>26</sup> HUD Secretary Shaun Donovan reaffirmed this commitment in letters issued to PHA executive directors and owners of HUD-assisted properties, encouraging them to apply their discretion to reunite people with criminal records with their families in the public housing and Section 8 programs when appropriate.<sup>27</sup>

These letters mark a significant shift in HUD's attitude toward people with criminal records, but without more concrete policy developments from HUD, the housing opportunities for this population will remain stagnant. In fact, both housing providers and prospective tenants have requested further guidance from HUD on the proper use of criminal records in housing decisions, thus demonstrating a desire for the federal agency to step up its role in this area.<sup>28</sup> In addition to issuing more guidance, HUD can help usher in actual changes to admissions policies by actively monitoring the effects of these policies on people with criminal records and enforcing federal law to eliminate unlawful screening practices.

These steps are necessary for HUD to meet its duty under the Fair Housing Act to affirmatively further fair housing. Like PHAs and project owners, HUD has a federal obligation to do more than simply refrain from discriminating.<sup>29</sup> HUD must act "affirmatively" to ensure that applicants are free from the unjustified disparate racial impact of even facially neutral policies, such as those that overly restrict people with criminal records.

Such steps would also align with the federal government's efforts to end homelessness. As Secretary Donovan has stressed, ending homelessness "requires far more than increases to HUD's homeless assistance account." Rather, it demands making the act of "preventing and ending homelessness a measure of success for all of HUD's programs," including the Housing Choice Voucher, public housing, and project-based Section 8 programs.<sup>30</sup> Since "[p]ersons who have experienced chronic homelessness frequently have histories of trauma and violence as well as additional barriers to stable housing [such as] criminal histories,"<sup>31</sup> a critical component of homelessness prevention is eliminating unnecessary housing barriers for people with criminal records.

San Francisco has recognized that it cannot realistically end homelessness without addressing the housing issues that plague people with criminal records. As such, the city's 10-year plan to end homeless includes a call for "expanding selection criteria for those with criminal records."<sup>32</sup> HUD should adopt a similar position and take affirmative steps toward the Federal Strategic Plan's objective of advancing housing stability for people experiencing homelessness who have frequent contact with criminal justice.<sup>33</sup>

Without further guidance and monitoring, overly restrictive criminal records policies will continue to flourish. By showing how PHAs and project owners abuse their discretion, this report aims to encourage them – together with HUD – to take active steps to stop these practices. This report starts with a background discussion of federally-imposed screening requirements on PHAs and project owners participating in these federal housing subsidy programs. Specifically, it distinguishes between areas where the federal government mandates certain screening criteria and where PHAs and property owners are given discretion. Focusing on areas where criminal records-based denials are discretionary, the report then discusses the four most common areas where overly broad policies result in disproportionately burdensome restrictions on applicants with criminal records and proposes recommendations in each area.

# Federal Law and Tenant Screening for Federally Assisted Housing

## A. Mandatory Policies

A housing provider's written admissions policy usually contains its screening criteria for applicants with criminal records. As a general matter, these policies set forth both federal mandates as well as the housing providers' policies in areas where federal law has given them discretion.<sup>34</sup> Depending on the program, these written policies carry different labels: admissions and continued occupancy policies (ACOPs) for public housing, administrative plans for the Housing Choice Voucher program, or tenant selection plans (TSPs) for the program-based Section 8 program. Because PHAs administer the public housing and Housing Choice Voucher programs, PHAs are responsible for developing ACOPs and administrative plans. In the project-based section 8 program, the responsibility of developing the TSP falls on the project owner.

Federal mandates cover only certain aspects of screening in the federally assisted housing programs. PHAs and project owners must impose permanent bans, for example, on two classes of applicants: (1) applicants who have been convicted of manufacturing methamphetamine on federally assisted property;<sup>35</sup> and (2) applicants who are required to register as sex offenders for life.<sup>36</sup> For these applicants, there is no relief from these mandatory bans.

Other mandatory bans are temporary rather than permanent, such as the ban based on drug-related evictions. PHAs and project owners must determine whether an applicant has ever been evicted from federally assisted housing for drug-related criminal activity. If such an eviction took place in the past three years, the applicant must be denied unless he can show either: (1) he has successfully completed drug rehabilitation, or (2) the circumstances that led to the prior eviction no longer exist (e.g., the death or incarceration of the person who committed the drug-related criminal activity). If, however, the eviction took place more than three years prior to the application, the PHA or project owner has the discretion to admit the applicant.<sup>37</sup>

Applicants who currently use illegal drugs or abuse alcohol are also prohibited. PHAs and project owners must deny admission where they have reasonable cause to believe that a

household member's (1) illegal use of a controlled substance, (2) abuse of alcohol, or (3) pattern of illegal use of controlled substance or alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.<sup>38</sup> According to HUD, in assessing whether an applicant falls in these categories, PHAs and project owners should consider conviction records.<sup>39</sup>

To deny an applicant under this mandatory ban, a PHA or project owner would have to make one of two findings. First, the PHA or project owner could determine that the applicant is "currently engaged" in illegal drug use, which HUD has defined as drug use sufficiently recent to justify a reasonable belief that the behavior is current.<sup>40</sup> HUD has advised PHAs to define "recently" in terms of a specific period of time, such as the past month or six months.<sup>41</sup> Alternatively, the PHA or project owner could deny admission if it has reasonable cause to believe that the household member's illegal use or pattern of illegal use of drugs may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.<sup>42</sup>

The key for PHAs and project owners is to determine whether the drug use or alcohol abuse is *current*. If the applicant can demonstrate that he has successfully undergone rehabilitation or is no longer using illegal drugs, the admissions ban is lifted.<sup>43</sup> Furthermore, HUD discourages housing providers from screening out former drug users and alcohol abusers, particularly if their rental histories demonstrate that they are likely to comply with lease terms.<sup>44</sup>

PHAs and project owners have the discretion to develop screening policies more stringent than the mandatory bans dictate. This discretion, however, is not unfettered. A significant limit on a housing provider's screening authority, for example, is the Fair Housing Act and its prohibition against housing discrimination on the basis of protected classes.<sup>45</sup> Indeed, HUD has stressed that PHAs and project owners must apply screening policies and procedures "in a manner that is consistent with applicable fair housing and equal opportunity laws."<sup>46</sup> Another limit is the Violence Against Women Reauthorization Act of 2013 (VAWA), which constrains the housing provider's ability to deny admission on the basis of an applicant's status as a survivor of domestic violence, dating violence, sexual assault, or stalking.<sup>47</sup> Since a survivor's criminal record may have resulted from such violence (e.g., defending themselves against acts of violence or being arrested alongside their perpetrators), PHAs and project owners are expected to take these circumstances into account when exercising their discretion to admit.<sup>48</sup>

## B. Discretionary Policies

In most cases, denial is not mandatory. Federal law gives PHAs and project owners a certain amount of discretion in deciding whether to admit an applicant with a criminal record. PHAs and project owners may reject applicants who have engaged in any of the following activities during a reasonable time before submitting their application:

1. Drug-related criminal activity, defined as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug;<sup>49</sup>
2. Violent criminal activity, defined as any criminal activity that has as one of its elements the use, attempted use or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage;<sup>50</sup>
3. Other criminal activity that would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner, or public housing employees.<sup>51</sup>

The last category of criminal activity is not a catch-all provision. In advising PHAs on how to implement their screening criteria, HUD has recognized that “there are a wide variety of other crimes that cannot be claimed to adversely affect the health, safety, or welfare of the PHA’s residents.”<sup>52</sup> For criminal activity that falls outside of this category, therefore, the ability to deny admission is limited.

Another limit on discretion is related to the passage of time. Congress directs PHAs and project owners to look at criminal activity only if it occurred during a “reasonable time” before the screening takes place.<sup>53</sup> After this “reasonable time” has expired, housing providers may admit applicants with criminal records if the applicant provides sufficient evidence that he has not engaged in the prohibited criminal activity within that time period.<sup>54</sup> Although it is clear that this “reasonable time” should not extend indefinitely, neither Congress nor HUD has offered much guidance on how long this lookback period should be. Consequently, a number of PHAs and project owners have enacted overly long lookback periods, a problem that the next section highlights.

Ultimately, where PHAs and project owners have discretion, HUD calls for an individualized (as opposed to bright-line) review of applicants that factor in a person’s mitigating circumstances:

PHAs should consider applicants for residence by persons with such criminal histories on a case-by-case basis, focusing on the concrete evidence of the seriousness and recentness of criminal activity as the best predictors of tenant suitability. PHAs should also take into account the extent of criminal activity and any additional factors that might suggest a likelihood of favorable conduct in the future, such as evidence of rehabilitation.<sup>55</sup>

Yet, in practice, this individualized review is often the exception rather than the rule. A manager of federally assisted properties in Peoria, Illinois, recognized that “[t]here is some leeway in terms of how we interpret HUD guidelines,” but admitted that “we’re not going to vary that much.”<sup>56</sup> Although this property manager might admit an applicant with a minor shoplifting conviction from the early 1980s, he draws the line at *any* drug conviction, no matter how old. “If it’s a drug conviction,” he said, “that’s zero tolerance.”<sup>57</sup> Similarly, the executive director of the Portsmouth Housing Authority in New Hampshire has gone on record saying, “Anyone who has a criminal record with any sort of violence or drug-related crimes is pretty much excluded from getting housing.”<sup>58</sup> Attitudes like these will not produce the type of screening results that Congress and HUD expect. Only by engaging in a proper individualized review will housing providers give applicants the judgment and care that tenant screening requires and federal law necessitates.

# Issue Area #1: Unreasonable Lookback Periods

Reasonable time limits on a housing provider's use of criminal history ensure its relevance to the screening process. All too often, however, these time limits are only afterthoughts in ACOPs, administrative plans, and tenant selection plans.

A close examination of federal law strongly suggests a preference for reasonable time limits over limitless review. Federal law, for example, imposes an indefinite bar against only two narrow categories of criminal conduct.<sup>59</sup> For all other past criminal activity, the focus of the inquiry is limited to activity that occurred during a "reasonable time" before the screening process takes place.<sup>60</sup> Furthermore, HUD expects PHAs and project owners to define a "reasonable time" in their written policies.<sup>61</sup> Although HUD has not defined how long a "reasonable time" is, this time period should be finite and not overly long. By way of comparison, Congress considered three years to be an adequate time period for barring applicants who had previously been evicted from federally assisted housing for drug-related criminal activity.<sup>62</sup> And since HUD has discussed admitting applicants with criminal histories after the "reasonable time" period expires, it is clear that the relevance of a criminal record diminishes with time.<sup>63</sup>

## A. No Limits on Looking Back

Ignoring this call to define a "reasonable time," a significant number of housing providers have enacted admissions policies that contain no time limits on using a person's criminal history in the application process. Some PHAs adopt an open-ended approach to criminal histories, explaining that the housing provider is:

not required or obligated to assist applicants who ... [h]ave a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property.

In our review, twenty-four PHAs used this open-ended language in their written admissions policies.<sup>64</sup> A number of other PHAs and project owners neglected to include lookback periods as well.<sup>65</sup> Having no notice of the screening effect of an old criminal record, a person would



likely turn away from the application process altogether. For applicants who do take a chance on such an opaque policy, the policy provides little to hold PHAs and project owners accountable when they rely on criminal records rendered irrelevant by age. The absence of a time limit, in other words, increases the risk of abuse of discretion by housing providers.<sup>66</sup>

Related to the problem of no time limits are permanent bans. In an anonymous survey conducted by the Texas Housing Association, for example, one public housing authority reported candidly that it “NEVER house[s] anyone who has an assault/bodily injury charge,” seemingly regardless of the seriousness of the underlying activity.<sup>67</sup> The Indianapolis Housing Authority has taken an even broader stance, imposing “no time limit on denial [of Housing Choice Voucher] assistance for violent criminal activity.”<sup>68</sup> Similarly, the City of Ville Platte permanently denies voucher applicants who have “ever been convicted of drug-related criminal activity.”<sup>69</sup>

HUD has historically held the view that these types of permanent bans contradict federal policy. In 2010, it advised a project owner to revise an admission policy that rejected households “if any person listed on the application is currently or has ever been determined guilty of a violent crime.”<sup>70</sup> In recommending that the project owner replace this permanent ban with a reasonable, definite time period for looking back at an applicant’s criminal activity, HUD once again highlighted the diminished screening value of an old criminal record.<sup>71</sup>

## B. Looking Back Unreasonably

Although many written admissions policies contain an express lookback period, these time limits may still fail to provide a reasonable limit on the housing provider’s discretion.

One problem that arises is the overly long lookback period. Despite HUD’s suggestion that five years is a reasonable lookback period for serious crimes,<sup>72</sup> a number of housing providers look further back, some as long ago as twenty years.<sup>73</sup> Of the PHA policies reviewed for this report, ten adopted a seven-year lookback period that applied across the board to nearly all prohibited criminal activity,<sup>74</sup> while a dozen PHAs chose instead to look back ten years.<sup>75</sup> Such long lookback periods become even more draconian when PHAs and project owners deny admission based on minor offenses. For example, in one project-based Section 8 property in Alexandria, Virginia, grounds for rejection include seven-year-old convictions for bouncing a check, shoplifting, public intoxication, and other misdemeanors.<sup>75</sup> Similarly, for the project-based Section 8 properties it manages, Maine Development Associates may deny

applicants on the basis of an arrest within the last ten years for a host of criminal activity, including criminal mischief, theft, and negotiating worthless instruments.<sup>77</sup>

The City of Pittsburgh has a unique point system that has the potential to impose excessively long lookback periods on applicants. Under this system, each felony conviction is worth seven points, and each misdemeanor conviction is worth four points. For each point accumulated, the applicant must wait the corresponding number of years before becoming eligible for Pittsburgh's public housing.<sup>78</sup> For example, if an applicant's criminal record includes one felony conviction and one misdemeanor conviction, he will be subject to an eleven-year lookback period. Such an unforgiving policy can have particularly harsh effects on applicants who may have had multiple interactions with the criminal justice system many years ago, but who have since reformed their ways.

Some admissions policies treat their stated lookback periods as a starting point for their inquiry rather than a restriction. Geneva Housing Authority (New York), for example, looks back "a minimum of 5 years" for a variety of criminal activity, such as crimes against property or crimes that impose a financial cost.<sup>79</sup> Given the lack of precision in this type of policy, applicants are left with only a marginally better sense of how their criminal history factors into the application process than if there had been no time limit at all.

On a positive note, some PHAs and project owners are eschewing overly long lookback periods, which leads to a more realistic opportunity for applicants to overcome their past criminal histories in their search for affordable housing. Over forty PHAs and project owners use a lookback period of three years – shorter than the more prevalent five-year lookback period.<sup>80</sup> Others impose even shorter waiting periods, such as the Michigan State Housing Development Authority (MSHDA). In its Housing Choice Voucher program, the MSHDA considers drug-related criminal activity in the past twelve months. For violent criminal activity and other criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents, the lookback period is twenty-four months.<sup>81</sup> Public housing applicants face a two-year lookback period in the state of Hawaii<sup>82</sup> and a one-year lookback period in Cuyahoga County, Ohio and Contra Costa County, California.<sup>83</sup> Similarly, the White River Regional Housing Authority in Arkansas reviews criminal history only in the year prior to screening.<sup>84</sup> Shorter lookback periods like these encourage more individualized assessment for people with criminal records.

As a final note, even where admissions policies set forth seemingly reasonable lookback periods, their application can vary greatly. Even though HUD regulations allow PHAs and project owners to consider whether an applicant “has engaged in [criminal activity] during a reasonable time before the admission,” housing providers seldom restrict themselves to looking only at criminal activity. Instead, they differ in terms of which of the following events triggers a denial:

1. the applicant engaged in the criminal activity;
2. the applicant was arrested;<sup>85</sup>
3. the applicant was convicted;<sup>86</sup> or
4. the applicant was released from incarceration or correctional supervision.<sup>87</sup>

Depending on the underlying offense, these events can take place over a long period of time, which would extend the lookback period further than HUD regulations seems to have suggested. Confusing matters further, a number of admissions policies do not specify which events in the lookback period trigger a denial, leaving applicants to guess whether their criminal history will be relevant. The regulations, however, do specify that the relevant inquiry is whether the applicant has engaged in *criminal activity* within a reasonable time preceding the application.<sup>88</sup>

To bring some transparency to this process, HUD should clarify which event in the lookback period triggers a denial and require PHAs and project owners to include that information in their admissions policies.

### **Recommendation: Eliminate unreasonable lookback periods.**

PHAs, project owners, and HUD must reign in lookback periods whose unknown or unreasonable lengths are deterring people with criminal records from applying for federally assisted housing.

In general, PHAs and project owners should include in their written admissions policies reasonable time limits on the use of a person's criminal history in the admission process. These lookback periods should not be unreasonably long, nor should they extend indefinitely. They should provide the maximum, not minimum, number of years that the housing provider will look back on a person's criminal history. Finally, written admissions policies should specify the event within the lookback period that triggers the denial.

For reasonable lookback periods to be the norm, HUD must also provide guidance to PHAs and property owners on what is reasonable. Without this guidance, housing providers will continue to err on the side of caution, thus excluding many applicants with criminal records who may pose no greater risk than applicants without criminal records.

One area where guidance is needed is the length of a reasonable lookback period. Although HUD need not adopt a one-size-fits-all reasonable time period nationally, HUD should provide factors for PHAs and project owners to consider in establishing lookback periods, as well as examples of best practices in this area. Such uniform guidance is necessary to curtail the presence of unreasonable lookback periods. Additionally, HUD should specify which event within the lookback period triggers a denial to create consistency for applicants.

In addition to providing guidance to PHAs and project owners, HUD should increase its enforcement efforts and ensure that applicants to the federally assisted housing programs are not subject to unreasonable lookback periods for criminal history. When reviewing admissions policies, therefore, HUD should carefully scrutinize policies that include: (a) no time limits on criminal history review; (b) permanent bans; (c) overly long lookback periods; or (d) minimum rather than maximum lookback periods. Where any of these problematic time periods exist, HUD should demand that PHAs and project owners justify these bans with evidence showing why a more narrowly tailored time limit cannot achieve the desired screening result. For example, if a PHA claims that landlords are not participating in the HCV program because of concerns of criminal activity, the PHA should provide concrete evidence of such criminal activity as well as the necessity of a long lookback period in alleviating the problem. Otherwise, these policies will proliferate, leaving large numbers of people without a place to live.

## Issue Area #2: Use of Arrests to Prove Criminal Activity

Under federal law, PHAs and project owners may deny admission to applicants who have engaged in certain types of criminal activity. Yet instead of determining whether criminal activity took place, many housing providers treat a criminal *arrest* the same as criminal *activity*, even if the applicant was never convicted of the underlying offense. Howard County Housing and Community Development, for example, may deny admission to Housing Choice Voucher applicants on the basis of two misdemeanor arrests for drug-related or violent criminal activity, even if those arrests took place more than five years ago and even if the arrests never resulted in a conviction.<sup>89</sup>

According to the U.S. Supreme Court, however, “[t]he mere fact that a man has been arrested has very little, if any, probative value in showing that he engaged in any misconduct. An arrest shows nothing more than that someone probably suspect the person apprehended of an offense.”<sup>90</sup> Indeed, in the eviction context, HUD has explained that PHAs must rely on more than “a suspicion that [tenants] have engaged in prohibited activity”<sup>91</sup> – a rule that is equally applicable to the admissions context.

### A. The Disparate Impact of Arrest Record Screening

When PHAs and project owners accept arrests as proof of criminal activity – and subsequently deny housing on this basis – they take a problematic shortcut that threatens to infringe upon fair housing rights.

The Fair Housing Act outlaws housing discrimination, including facially neutral policies that have an unjustified disparate impact on racial minorities.<sup>92</sup> To determine whether a policy violates the Fair Housing Act under the disparate impact theory, the parties engage in a three-part burden-shifting test. First, the plaintiff bears the burden of proving that the policy disparately impacts a protected class, such as racial minorities.<sup>93</sup> If satisfied, the burden then shifts to the defendant to prove that the policy is necessary to achieve one or more of the defendant’s substantial, legitimate, nondiscriminatory interests.<sup>94</sup> If the defendant meets this burden, the plaintiff may still prevail if he can show that this proffered interest could be served by a policy with a less discriminatory effect.<sup>95</sup>

Though facially neutral, arrest record screening disparately impacts racial minorities because their rate of arrest is disproportionate to the arrest rate of the general population.<sup>96</sup> To justify this disproportionate racial impact, housing providers will often turn to public safety, claiming that denying applicants with arrest records will make a housing community safer.<sup>97</sup> For a justification to pass muster under the Fair Housing Act, however, it “must be supported by evidence and may not be hypothetical and speculative.”<sup>98</sup>

Whether the proffered public safety interest meets this non-speculative standard is questionable. The PHAs of the cities of Los Angeles and New York City, for example, exclude arrests from their screening process without undermining their abilities to control crime on their properties.<sup>99</sup> An Illinois court also recognized this disconnect between arrest record screening and crime control when it held that a PHA lacked evidence of criminal activity where the applicant’s criminal history consisted merely of arrests and no convictions.<sup>100</sup> Given the uncertain link between arrest record screening and improved public safety, the practice of using arrests as proof of criminal activity is highly suspect under the Fair Housing Act.

PHAs and projects owners cannot afford to ignore the disparate racial impact of arrest record screening, and neither can HUD. For these entities, it is not enough simply to refrain from the act of discrimination. Rather, they must also administer these federally assisted housing programs in a manner that will affirmatively further fair housing.<sup>101</sup> In other words, federal law regards HUD, PHAs, and project owners as active participants in the fight to ensure fair housing. Consequently, they should be affirmatively analyzing the degree to which screening for arrest records impedes fair housing choice and, subsequently, how to eliminate those fair housing impediments.<sup>102</sup>

## B. Equating Arrests With Criminal Activity

HUD in particular has fallen short of its duty to affirmatively further fair housing because it has enabled admissions policies that unequivocally equate arrests with criminal activity. Some of these policies state:

For the purpose of this Policy, if any member of the applicant family has been arrested \_\_\_ time(s) within the prior \_\_\_ year period, they will be determined to have engaged in criminal activity, drug-related criminal activity or violent criminal activity.

As the following table shows, for several programs, a single arrest over the course of 3-7 years can jeopardize an entire family’s admission prospects, even if the applicant was never found guilty of the underlying offense.

**TABLE 1. PHAS THAT DEFINE CRIMINAL ACTIVITY BY THE NUMBER OF ARRESTS.**

PUBLIC HOUSING AUTHORITY	LOCATION	CRIMINAL ACTIVITY DEFINED AS
Fayetteville Metropolitan Housing Authority	Fayetteville, North Caroline	1 arrest in 7 years
Housing Authority of the County of Chester	West Chester, Pennsylvania	1 arrest in 5 years
Flint Area Consolidated Housing Authority	Montezuma, Georgia	1 arrest in 5 years
Housing Authority of Fort Mill	Fort Mill, South Carolina	1 arrest in 5 years
Hendersonville Housing Authority	Hendersonville County, North Carolina	1 arrest in 5 years
Wilmington Housing Authority	Wilmington, North Carolina	1 arrest in 5 years
Winder Housing Authority	Winder, Georgia	1 arrest in 5 years
Grundy County Housing Authority	Grundy County, Illinois	2 arrests in 5 years
Louisville Metro Housing Authority	Louisville, Kentucky	2 arrests in 5 years
Benson Housing Authority	Benson, North Carolina	1 charge in 3 years
Housing Authority of the City of Flagstaff	Flagstaff, Arizona	1 arrest in 3 years
Pinal County Housing and Community Development Department	Pinal County, Arizona	1 arrest in 3 years
Alachua County Housing Authority	Gainesville, Florida	3 arrests in 3 years

Similarly, other policies provide that an applicant will be considered to have engaged in prohibited criminal activity if “a member of the current family has been arrested . . . for any criminal or drug-related criminal activity within the past [number of] years.”<sup>103</sup>

**TABLE 2. PHAS THAT DEFINE CRIMINAL ACTIVITY AS BEING ARRESTED WITHIN THE LOOKBACK PERIOD.**

PUBLIC HOUSING AUTHORITY	LOCATION	CRIMINAL ACTIVITY DEFINED AS AN ARREST WITHIN THE PAST
Contra Costa Housing Authority	Contra Costa, California	12 months
Hawaii Public Housing Authority	Hawaii	24 months
Asheboro Housing Authority	Asheboro, North Carolina	36 months
Elmira Housing Authority	Elmira, New York	36 months
Housing Authority of the City of Danbury, Connecticut	Danbury, Connecticut	3 years
Galveston Housing Authority	Galveston, Texas	3 years
Muskogee Housing Authority	Muskogee, Oklahoma	5 years
Manchester Housing Authority	Manchester, Connecticut	5 years
Portland Housing Authority	Portland, Maine	5 years
Housing Authority of the County of San Diego	San Diego, California	5 years

### C. Taking Arrests as Evidence of Criminal Activity

The more common policy among housing providers is to consider arrests as evidence (as opposed to proof) of criminal activity. These admissions policies usually prohibit admission to applicants who have engaged in certain types of criminal activity within a given time period, explaining that:

Evidence of such criminal activity includes, but is not limited to any record of convictions, *arrests*, or evictions for drug-related or violent criminal activity of household members within the past \_\_\_ years.

Typically, these policies note that the housing provider will weigh convictions more heavily than arrests.<sup>104</sup> Although this signals some reasonableness on the part of the housing provider, it does not guarantee protection from an application denial on the basis of arrests in the absence of convictions.



## D. Requiring Convictions for Criminal Activity

The better practice is not to include arrests as an admissions factor. Some housing providers exclude arrests by referring only to convictions in their written admissions policies. Whereas many PHAs bar certain applicants with “a history of criminal activity,” for example, the Housing Authority of Fort Collins limits its inquiry to those with a “a history of criminal convictions.”<sup>105</sup> Similarly, the Richmond Redevelopment and Housing Authority only considers convictions when assessing a person’s criminal history.<sup>106</sup> Housing providers with similar policies include: Baltimore Housing Authority,<sup>107</sup> Metro Housing and Redevelopment Authority (St. Paul, Minnesota),<sup>108</sup> Housing Authority of the City of Pittsburgh,<sup>109</sup> Cuyahoga Metropolitan Housing Authority,<sup>110</sup> and Fairfield Metropolitan Housing Authority.<sup>111</sup>

Other housing providers set aside arrests that result in anything short of a conviction, recognizing the diminished probative value of these past encounters with the criminal justice system. For example, Miami-Dade County Public Housing and Community Development limits the use of arrests that do not result in a conviction, except where repeated arrests seemingly suggest a pattern of drug-related or violent criminal activity on the part of the applicant.<sup>112</sup> Other housing providers that have adopted similar language include the Housing Authority for the City of Fort Lauderdale<sup>113</sup> and the Allegheny County Housing Authority.<sup>114</sup>

### **Recommendation: Abandon the use of arrests as conclusive proof of criminal activity.**

PHAs and project owners should not deny admission to federally subsidized housing on the basis of arrests that never resulted in a conviction. Instead, they should limit their assessment to criminal convictions, and their written admissions policies should expressly state that they will not consider arrests that resulted in dismissed charges, acquittals, and other dispositions short of a finding of guilt. By refusing to rely on such inadequate indicators of past criminal activity, PHAs and project owners will uphold their duties to refrain from discrimination and to affirmatively further fair housing under the federal Fair Housing Act.

HUD should take a more active role in eliminating arrest record screening in its federally subsidized housing programs. The first step is to ensure the written admissions policies do not equate criminal arrests with criminal activity, such as those policies that define “criminal activity” by the number of arrests in a given time period. Next, HUD – and the Office of Fair Housing and Equal Opportunity in particular – should encourage housing providers not to factor arrests into their admissions decisions by issuing guidance to housing providers outlining the fair housing implications of arrest record screening. Finally, HUD should enforce the Fair Housing Act against any housing providers whose use of arrests disproportionately and unjustifiably impacts minority groups.

## Issue Area #3: Overbroad Categories of Criminal Activity

Generally, federal law permits PHAs and project owners to develop admissions policies regarding three types of criminal activity: drug-related criminal activity, violent criminal activity, and criminal activity that pose a threat to the health, safety, and welfare of other residents.<sup>115</sup> While some ACOPs, administrative plans, and tenant selection plans refer only to these three general categories, a number of PHAs and project owners deny admission to applicants with other types of criminal activity as well.

To illustrate, the Galveston Housing Authority may deny public housing applicants if their criminal history includes “civil disobedience” within the past ten years.<sup>116</sup> If “civil disobedience” refers to acts of protests, then this overbroad category of criminal activity suffers from being only marginally relevant to the applicant’s ability to discharge his duties as a tenant. If, on the other hand, the housing authority intended another definition of “civil disobedience,” its failure to include this definition does a disservice to applicants seeking guidance in this area. Whether the definition here is overbroad or vague, the results are unnecessary hurdles for applicants with criminal records.

### A. Capturing All Criminal Activity

Some admissions policies broadly eliminate anyone with a criminal history, even if that history may only be tenuously related to being a good tenant. For instance, the Bellingham/Whatcom Housing Authorities (Washington) screens applicants who have engaged in “criminal activity or any activity that would be a crime on or off the premises or property” in the past five years.<sup>117</sup> Meanwhile, in Little Rock, Arkansas, the Metropolitan Housing Alliance rejects applicants with misdemeanor convictions for three years and felony convictions for seven years. Between misdemeanors and felonies, there appears to be little room for a successful applicant with a criminal record.

Other PHAs and project owners accomplish the same result by adding so many additional categories that they essentially exclude anyone who ever interacted with the criminal justice system. The Buffalo Municipal Housing Authority (BMHA), for instance, considers the following criminal activity in its admissions decisions:

1. Crimes of violence against people ...
2. Crimes against property ...
3. Crimes or offenses that impose a financial cost ...
4. Crimes or offenses that involve disturbing the peace
5. Other criminal or unlawful acts that affect the health, safety, or right of peaceful enjoyment of the premises by other residents;
6. Drug-related criminal activity ...
7. Drug-related criminal activity involving personal use or possession for personal use, illegal sale, distribution, or possession with intent to sell or distribute marijuana

Furthermore, BMHA broadens its reach by giving itself the authority to consider any other criminal activity not listed above. By also omitting an express lookback period, BMHA freed itself from significant limits on its discretion, potentially placing federally subsidized housing out of reach for many applicants with criminal records in Buffalo, New York.<sup>118</sup>

PHAs and project owners also cast a wide net for criminal activity when they deny admission to anyone on the basis of being recently released from incarceration. In Contra Costa County, California, and Richmond, Virginia, for instance, an applicant is ineligible for subsidized housing until one year has elapsed since his incarceration.<sup>119</sup> Although the waiting period is relatively short, these grounds for denial are not limited any type of criminal activity. Moreover, these policies appear to apply to both sentences of incarceration and pre-trial detentions. Because such detentions could ultimately result in dismissed charges, these policies pose the risk of denying housing to people who committed no wrongdoing. Seattle Housing Authority, for example, denied an applicant on grounds that he had been discharged from a corrections facility within six months of the eligibility interview, even though the charges underlying his stay in jail were eventually dropped.<sup>120</sup> Possibly recognizing the consequences of such policies, the Housing Authority of New Orleans has proposed a policy that specifically omits “certain short term stays in local detention facilities”<sup>121</sup> – an important limit other PHAs should consider as well.

## B. Confusing Applicants with Vague Categories of Criminal Activity

Individual categories can also raise problems if their vagueness deprives applicants of sufficient notice of the prohibited criminal activity. Without clear guidance, applicants with criminal records may elect to forgo federally subsidized housing altogether rather than

endure an apparently fruitless process. If HUD is serious about making federally subsidized housing open to applicants who have reformed their lives, it needs to put an end to these amorphous categories.

For example, some PHAs impose a five-year ban on applicants whose “arrest or conviction record [...] indicates that the applicant may be a [...] negative influence other residents.”<sup>122</sup> Indeed, the Alabama Association of Housing and Redevelopment Authorities includes such language in its model administrative plan.<sup>123</sup> This highly subjective standard departs significantly from the federal categories and covers all types of criminal activity, even if the activity is minor or irrelevant to a person’s ability to live peacefully in federally subsidized housing. Because of this over breadth, an applicant would be hard-pressed to hold a housing provider accountable for abusive application of this criteria.

Another example of a vague and subjective standard comes from the Norfolk Redevelopment and Housing Authority in Virginia. In the public housing program, convictions for “immoral conduct of any type” are grounds for denial of assistance for a period of 3-10 years, depending on the number of convictions.<sup>124</sup> The failure to include a definition of “immoral conduct” in the admissions policy makes this category a mystery to applicants. Applicants could possibly glean its definition from the fact that it sits alongside the crimes of soliciting, indecent exposure, and trespassing, but the results would still be speculative. Such vagueness and uncertainty should not be part of a housing provider’s screening criteria.

As for the City of Westminster Public Housing Agency in Westminster, Maryland, its use of “violent criminal activity” as grounds for denial is not as straightforward as it first appears. Unlike HUD’s definition, which requires actual or reasonably likely “serious bodily injury or property damage,” this PHA’s definition goes a few steps further to cover “psychological harm, deprivation and maldevelopment.”<sup>125</sup> If, as here, neither HUD nor applicants can pinpoint what types of criminal offenses this vague definition of violence covers, then this policy must be defective.

### C. Compromising Fair Housing Rights with Felony Bans

Far more common than these unusual categories of criminal activity are prohibitions against applicants with past felony charges and convictions. Such felony bans are problematic because they sweep in criminal activity that does not bear on a person’s ability to meet their obligations as a tenant.

Among the PHA policies reviewed, twenty-seven listed felonies generally as grounds for denial of assistance.<sup>126</sup> Applicants with felony convictions in Dubuque, Iowa, must wait seven years to receive a Housing Choice Voucher.<sup>127</sup> Meanwhile, in Campbell County, Kentucky, a felony charge bars applicants from Section 8 housing for five years.<sup>128</sup> In Maryland, Howard County Housing and Community Development will deny assistance to applicants who it deems to be “guilty of a felony regardless of a conviction.”<sup>129</sup> Other PHAs that deny admission to applicants with felony convictions include New Smyrna Beach Housing Authority (Florida);<sup>130</sup> the Housing Authority of the City of Soperton (Georgia);<sup>131</sup> the District of Columbia Housing Authority;<sup>132</sup> the Housing Authority of Fresno County (California);<sup>133</sup> Housing Authority of Savannah (Georgia);<sup>134</sup> Waynesville Housing Authority (North Carolina);<sup>135</sup> Housing Authority of Fulton County (Georgia);<sup>136</sup> the City of Mesquite Housing Community Services Department (Texas);<sup>137</sup> and the Hampton Housing and Redevelopment Authority (Virginia).<sup>138</sup>

Felony bans were also popular among the tenant selection plans reviewed, including one adopted by AIMCO, one of the largest owners and operators of apartment buildings in the country. For at least one of its project-based Section 8 properties, AIMCO has used a seemingly complex criminal history matrix that essentially boils down to one rule: deny admission to any applicant with a felony record. The types of felonies that trigger a denial include the following:

- public intoxication
- cable theft
- truancy
- theft by check or worthless check
- littering
- shoplifting
- petty theft
- curfew violation
- failure to pay fare
- fishing/hunting without a license
- loitering
- public swearing
- jaywalking
- no seat belt
- ordinance violation
- overgrown grass

Furthermore, there is no lookback period that constrains AIMCO’s ability to deny admission on these grounds, thus producing particularly harsh results for such minor offenses.<sup>139</sup> As the following table illustrates, other project-based Section 8 properties have adopted permanent bans on applicants with prior felony convictions as well.

**TABLE 3. PROJECT-BASED SECTION 8 PROPERTIES WITH PERMANENT FELONY BANS.**

PROPERTY	LOCATION
B'nai B'rith Covenant House, Covenant Apartment II & Community Housing Association <sup>140</sup>	St. Louis, Missouri
Ledgewood Apartments <sup>141</sup>	Biddeford, Maine
Lindale Apartments <sup>142</sup>	Springfield, Oregon
Opportunity Center of the Midpeninsula <sup>143</sup>	Palo Alto, California
The Platte View Apartments <sup>144</sup>	Casper, Wyoming
Villa San Pedro Apartments <sup>145</sup>	San Jose, California

Some project-based Section 8 properties do impose time limits on their felony bans, but applicants still must wait five,<sup>146</sup> seven,<sup>147</sup> and ten years.<sup>148</sup> One property even goes so far as to bar applicants who were charged with felonies in the past twenty years, even if those charges were downgraded and resulted in misdemeanor convictions.<sup>149</sup>

In addition to providing inadequate notice to applicants, these felony bans also very likely run afoul of the federal Fair Housing Act for many of the same reasons that arrest record screening raise fair housing concerns.<sup>150</sup> As noted previously, the Fair Housing Act prohibits facially neutral policies that have an unjustified, disparate impact on racial minorities. Since racial minorities, particularly African Americans and Latinos, are convicted of felonies at a rate disproportionate to that of the general population,<sup>151</sup> a ban on applicants with felony convictions will have a disparate racial impact.

The question becomes whether this disparate racial impact is justified. Housing providers are likely to justify felony bans by asserting their interest in public safety, yet such arguments assume, however, that a person with a felony record is inherently unfit to live in federally subsidized housing. Given the trend in state legislatures to ratchet up the levels of many crimes from misdemeanors to felonies to appear more “tough on crime,” more and more criminal offenses are being labeled as felonies, even if they are less serious or even non-violent.<sup>152</sup> In Illinois, for example, if a person has been convicted twice of shoplifting goods worth less

than \$300, that person will have a felony conviction on his record.<sup>153</sup> Although this person has broken the law, the nature of the crime does not justify the denial of federally subsidized housing. Felony bans, therefore, suffer from the same problem of over breadth that render arrest record screening suspect under the Fair Housing Act.<sup>154</sup>

The main difference between arrest record screening and felony bans, however, is that felony convictions will, at times, be relevant to the admissions analysis. Consequently, the call here is not for housing providers to ignore felony convictions altogether. Rather, housing providers need to add more nuance to their felony record policies rather than bluntly ban applicants who would otherwise thrive in federally assisted housing. In Cuyahoga County, Ohio, for example, the PHA limits its analysis in the Housing Choice Voucher program to felony criminal activity that falls within HUD's three general categories: drug-related criminal activity, violent criminal activity, and other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.<sup>155</sup> For the public housing program, the list is even more nuanced as the PHA provides a relatively short list of felonies that could lead to a denial of assistance.<sup>156</sup> To avoid violating the Fair Housing Act, PHAs and project owners should remove general prohibitions against applicants with felony records and instead adopt a more policy more narrowly tailored to the applicant's ability to meet the obligations of tenancy.



**Recommendation: Replace overbroad categories of criminal activity with clear and narrowly tailored standards for reviewing criminal history.**

PHAs and project owners should exercise restraint when adding categories of criminal activity beyond drug-related criminal activity, violent criminal activity, and other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity. They should not flood their policies with so many categories that anyone with a criminal record is screened out. They should also resist adopting overly inclusive categories of criminal activity, such as policies that bar applicants whose arrest records indicate that they will be a “negative influence” on others or policies that define “violent criminal activity” far more expansively than HUD itself. Finally, PHAs and project owners should abandon policies that deny housing generally to applicants with prior felony charges or convictions and instead apply more nuanced standards.

HUD should take a more active role in preventing these overly inclusive policies from denying housing to people with criminal records by scrutinizing such policies, especially blanket prohibitions against people with prior felony records. Finally, HUD’s Office of Fair Housing and Equal Opportunity should issue policy guidance explaining how overinclusive policies, particularly felony bans, can constitute housing discrimination under the Fair Housing Act.

## Issue Area #4: Underuse of Mitigating Circumstances

The previous three issues areas have largely criticized PHAs and project owners for overinclusive policies, be it unreasonably long lookback periods, the use of arrests in the absence of convictions, or overbroad categories of prohibited criminal activities. The last issue area – mitigating circumstances – provides a way for PHAs and project owners to ease the harshness of their overinclusive policies and to prevent a person’s criminal record from becoming an automatic bar to federally subsidized housing. By giving an applicant the opportunity to show that he is not a risk to the program, PHAs and project owners would follow the spirit of HUD Secretary Shaun Donovan’s call to give second chances to people with criminal records.

Sometimes, however, applicants are not even aware of their right to present such evidence. In Pittsburg, Pennsylvania, for example, formerly incarcerated individuals knew about their local PHAs’ screening criteria, but they did not know that they could appeal a PHA’s denial of their application.<sup>157</sup> This lack of understanding is likely due, at least in part, to PHAs that do not go out of their way to educate applicants of this right. As one formerly incarcerated individual noted, “[The housing authority] said I’m not eligible until 2021. I went there three times and it wasn’t until my last visit that someone said I needed documents on rehabilitation to get in.”<sup>158</sup>

Even when an applicant offers mitigating evidence, some PHAs refuse to consider the evidence, instead preferring to shut out anyone with a criminal record. In Indiana County, for example, a mother applied for a Housing Choice Voucher to reunite with her son and avoid becoming homeless. The housing authority rejected her application because of a prior conviction for possession of drug paraphernalia. Determined to preserve her family, she returned with a host of evidence demonstrating her fitness for federally subsidized housing, including completion of substance abuse treatment, therapeutic treatment, and parenting classes; ongoing negative drug tests; and testimony from three different professionals citing her commitment to recovery. Despite the strength of this mitigating evidence, the housing authority nevertheless stuck to its decision to deny assistance, revealing the limited consideration that some PHAs and owners give to mitigating evidence in admissions decisions.<sup>159</sup>

In the public housing program, federal law requires PHAs to consider mitigating circumstances in deciding whether to admit applicants. PHAs must consider, in particular, the time, nature, and extent of the applicant's conduct, including the seriousness of the offense.<sup>160</sup> Moreover, PHAs may consider factors that might indicate a reasonable probability of favorable future conduct, such as evidence of rehabilitation and evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs.<sup>161</sup>

Despite the lack of a similar mandate in the Housing Choice Voucher or project-based Section 8 programs, HUD has strongly encouraged PHAs and project owners to give similar consideration to mitigating evidence provided by applicants.<sup>162</sup> HUD regulations provide that such evidence includes (1) the seriousness of the case; (2) the extent of participation or culpability of individual family members; (3) mitigating circumstances related to the disability of a family member; and (4) the effects of denial or termination of assistance on other family members who were not involved in the action or failure.<sup>163</sup>

In addition, PHAs and project owners may reconsider its denial decision if an applicant produces "sufficient evidence" that he has not engaged in the prohibited criminal activity within a reasonable time before applying. HUD regulations further explain:

The PHA would have "sufficient evidence" if the household member submitted a certification that she or he is not currently engaged in and has not engaged in such criminal activity during the specified period and provided supporting information from such sources as a probation officer, a landlord, neighbors, social service agency workers, and criminal records, which the PHA verified.<sup>164</sup>

Some written admissions policies lack any reference to these regulations, thus failing to connect mitigating evidence to their criminal records policies.<sup>165</sup> For these policies, an improvement would be as simple as noting that an applicant may present mitigating evidence to overcome a criminal records-based denial. They could borrow language from the Miami-Dade County Housing and Community Development's administrative plan, which explains:

Mitigating circumstances are facts relating criminal history, that, when verifiable, indicate: (1) the reason for the unsuitable criminal history or behavior; and (2) that the reason for the unsuitable criminal history or behavior is no longer in effect or is under control, justifying admission or continued assistance. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.<sup>166</sup>

This explanation may seem unremarkable, but it would be one step toward unraveling the common perception among subsidized housing applicants that criminal records policies are impenetrable.

In addition to making clear that applicants may present mitigating evidence to counter-balance their criminal history, PHAs and project owners should give applicants a sense of the type of evidence they are looking for by providing concrete examples. For instance, in both its public housing and Housing Choice Voucher programs, the District of Columbia Housing Authority provides a non-exhaustive list of mitigating evidence for applicants for criminal records:

[A]dequate and suitable employment or participation in a generally recognized training program; substance abuse treatment, if necessary; successful completion of therapy directed at correcting the behavior that led to the criminal activity; and existence of a support network.

Likewise, for its Housing Choice Voucher program, the Delaware State Housing Authority (DSHA) explains that it will consider the following factors in evaluating an applicant's criminal record:

- a. Whether the potential resident's offense bears a relationship to the safety and security of the other residents;
- b. The level of violence, if any, of the offense for which potential resident was convicted;
- c. Length of time since the conviction;
- d. The number of convictions that appear on the potential resident's conviction history;
- e. If the potential resident is now in recovery for an addiction, whether the potential resident was under the influence of alcohol or illegal drugs at the time of the offense;
- f. Any rehabilitation efforts that the potential resident has undertaken since the time of his/her conviction.<sup>167</sup>

In addition, DSHA specifies the type of rehabilitative evidence that it finds relevant:

- [P]articipation in treatment program for addiction, if any, to illegal drugs or alcohol ...
- [E]mployment status or efforts to seek employment...
- [P]articipation in any work training program or improvements in education...

- [P]articipation in counseling or other behavioral management
- Involvement of family, friends or community groups in support network for potential/existing resident.
- Recommendations on behalf of potential/existing resident by probation officer, case worker, counselor, family member, clergy, employer, community leader or other involved individuals.
- Any other information relevant to the current lifestyle of the individual.<sup>168</sup>

By virtue of being able to access these explanations in written form, applicants to these programs are more likely take advantage of their opportunities to present relevant mitigating evidence rather than accept the PHA's rejection as a final decision.

The Boston Housing Authority goes one step further and provides a concrete example of how mitigating evidence can help lift a criminal records-based denial:

If an Applicant or household member has an isolated conviction for larceny but establishes that he or she had an emergency need for prescription drugs due to the illness of a household member, or if such behavior was a result of domestic or dating violence or stalking, such justification, if documented, may constitute Mitigating Circumstances sufficient to outweigh the offense.<sup>169</sup>

In addition to demonstrating how mitigating evidence works, concrete examples like this send the message that the housing provider is serious about considering applications holistically.

Finally, PHAs and project owners can best convey their willingness to consider applicants with criminal records by prioritizing mitigating evidence in the application process. For example, in 2013, the Housing Authority of New Orleans (HANO) adopted a new criminal records policy guided by the following principle: "No applicant for HANO-assisted housing will be automatically barred from receiving housing because of his or her criminal background, except as mandated by federal law."<sup>170</sup> This change in principle has translated into a proposed application process that will be more conducive to allowing voucher applicants to overcome their criminal history. For instance, rather than wait for a post-denial hearing, applicants with a criminal record would have the opportunity to present mitigating evidence *before* HANO makes a final decision regarding their application. Furthermore, the decision will come from a panel comprised of HANO officials and Resident Advisory Board members, whose mandate is to conduct "an individualized assessment based on the totality of the circumstances."<sup>171</sup> To

assist applicants, HANO will make the process more transparent by making available a sample list of mitigating evidence<sup>172</sup> as well as a list of factors for the panel members to consider.

a. Criminal History

- Time since most recent conviction;
- Time since release from prison/jail, if applicable;
- Number of convictions;
- Nature of the conviction conduct;
- Risk and/or needs scores, if applicable, such as Louisiana Risk Needs Assessment (LARNA) used by Probation and Parole.

b. Rehabilitation

- History of drug/alcohol abuse;
- Treatment participation (while incarcerated or not);
- Treatment completion;
- Success or failure during community supervision, if any.

c. Community Ties/Support

- Household composition;
- Support networks (both who supports the applicant and who the applicant supports);
- Involvement in community groups (e.g., volunteer work, AA/NA).

d. Employment History

- Current employment;
- Employment stability;
- Current educational or training program.<sup>173</sup>

Finally, HANO will assign a case worker to applicants during the panel review to help shepherd them through the process.<sup>174</sup> Should the panel decide to deny admission, an applicant may appeal the decision to HANO's executive director.<sup>175</sup> By ensuring that applicants with criminal records have every opportunity to present mitigating evidence before an admissions decision becomes final, HANO will begin to make true HUD's call for second chances and family reunification in the federally assisted housing programs.

**Recommendation: Ensure that applicants can overcome criminal records barriers by presenting evidence of mitigating circumstances**

PHAs and project owners must clarify the important role that mitigating circumstances plays in criminal record screening and ensure that applicants understand that their mitigating evidence may outweigh the risk – if any – posed by past criminal activity. The written admissions policies should contain these explanations, including concrete examples to help guide applicants through the process, such as government-issued certificates of rehabilitation or pardons; substance abuse treatment, where necessary; increased activity in education, religious, or other civic activities; and changed circumstances. PHAs and project owners should also consider allowing applicants to present their mitigating evidence before the final decision regarding admissions is made. Finally, HUD should ensure that PHAs and project owners actually consider these circumstances in their admissions decisions.

# Conclusion and Final Recommendations

Although PHAs and project owners may be tempted to use bright-line rules and overbroad policies to screen out people with criminal records, the integrity of the federally assisted housing programs calls for a more balanced tenant screening process. As HUD has recognized, “it is critical to the credibility and success of one-strike programs that PHAs will comply with all civil rights, fair housing, and privacy laws, at both the screening and eviction stages.”<sup>176</sup> With active leadership and guidance from HUD, PHAs and project owners should seek a proper balance between their interest in a safe housing community and the applicant’s right to be free from unjustified discrimination through an accurate and fair risk assessment and screening process.

To move HUD, PHAs, and project owners toward achieving this proper balance, we make the following recommendations:

## 1. Eliminate unreasonable lookback periods.

PHAs, project owners, and HUD must reign in lookback periods whose unknown or unreasonable lengths are deterring people with criminal records from applying for federally assisted housing.

In general, PHAs and project owners should include in their written admissions policies reasonable time limits on the use of a person’s criminal history in the admission process. These lookback periods should not be unreasonably long, nor should they extend indefinitely. They should provide the maximum, not minimum, number of years that the housing provider will look back on a person’s criminal history so as to provide proper notice. Finally, PHAs and project owners should specify the event that triggers the lookback period, preferably the “criminal activity” that the applicant engaged in.

For reasonable lookback periods to be the norm, HUD must also provide guidance to PHAs and property owners on issues such as how long such a period should be or what type of event should trigger the lookback period. In addition, HUD should increase its enforcement efforts and ensure that applicants are not subject to unreasonable lookback periods. When reviewing admissions policies, therefore, HUD should carefully scrutinize policies that include: (a) no time limits on criminal history review; (b) permanent bans; (c) overlong lookback



periods; or (d) minimum rather than maximum lookback periods. Where any of these problematic time periods exist, HUD should demand that PHAs and project owners justify these bans with evidence showing why the desired result cannot be achieved with a more narrowly tailored time limit.

## 2. Abandon the use of arrests as conclusive proof of criminal activity.

PHAs and project owners should not deny admission to federally subsidized housing on the basis of arrests that never resulted to a conviction. Instead, they should limit their assessment to criminal convictions, and their written admissions policies should expressly state that they will not consider arrests that resulted in dismissed charges, acquittals, and other dispositions short of a finding of guilt. By refusing to rely on such inadequate indicators of past criminal activity, PHAs and project owners will uphold their duties to refrain from discrimination and to affirmatively further fair housing under the federal Fair Housing Act.

HUD should also take a more active role in eliminating arrest record screening in its federally subsidized housing programs. The first step is to ensure the written admissions policies do not equate arrests with criminal activity, such as those policies that define “criminal activity” by the number of arrests in a given time period. Next, HUD – and the Office of Fair Housing and Equal Opportunity in particular – should encourage housing providers not to factor arrests into their admissions decisions by issuing guidance to housing providers outlining the fair housing implications of arrest record screening. Finally, HUD should enforce the Fair Housing Act against any housing providers whose use of arrests disproportionately and unjustifiably impacts minority groups.

## 3. Replace overbroad categories of criminal activity with clear and narrowly tailored standards for reviewing criminal history.

PHAs and project owners should exercise restraint when adding categories of criminal activity beyond drug-related criminal activity, violent criminal activity, and other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity. They should not flood their policies with so many categories that anyone with a criminal record is screened out. They should also resist adopting overly inclusive categories of criminal activity, such as policies that bar applicants whose arrest records indicate that they will be a “negative influence” on others or policies that define “violent criminal activity” far more expansively than HUD itself. Finally,

to fulfill their duties under the Fair Housing Act, PHAs and project owners should abandon policies that deny housing generally to applicants with prior felony charges or convictions and instead apply more nuanced standards.

HUD should take a more active role in preventing these overly inclusive policies from denying housing to people with criminal records by scrutinizing such policies, especially blanket prohibitions against people with prior felony records. Finally, HUD's Office of Fair Housing and Equal Opportunity should issue policy guidance explaining how overinclusive policies, particularly felony bans, can constitute housing discrimination under the Fair Housing Act.

#### 4. Ensure that applicants can overcome criminal records barriers by presenting evidence of mitigating circumstances.

PHAs and project owners must clarify the important role that mitigating circumstances plays in criminal record screening and ensure that applicants understand that their mitigating evidence may outweigh the risk – if any – posed by past criminal activity. The written admissions policies should contain these explanations, including concrete examples to help guide applicants through the process. PHAs and project owners should also consider allowing applicants to present their mitigating evidence before the final decision regarding admissions is made. Finally, HUD should ensure that PHAs and project owners actually consider these circumstances in their admissions decisions.

Finally, we end with a special note about tenant selection plans (TSPs). In terms of criminal records policies, the worst culprits are sometimes project owners in the project-based Section 8 program. Although HUD does not have an approval process for TSPs, project owners are expected to modify their TSPs to comply with HUD regulations if HUD becomes aware of the non-compliance.<sup>177</sup> To help put an end to these far reaching TSPs, therefore, advocates need to be extra vigilant and report these non-compliant policies to HUD for review. At the same time, HUD needs to take more proactive steps to curb abuses found in these TSPs, especially since many applicants may not have access to an attorney or tenant advocate who would otherwise help bring a bad policy to HUD's attention.

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32. S.F. Local Homeless Coordinating Bd., *Toward Ending Homelessness in San Francisco: Five-Year Strategic Plan of the San Francisco Local Homeless Coordinating Board 2008-2013*, at 22 (2008), <http://www.sfgov3.org/ftp/uploadedfiles/lhcb/documents/SFCoCFinalPlan030308FULLPLAN.pdf>.
33. *Id.* at 54.

34. For a comprehensive discussion on people with criminal records and their rights with respect to the federally assisted housing programs (i.e., public housing, Housing Choice Voucher, project-based Section 8, and other programs), see generally NAT'L HOUS. L. PROJECT, AN AFFORDABLE HOME ON RE-ENTRY: FEDERALLY ASSISTED HOUSING AND PREVIOUSLY INCARCERATED INDIVIDUALS (2008), <http://www.reentry.net/ny/search/download.149254>.
35. 42 U.S.C. § 1437n(f)(1) (2012).
36. 42 U.S.C. § 13663(a) (2012).
37. 42 U.S.C. § 13661(a) (2012).
38. 42 U.S.C. § 13661(b)(1) (2012).
39. Screening and Eviction for Drug Abuse and Other Activity, HUD Notice H 2002-22, at 5 (Oct. 29, 2002), [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_14950.doc](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_14950.doc) [hereinafter HUD Notice H 2002-22].
40. 24 C.F.R. § 960.204(a)(2)(i) (2012).
41. PUBLIC HOUSING OCCUPANCY GUIDEBOOK, *supra* note 17, at 53.
42. 24 C.F.R. § 960.204(a)(2)(ii) (2012).
43. 42 U.S.C. § 13661(a) (2012).
44. See e.g., PUBLIC HOUSING OCCUPANCY GUIDEBOOK, *supra* note 17, at 92.
45. 42 U.S.C. § 3604(a)-(b) (2012).
46. See, e.g., HUD Notice H 2002-22, *supra* note 35, at 3. For further discussion of the fair housing implications of criminal records policies, see *infra* text accompanying notes 89-99.
47. 42 U.S.C. § 14043e-11(b)(1) (2013).
48. The Clearinghouse Review., A collaborative Approach to Housing Under the Violence Against Women Reauthorization Act of 2013 (Nov-Dec, 2014), <http://povertylaw.org/clearinghouse/article/collaborative-approach-housing-under-violence-against-women-reauthorization-ac>
49. 42 U.S.C. § 13661(c) (2012); 24 C.F.R. § 5.100 (2012).
50. 42 U.S.C. § 13661(c) (2012); 24 C.F.R. § 5.100 (2012).
51. 42 U.S.C. § 13661(c) (2012).
52. PUBLIC HOUSING OCCUPANCY GUIDEBOOK, *supra* note 17, at 96-97.
53. 42 U.S.C. § 13661(c) (2012).
54. *Id.* §13661(c)(2). The applicant must certify that he has not engaged in criminal activity during the reasonable time period. In addition, the applicant must offer information that supports this certification from sources “such as a probation officer, a landlord, neighbors, social service agency workers, or criminal records that were verified by the owner.” HUD Notice H 2002-22, *supra* note 35, at 7.
55. “One Strike and You’re Out”: Screening & Eviction Guidelines for Public Housing Authorities (HAs), HUD Notice PIH 96-16, at 6 (Apr. 12, 1996), <http://www.hud.gov/offices/adm/hudclips/notices/pih/files/96-16PIHN.doc> [hereinafter HUD Notice PIH 96-16].
56. See Adams, *supra* note 16.
57. *Id.*
58. Charles McMahon, *Authorities Grapple with Crime, Drugs in Public Housing*, SEACOAST ONLINE (Mar. 24, 2013, 2:00 AM), <http://www.seacoastonline.com/articles/20130324-NEWS-303240340> (last visited November 19, 2014).

59. See *supra* text accompanying notes 45-47.
60. 42 U.S.C. § 13661(c) (2012).
61. See, e.g., HUD, Occupancy Requirements of Subsidized Multifamily Housing Programs, Handbook 4350.3 REV-1, at 4-20 (June 2007), available at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/handbooks/hsg/4350.3](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/hsg/4350.3) (follow "PDF" hyperlink for "Chapter 4: Waiting List and Tenant Selection") ("For those behaviors that would result in denial for a 'reasonable time,' the owner must define a reasonable period in the tenant selection plan."); see also Screening and Eviction for Drug Abuse and Other Criminal Activity, *supra* note 14, at 28,779 (suggesting that a five-year lookback period is appropriate for serious criminal activity).
62. 42 U.S.C. § 13661(a) (2012).
63. For example, in advising a project owner on whether he could terminate a tenant's assistance for pre-admission criminal activity, HUD counsel offers this hypothetical: "[I]f John's 1998 crime was armed robbery, but he has not engaged in criminal activity since that time and has otherwise been a good resident, the landlord could reasonably decided to allow John to continue living at the project." Memorandum from Thomas J. Coleman, Regional Counsel, HUD Region VII, 5 (Feb. 4, 2010), <http://portal.hud.gov/hudportal/documents/huddoc?id=criminalbgsscreening.pdf> [hereinafter Coleman Memorandum].
64. See e.g., ALBANY HOUS. AUTH., ADMISSION AND CONTINUED OCCUPANCY POLICY A-16 (July 26, 2011) (Georgia), [http://www.albanyhousingauthority.com/wp-content/uploads/2012/08/Revised\\_ACOP\\_2011.pdf](http://www.albanyhousingauthority.com/wp-content/uploads/2012/08/Revised_ACOP_2011.pdf); BANGOR HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY 14 (July 2012) (Maine), <http://bangorhousing.org/assets/Bangor-ACOP-2013.pdf>; HOUS. AUTH. OF THE CITY OF MILWAUKEE, ADMISSIONS AND CONTINUED OCCUPANCY POLICY 15-16 (Oct. 18, 2011) (Wisconsin), [http://www.hacm.org/agency%20plan%20and%20annual%20reports/2012\\_Agency\\_Plan/ACOP%202012\\_FINAL.pdf](http://www.hacm.org/agency%20plan%20and%20annual%20reports/2012_Agency_Plan/ACOP%202012_FINAL.pdf); YAKIMA HOUS. AUTH., PUBLIC HOUSING OCCUPANCY POLICY § 4.8(e) (Dec. 20, 1999) (Washington), [http://www.yakimahousing.org/housing\\_authority/images/pdfs/public\\_housing\\_occupancy\\_policy.pdf](http://www.yakimahousing.org/housing_authority/images/pdfs/public_housing_occupancy_policy.pdf); YUMA COUNTY HOUS. DEP'T, ADMISSIONS AND CONTINUED OCCUPANCY POLICY § 6.4(F) (February, 2013) (Arizona), <http://www.co.yuma.az.us/home/showdocument?id=18483> (last visited December 22, 2014). See Appendix I *infra* for additional examples.
65. See e.g., BOSTON HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY (August 13, 2014) (Massachusetts), <http://www.bostonhousing.org/en/Policies/Admissions-And-Continued-Occupancy-Policy-Ch-5-Det.aspx> (last visited January 5, 2015); EVERETT HOUS. AUTH., AFFORDABLE HOUSING ADMISSIONS AND OCCUPANCY POLICY 22-24 (May 29, 2012) (Washington), <http://www.evha.org/pdf/Affordable-Admission-and-Occ-2012.pdf>; PALO ALTO HOUS. CORP., RESIDENT SELECTION CRITERIA (HUD SUBSIDIZED), at 1 (July 2009) (California), <http://www.paloaltohousingcorp.org/properties/selectioncritHUD.pdf>; PARK PLACE APARTMENTS, RESIDENT SELECTION PLAN 20 (Dec. 31, 2013) (Sacramento, California), <http://www.sacramentolowincomeseniorapartments.com/sites/default/files/G-Park-Place-Resident-Selection-Criteria.pdf>; SAN ANTONIO HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY 18 (Apr. 2012) (Texas), <http://saha.org/aboutsaha/pdfs/Final%202012%20ACOP%20as%20of%20June%2012%202012.pdf>.
66. Cf. Plaintiffs' Second Amended Complaint at 5-6, James v. Park Place at Loyola Apartments, No. C-1-CV-10-0125572 (Tex. Cty., Feb. 22, 2013) (challenging a landlord's failure to adopt a criminal history lookback period where the landlord denied an elderly woman's application to a federally subsidized housing program on the basis of her adult son's nineteen-year-old misdemeanor conviction).
67. Tex. Hous. Ass'n, Time Periods Before Admission for Certain Crimes 1 (Sept. 30, 2011), available at <http://www.txtha.com/index.php?page=memberservices&sub=research1> (follow "Criminal History – time before admission" hyperlink) (emphasis in original) [hereinafter Tex. Hous. Ass'n Time Periods Survey].
68. Indianapolis Hous. Auth., Housing Choice Voucher – Section 8 Administration Plan 165 (2012) (Indiana) <http://www.indyhousing.org/images/uploads/main-body/S8AdminPlan-2012.pdf>.
69. City of Ville Platte, Administrative Plan § 1.07 (Louisiana), <http://nebula.wsimg.com/48125ac9a225efee783fda8b-c92e5952?AccessKeyId=5FC1CDC0C8C970305D78&disposition=0&alloworigin=1> (last visited Nov. 24, 2014).
70. See Coleman Memorandum *supra* note 59, at 5-6 (emphasis in original).
71. *Id.*
72. See Screening and Eviction for Drug Abuse and Other Criminal Activity *supra* note 14, at 28,779.

73. CHARITIES HOUS., OPPORTUNITY CENTER: TENANT SELECTION CRITERIA 8 (July 12, 2010) (California), <http://charitieshousing.org/wp-content/uploads/2012/09/Opportunity-Center-Application-02-2012.pdf>.

74. See e.g., FAYETTEVILLE METROPOLITAN HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY 16 (North Carolina), <http://www.fairhousingnc.org/wp-content/uploads/2013/07/Fayetteville-HA-ACOP.pdf>; LANSING HOUS. COMM'N, ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM 3-17 to 3-18 (Apr. 2013) (Michigan), <http://lanshc.org/Portals/0/Documents/LHC-2013-ACOP.pdf>. For a complete list of PHAs with seven-year lookback periods, see Appendix I *infra*.

75. See e.g., Charter Oak Communities, Admissions and Continued Occupancy Policy 3-17 (June 1, 2012) (Stamford, Connecticut), [http://www.charteroakcommunities.org/files/Final%20ACO%2003\\_6-11\(1\).pdf](http://www.charteroakcommunities.org/files/Final%20ACO%2003_6-11(1).pdf); Galveston Hous. Auth., Admissions and Continued Occupancy Policy 54 (2012) (Texas), <http://www.ghatx.org/documents/ACOP%202012%20r2.pdf>; Hous. Auth. of Fulton County, Administrative Plan 7 (Feb. 18, 2010) (Georgia), [http://www.hafc.org/Download\\$/HAFC\\_HCV\\_ADMINISTRATIVE\\_PLAN\\_amended%20021810.doc.pdf](http://www.hafc.org/Download$/HAFC_HCV_ADMINISTRATIVE_PLAN_amended%20021810.doc.pdf) [hereinafter Fulton County Administrative Plan]; Sarasota Hous. Auth., Admissions and Continued Occupancy Policy 23 (2010) (Florida) (10-year lookback period for criminal activity involving drugs or violence), [http://sarasotahousing.org/files/8113/5578/1296/ACOP\\_Final\\_Draft\\_-\\_For\\_Comment.pdf](http://sarasotahousing.org/files/8113/5578/1296/ACOP_Final_Draft_-_For_Comment.pdf); see also Tex. Hous. Ass'n Time Periods Survey *supra* note 64 (noting that four PHAs reported a decade long lookback period to the Texas Housing Association). For a complete list of PHAs with ten-year lookback periods, see Appendix I *infra*.

76. ANNIE B. ROSE HOUSE TENANT SELECTION PLAN, 18 (Alexandria, Virginia), <http://anniebrosehouse.com/sites/default/files/files/ABRH-TSP.pdf>.

77. Maine Development Assocs., Tenant Selection Criteria and Waiting List Procedures for Section 8, Section 202 and Section 202 PRAC properties managed by Maine Development Associates 2 (2014) (Maine), [http://www.mainedevelopment.com/document\\_upload/\\_\\_\\_%20Selection%20HUD%20Criteria%207-23-14.pdf](http://www.mainedevelopment.com/document_upload/___%20Selection%20HUD%20Criteria%207-23-14.pdf).

78. HOUS. AUTH. OF CITY OF PITTSBURGH, ADMISSIONS AND CONTINUED OCCUPANCY POLICY 18-19 (Apr. 26, 2012) (Pennsylvania), <http://www.hacp.org/public-information> (follow "Admin and Continued Occupancy Plan" hyperlink) [hereinafter PITTSBURGH ADMISSIONS AND CONTINUED OCCUPANCY POLICY]; HOUS. AUTH. OF CITY OF PITTSBURGH, ADMINISTRATIVE PLAN 3-22 to 3-23 (Apr. 26, 2012) (Pennsylvania), <http://www.hacp.org/public-information> (follow "HCV Administrative Plan" hyperlink).

79. Geneva Hous. Auth., Admissions and Continued Occupancy Policy 23-24 (Oct. 1, 2011) (New York), <http://nysphada.org/wp-content/uploads/2014/07/GHA-ACOP.pdf> [hereinafter Geneva Admissions and Continued Occupancy Policy].

80. See, e.g., Hous. Auth. of the City of L.A., Admissions and Continued Occupancy Policy §§ 13.4.1.2 (drug-related criminal activity), 13.5.2 (violent criminal activity) (Oct. 2013) (California), <http://www.hacla.org/attachments/contentmanagers/58/AP14.pdf>; Me. State Hous. Auth., Administrative Plan 3-21 (Sept. 24, 2014), <http://www.mainehousing.org/docs/default-source/housing-reports/2014-mainehousing-administrative-plan.pdf>; Grand Rapids Hous. Comm'n, Administrative Plan 3-13 to 3-14 (Nov. 2010) (Michigan), <http://www.grhousing.org/pdf/sec8plan3.pdf>; Ky. Hous. Corp., Administrative Plan 16-19 (Aug 29, 2013) [hereinafter Ky. Administrative Plan]. See Appendix I *infra* for additional examples.

81. MICH. STATE HOUS. DEVELOPMENT AUTH., ADMINISTRATIVE PLAN 3-22 (Jan. 2012), [http://www.michigan.gov/documents/mshda/03\\_Adm\\_Plan\\_8-10\\_Eligibility\\_1.1.2012\\_374046\\_7.pdf](http://www.michigan.gov/documents/mshda/03_Adm_Plan_8-10_Eligibility_1.1.2012_374046_7.pdf).

82. HAW. PUBLIC HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY 2-8 to 2-11 (Feb. 16, 2012), <http://www.hpha.hawaii.gov/documents/ACOP-071112/CH-2.pdf>.

83. CUYAHOGA METROPOLITAN HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY 2-21 to 2-22 (Oct. 2, 2013) (Cleveland, Ohio), <http://www.cmha.net/aboutus/docs/acop.pdf#search=admissions%20and%20continued%20occupancy> [hereinafter CUYAHOGA ADMISSIONS AND CONTINUED OCCUPANCY POLICY]; HOUS. AUTH. OF THE COUNTY OF CONTRA COSTA, ADMISSIONS AND CONTINUED OCCUPANCY POLICY 2-6 to 2-10 (Sept. 21, 2004), <http://www.contracostahousing.org/Documents/PH/ACOP%20Master.pdf> [hereinafter CONTRA COSTA ADMISSIONS AND CONTINUED OCCUPANCY POLICY].

84. WHITE RIVER REG'L HOUS. AUTH., ADMINISTRATIVE PLAN 27-28 (Oct. 25, 2011), <http://www.wrrha.com/storage/WRRHA%20Admin%20Plan%20Effective%2003-21-2013.pdf>.

85. See, e.g., Ky. ADMINISTRATIVE PLAN *supra* note 77, at 17 ("KHC will use the arrest date of the violent criminal activity charge to determine the three-year period time frame when denying or terminating assistance for such charges.")

86. For examples of policies that deny admission on the basis of convictions only, see *infra* text accompanying notes 102-111.

87. See, e.g., HOUS. AUTH. OF DEKALB CTY., HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN 3-25 (Mar. 29, 2013) (Georgia) (denying admission to applicants who, within the five-year lookback period, had been “[p]aroled or released from a facility for violent criminal activity”), [http://www.dekalbhousing.org/pdfs/sec8\\_admin\\_plan.pdf](http://www.dekalbhousing.org/pdfs/sec8_admin_plan.pdf); HOUS. OPPORTUNITIES COMM’N OF MONTGOMERY CTY., ADMINISTRATIVE PLAN 15-9 (July 2011) (Maryland) (setting the lookback period as “3 years from the date of the conviction or at the end of the incarceration/probationary period, whichever is longer”), <http://www.hocmc.org/data/files/hcvadministrative-plan/s8adminplan-17-ch15.pdf>.

88. 42 U.S.C. § 13661(c) (2012).

89. HOWARD CNTY. DEP’T OF HOUS. & COMMUNITY DEVELOPMENT, ADMINISTRATIVE PLAN ch. 17 (Sept. 2011) (Maryland) (see Section A on “Grounds for Denial/Termination”) (authorizing the housing authority to deny admission if “[t]he preponderance of evidence indicates that a family member is guilty of more than two misdemeanor drug or violent criminal activity charges none of which has occurred within the past five years, regardless of conviction”), <http://co.ho.md.us/WorkArea/DownloadAsset.aspx?id=6442466361> (last visited November 19, 2014) [hereinafter HOWARD CNTY. ADMINISTRATIVE PLAN].

90. *Schwartz v. Bd. of Bar Examiners*, 353 U.S. 232, 241 (1957); see also *Landers v. Chicago Housing Authority*, 936 N.E.2d 735, 742 (2010) (finding “no evidence whatsoever that [the public housing applicant] engaged in criminal activity where the outcome of this arrests was the consistent dismissal of the charges”).

91. See HUD Notice PIH 96-16 *supra* note 51, at 8.

92. 42 U.S.C. § 3604(a)-(b) (2012); *Langlois v. Abington Hous. Auth.*, 207 F.3d 43, 49 (1st Cir. 2000); *Pfaff v. HUD*, 88 F.3d 739, 745-46 (9th Cir. 1996); *Mountain Side Mobile Estates P’ship v. HUD*, 56 F.3d 1243, 1250-51 (10 Cir. 1995); *Jackson v. Okaloosa Cnty.*, 21 F.3d 1531, 1543 (11th Cir. 1994); *Huntington Branch, NAACP v. Town of Huntington*, 844 F.2d 926, 934-35 (2d Cir. 1988); *Hanson v. Veterans Admin.*, 800 F.2d 1381, 1386 (5th Cir. 1986); *Arthur v. City of Toledo*, 782 F.2d 565, 574-75 (6th Cir. 1986); *Betsey v. Turtle Creek Assocs.*, 736 F.2d 983, 986 (4th Cir. 1984); *Resident Advisory Bd. v. Rizzo*, 564 F.2d 126, 146-48 (3d Cir. 1977); *Metro. Hous. Dev. Corp. v. Village of Arlington Heights*, 558 F.2d 1283, 1290 (7th Cir. 1977); *U.S. v. City of Black Jack*, 508 F.2d 1179, 1185-85 (8th Cir. 1974); see also 24 C.F.R. § 100.500 (2013).

93. 24 C.F.R. § 100.500(a), (c)(1) (2013).

94. *Id.* § 100.500(b), (c)(2).

95. *Id.* § 100.500(c)(3).

96. See generally MERF EHMAN, FAIR HOUSING DISPARATE IMPACT CLAIMS BASED ON THE USE OF CRIMINAL AND EVICTION RECORDS IN TENANT SCREENING POLICIES (Jan. 2011), available at <http://nhlp.org/files/PRRAC%20Disparate%20Impact%201-2011.pdf>; cf. EEOC, EEOC ENFORCEMENT GUIDANCE NO. 915.002, ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, 42 U.S.C. § 2000e ET SEQ. (Apr. 25, 2012) (citing *Gregory v. Litton Systems*, 316 F. Supp. 401 (C.D. Cal. 1970)), [http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm) (last visited November 19, 2014). A unreasonable ban on people with prior convictions could also violate the Fair Housing Act under the disparate impact theory. See EHMAN *supra* note 93. For a discussion of the fair housing implications of policies that ban people with prior felony convictions, see *infra* text accompanying notes 123-153.

97. Some housing providers justify their arrest record screening as a means of minimizing their liability exposure for negligence, such a tenant harms other tenants or the housing provider’s employees. For a discussion on how these concerns factor in the disparate impact analysis under the Fair Housing Act, see MERF EHMAN, FAIR HOUSING DISPARATE IMPACT CLAIMS BASED ON THE USE OF CRIMINAL AND EVICTION RECORDS IN TENANT SCREENING POLICIES (updated version forthcoming 2014) (on file with author).

98. 24 C.F.R. § 100.500(b)(2) (2013).

99. CORINNE CAREY, HUMAN RIGHTS WATCH, NO SECOND CHANCE: PEOPLE WITH CRIMINAL RECORDS DENIED ACCESS TO PUBLIC HOUSING 37 (2004), <http://www.hrw.org/node/11892/section/7> (describing how officials at both housing authorities report “combat[ting] crime just as effectively with their policies as PHAs with far harsher ones”).

100. *Landers*, 936 N.E.2d at 742.



101. 42 U.S.C. § 3608(e)(5) (2012); see also *Affirmatively Furthering Fair Housing*, 78 Fed. Reg. 43710, 43712 (proposed July 19, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-07-19/pdf/2013-16751.pdf>.
102. See *Affirmatively Furthering Fair Housing supra* note 98, at 43713 (describing the current requirement for PHAs and certain recipients of HUD funds to identify impediments to fair housing choice within their jurisdictions).
103. See, e.g., PORTLAND HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY 2-7 (2011) (Maine) (emphasis added), [http://www.porthouse.org/publicHousing/acop\\_and\\_lease.html](http://www.porthouse.org/publicHousing/acop_and_lease.html) (last visited November 19, 2014).
104. See, e.g., LANSING HOUS. COMM'N *supra* note 71, at 3-18 (authorizing the consideration of arrests within the past seven years).
105. FORT COLLINS HOUS. AUTH., ADMINISTRATIVE PLAN 21 (Jan. 2014) (Colorado), [http://fchousing.com/img/site\\_specific/uploads/FCHA\\_S8\\_Admin\\_01-2014.pdf](http://fchousing.com/img/site_specific/uploads/FCHA_S8_Admin_01-2014.pdf); FORT COLLINS HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY 15 (Jan. 24, 2014) (Colorado), [http://fchousing.com/img/site\\_specific/uploads/FCHA\\_PH\\_Admin\\_01-2014.pdf](http://fchousing.com/img/site_specific/uploads/FCHA_PH_Admin_01-2014.pdf).
106. RICHMOND REDEVELOPMENT & HOUS. AUTH., ADMINISTRATIVE PLAN 13-18 (2012) (Virginia), <http://www.rrha.org/2009/html/2012/HCVAdminPlan12-13.pdf> [hereinafter RICHMOND ADMINISTRATIVE PLAN]; RICHMOND REDEVELOPMENT & HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY 49-53 (2012) (Virginia), <http://www.rrha.org/2009/html/2012/ACOP.pdf>.
107. HOUS. AUTH. OF BALTIMORE CITY, FY 2014 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN app. I (2013) (Conviction & Eligibility Denial Key), [http://static.baltimorehousing.org/pdf/FY2014\\_adminplan.pdf](http://static.baltimorehousing.org/pdf/FY2014_adminplan.pdf).
108. METRO HOUS. & REDEVELOPMENT AUTH., ADMINISTRATIVE PLAN FOR THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM 3-21 to 3-22 (2013) (St. Paul, Minnesota), <http://www.metrocouncil.org/getattachment/f37a2732-906c-40b7-b049-cbe0407f1e6e/.aspx>.
109. PITTSBURGH ADMISSIONS AND CONTINUED OCCUPANCY POLICY *supra* note 75, at 18.
110. CUYAHOGA ADMISSIONS AND CONTINUED OCCUPANCY POLICY *supra* note 80.
111. FAIRFIELD METRO. HOUS. AUTH., ADMINISTRATIVE PLAN 3-13 to 3-15 (June 1, 2012) (Lancaster, Ohio), [http://www.fairfieldmha.org/pdf/hcv\\_administrative\\_plan/Chapter\\_3-Eligibility.pdf](http://www.fairfieldmha.org/pdf/hcv_administrative_plan/Chapter_3-Eligibility.pdf).
112. MIAMI-DADE PUBLIC HOUS. & COMMUNITY DEV'T, SECTION 8 ADMINISTRATIVE PLAN 25 (June 3, 2013) (Florida), <http://www.miamidade.gov/housing/library/reports/2013-plans/s8-admin-attach-a.pdf> [hereinafter MIAMI-DADE ADMINISTRATIVE PLAN].
113. HOUS. AUTH. FOR THE CITY OF FORT LAUDERDALE, ADMINISTRATIVE PLAN 3-25 (Aug. 2013) (Florida), <http://www.hacfl.com/Community/AgencyPlans/tabid/3142/Default.aspx> (follow "Section 8 Admin Plan" hyperlink; open "Section 8 Admin Plan" folder; select file entitled "03 Adm Plan Eligibility 8-13 with changes.doc") (last visited November 19, 2014).
114. ALLEGHENY CNTY. HOUS. AUTH., ADMINISTRATIVE PLAN 34 (Oct. 1, 2013) (Pittsburgh, Pennsylvania), <http://www.achsng.com/docs/2013S8AdminPlan.pdf>.
115. See *infra* text accompanying notes 45-47.
116. GALVESTON HOUS. AUTH., *supra* note 72, at 55.
117. BELLINGHAM/WHATCOM HOUS. AUTHS., ADMINISTRATIVE AND CONTINUED OCCUPANCY POLICY 53 (July 2012) (Washington), <http://bellingham-housing.org/Portals/0/2013%20ACOP.pdf>.
118. Buffalo Mun. Hous. Auth., Admissions and Continued Occupancy Policy 21 (July 1, 2012) (New York), [http://www.ci.buffalo.ny.us/files/1\\_2\\_1/BMHA/AdmissionsContinuedOccupancyPolicy\\_revised.pdf](http://www.ci.buffalo.ny.us/files/1_2_1/BMHA/AdmissionsContinuedOccupancyPolicy_revised.pdf). PHAs with similarly expansive lists include: Geneva Admissions and Continued Occupancy Policy *supra* note 76, at 24; Hightstown Hous. Auth., Admissions and Continued Occupancy Policy 16 (New Jersey), <http://www.hightstownhousing.org/documents/ACOP.pdf>; Lake Cnty. Hous. Auth., Administrative Plan 27 (Oct. 1, 2013) (Illinois), <http://lakecountyha.org/Portals/0/Housing%20Choice%20Voucher/Admin%20Plan%20Final%2010-21-14.pdf>; Lake Cnty. Hous. Auth., Low Rent Admissions & Continued Occupancy Plan 17 (Oct. 1, 2013) (Illinois), <http://lakecountyha.org/Portals/0/PHA%20Plans,%20ACOP,%20S8/ACOP%2010-21-14.pdf>.
119. CONTRA COSTA ADMISSIONS AND CONTINUED OCCUPANCY POLICY *supra* note 80, at 2-10; RICHMOND ADMINISTRATIVE PLAN *supra* note 103, at 2-10.

120. KATHERINE BECKETT, UNIV. OF WASHINGTON, SEATTLE HOUSING AUTHORITY SCREENING PRACTICES: SUMMARY OF KEY FINDINGS app. C (Nov. 2, 2012).
121. Hous. Auth. of New Orleans, Draft Appendix: Criminal Background Screening Procedures 2 (Dec. 29, 2013) (on file with author).
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123. Ala. Ass’n of Hous. & Redevelopment Auths. Housing Choice Voucher (Section 8), at 15 (Mar. 2012) (sample administrative plan), <http://www.aahra.org/downloads-3/page36.html> (follow “Section 8 Administrative” hyperlink) (last visited November 19, 2014).
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147. HHG II, LLC, PROVIDENCE PLACE TENANT SELECTION PLAN (June 13, 2008) (Winston-Salem, North Carolina) (see section "Screening Guidelines," then subsection "A. Criminal Background Checks), [https://www.cmc-nc.com/hopevi/tsp/Providence-Place-Tenant\\_Selection\\_Plan.pdf](https://www.cmc-nc.com/hopevi/tsp/Providence-Place-Tenant_Selection_Plan.pdf).

148. Maine Development Assocs., Tenant Selection Criteria and Waiting List Procedures for HUD Properties Managed by Maine Development Associates 2 (July 25, 2014) (Maine), [http://www.mainedevelopment.com/document\\_upload/\\_%20Selection%20HUD%20Criteria%207-23-14.pdf](http://www.mainedevelopment.com/document_upload/_%20Selection%20HUD%20Criteria%207-23-14.pdf); The Yarco Cos., Resident Selection Criteria: Family Community (Section 8), at 3 (June 2008) (Kansas City, Missouri) (10 years for non-violent felonies) <http://intranet.yarco.com/sop-forms/pm/pm-57.pdf>.

149. FIRST HOUSING CORP., RESIDENT SELECTION CRITERIA 2 (Dec. 2012) (Lansing, Michigan) ("A record of any felony, including felonies pled down to a misdemeanor for violence will result in automatic denial within 20 years of conviction or parole, whichever is greater"), [attachments.rentlinx.com/15038.doc](http://attachments.rentlinx.com/15038.doc).

150. To the extent that a felony ban is permanent rather than time limited, the housing authority is doing more than simply screening. It is creating eligibility rules for the housing program, a responsibility that falls squarely in Congress' domain. Because PHAs and owners lack the authority to establish rules regarding eligibility for these housing benefits, permanent felony bans contradict federal law and therefore must be prohibited.

151. See Letter from Johnathan J. Smith, Assistant Counsel, NAACP Legal Defense & Educational Fund to Senior Advisor to the Administrative Receiver, Housing Authority of New Orleans 2 (Feb. 5, 2013), ("One recent estimate found that nearly one-fourth of the black adult male population (23.3%) has at least one felony conviction but is not currently under any form of criminal justice supervision, while that figure is only 9.2% for the adult male population as a whole.") (on file w/ the author).

152. See Ken Cuccinelli, Attorney General of the State of Virginia, Remarks at the Press Conference for the Release of the Report of the Rights Restoration Advisory Committee (May 28, 2013) (“For years, I have expressed concern about the ratcheting up of several low-level offenses from misdemeanors to felonies – ‘felony creep.’”), [http://blog.lib.umn.edu/cspg/electionacademy/2013/05/new\\_virginia\\_report\\_highlights.php](http://blog.lib.umn.edu/cspg/electionacademy/2013/05/new_virginia_report_highlights.php) (last visited December 22, 2014).

153. 720 ILL. COMP. STAT. 5/16-25(f)(1) (2012).

154. The Equal Employment Opportunity Commission has recognized that felony bans may be suspect under Title VII of the Civil Rights Act, the employment counterpart to the federal Fair Housing Act. In its updated policy guidance to employers on the use of criminal records, it cited *Field v. Orkin Extermination Co.*, No. Civ. A 00-5913, 2002 WL 32345739, at \*1 (Ed. Pa. Feb. 21, 2002), which held that an employer’s justification for terminating an employee under a felony ban was “weak at best.” EEOC ENFORCEMENT GUIDANCE No. 915.002, *supra* note 93, at fn. 120-21.

155. CUYAHOGA METRO. HOUS. AUTH., ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM 130 (2014) (Ohio), <http://www.cmha.net/aboutus/docs/cmhahcvp2014AdminPlan.pdf>.

156. CUYAHOGA ADMISSIONS AND CONTINUED OCCUPANCY POLICY, *supra* 80, at 2-21 to 2-11 (enumerating the following felonies as grounds for denial of admission: aggravated murder, murder, felonious assault, aggravated assault, permitting child abuse, kidnapping, abduction, criminal child enticement, rape, sexual battery, unlawful sexual conduct with minor, gross sexual imposition, aggravated arson, endangering children).

157. UNIV. OF PITTSBURGH, CNTR. FOR METROPOLITAN STUDIES, FAIR HOUSING CHOICE ANALYSIS: BARRIER TO HOUSING FACED BY PREVIOUSLY INCARCERATED PERSONS 10 (Aug. 2013), [http://apps.pittsburghpa.gov/chr/Commission\\_2013\\_Housing\\_Study.pdf](http://apps.pittsburghpa.gov/chr/Commission_2013_Housing_Study.pdf).

158. *Id.* at 11.

159. *Romagna v. Hous. Auth. of Indiana Cnty.*, No. 1648 C.D. 2011, slip op. at 3-4 (Pa. Commw. Ct., July 13, 2012), available at <http://law.justia.com/cases/pennsylvania/commonwealth-court/2012/1648-c-d-2011.html> (last visited November 19, 2014).

160. 24 C.F.R. § 960.203(d) (2014).

161. *Id.* § 960.203(d)(1).

162. See, e.g., Donovan Letter to PHAs *supra* note 24.

163. 24 C.F.R. § 982.552(c)(2)(1) (2014).

164. 24 C.F.R. § 982.553(a)(2)(ii)(C)(1); see also HUD Notice H 2002-22 *supra* note 35, at 5.

165. See, e.g., GLADSTONE HOUS. COMMISSION, ADMISSIONS AND CONTINUED OCCUPANCY POLICY 16 (Michigan), [http://gladstonehousing.org/yahoo\\_site\\_admin/assets/docs/acop.298105539.pdf](http://gladstonehousing.org/yahoo_site_admin/assets/docs/acop.298105539.pdf) (referring generally to an applicant’s right to present mitigating circumstances without mention of criminal records); HOUS. AUTH. OF PADUCAH, KY., ADMISSIONS AND CONTINUED OCCUPANCY POLICIES AND PROCEDURES 28 (2010) (Kentucky), <http://paducahousing.com/pdf/ADMISSIONS%20AND%20CONTINUED%20OCCUPANCY%20POLICIES%20AND%20PROCEDURES.pdf> (refers generally to an applicant’s right to request an informal hearing to dispute ineligibility).

166. See MIAMI-DADE ADMINISTRATIVE PLAN *supra* note 109, at 26.

167. DELAWARE STATE ADMINISTRATIVE PLAN *supra* note 21, at 114.

168. *Id.*

169. BHA also provides: “BHA will consider the particular circumstances of the offense, the seriousness of the offense, the degree of damage, disruption and inconvenience caused by the offense, the passage of time since the offense, and whether the offender has been a good citizen and remained free of trouble since the offense. ... BHA may consider evidence of the Applicant’s or household member’s behavior and reputation in the community both before and after the offense, and any other evidence indicating a likelihood that the offender will not engage in any future criminal activity.”

170. HANO Criminal Background Check Policy Statement *supra* note 22, at 2.

171. Hous. Auth. of New Orleans, Draft Appendix: Criminal Background Screening Procedures 3, 4 (Dec. 29, 2013) (on file with author).

172. HANO will invite, but not require, applicants to provide letters or comments from a probation/parole officer; a case worker, counselor or therapist; family members or others who know the applicant well; and employers or teachers. Also relevant are certificates of completion of either a job training program or treatment relevant to the conduct underlying the conviction(s) (e.g., batterers' intervention, sex offender treatment, drug or alcohol treatment, cognitive behavioral therapy). The panel would also consider documents from a community organization with which the applicant has been engaged; proof of employment; and a statement from the applicant. *Id.* at 6.

173. *Id.*

174. *Id.* at 4.

175. *Id.* at 8.

176. HUD Notice PIH 96-16, *supra* note 51 at 4.

177. HUD, Occupancy Requirements of Subsidized Multifamily Housing Programs, No. 4350.3 Rev. 1, 4-3.U.s.

# Appendix I

This appendix lists the admissions and continued occupancy policies and the administrative plans that formed the basis for this report. They are grouped according to the length of their lookback periods and, within those groups, alphabetically by the name of the public housing authority. Some of the PHA plans are no longer listed on their website and therefore may have been updated since March 2014.

## Groups:

The first group is comprised of admissions policies that contain *no express lookback period*. These policies provide a list of prohibited criminal activity without addressing how long ago the public housing authority (PHA) will look in assessing criminal activity.

This first group is further divided into subgroups. Policies in the first subgroup have no express lookback periods whatsoever. In the second subgroup, certain types of criminal activity lack an express lookback period, whereas others have specific lookback periods. This second subgroup are organized by length of express lookback periods in descending order, starting with policies with lifetime bans and ending with the shortest lookback period. (Where a policy includes multiple lookback periods for different types of criminal activity, the longest of these becomes the entire policy's lookback period for the purpose of sorting the groups.)

The second group includes admissions policies that include *lifetime bans* on certain types of criminal activity. Virtually all plans restate the federally imposed permanent admission bans on individuals who are registered as lifetime sex offenders or who have been convicted of manufacturing methamphetamine in federally assisted housing. Sometimes, the line between “no express lookback period” and “lifetime ban” was thin, so the key was affirmative language indicating that the PHA would deny an applicant for the specific criminal activity. This group also contains subgroups arranged by the length of the *second longest lookback period* in descending order.

Finally, the remaining policies are grouped by the length of their longest lookback period and then arranged in descending order from longest (25 years) to shortest (1 year).

## Abbreviations:

In the federal subsidy column, PH stands for public housing, HCV stands for Housing Choice Voucher program, and S8 stands for Project-Based Section 8.

In the lookback period column, the following terms are used:

- Drug-related = drug-related criminal activity, defined as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug
- Violent = violent criminal activity, defined as any criminal activity that has as one of its elements the use, attempted use or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage
- Other = other criminal activity that would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner, or public housing employees

See 42 U.S.C. § 13661(c) (2012). In addition, numbers in parentheses (e.g., 2+) indicate the number of times the criminal activity must occur within the lookback period for an applicant to be denied.

PHA	LOCATION	FEDERAL SUBSIDY	LOOKBACK PERIOD(S)
<b>POLICIES WITH NO EXPRESS LOOKBACK PERIODS</b>	<b>NO EXPRESS LOOKBACK PERIODS</b>		
Albany Housing Authority	Albany, Georgia	PH	No express lookback period: Drug-related, violent, other.
Albemarle County Office of Housing	Albemarle County, Virginia	HCV	No express lookback period: Drug-related, violent, other.
Bangor Housing Authority	Bangor, Maine	PH	No express lookback period: Drug-related, violent, other.
Billings Housing Authority	Billings, Montana	PH	No Express lookback period: Drug related, violent, other.
Biloxi Housing Authority	Biloxi, Mississippi	PH	No express lookback period: Drug-related, violent, other.
Boston Housing Authority	Boston, Massachusetts	PH	No express lookback period: <ul style="list-style-type: none"> <li>• Use, possession or distribution of illegal drugs</li> <li>• Property-related crime</li> <li>• Crime against another person</li> <li>• Crime that endangers/threatens the health, welfare or safety of others</li> </ul>
Boston Housing Authority	Boston, MA	HCV	“Reasonable time” before admission: Drug-related, violent, other.
Buffalo Municipal Housing Authority	Buffalo, New York	PH	No express lookback period: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Crimes against property.</li> <li>• Crimes that impose financial cost.</li> <li>• Crimes that involve disturbing the peace.</li> </ul>
Burleigh County Housing Authority	Bismarck, North Dakota	HCV	No express lookback period: Violent criminal activity. 5 years (per incident): Selling, manufacturing or distributing controlled substances. 3 years (per incident): Possession/use of controlled substances. 1 year (per incident): Violation of parole or probation.
Central Texas Housing Consortium	Temple, Texas	PH/HCV	No express lookback period: Drug-related, violent, or other. 5 years: Drug-related.
Chapel Hill Department of Housing	Chapel Hill, North Carolina	PH	No express lookback period: Drug-related, violent, other.
City of Ville Platte	Ville Platte, Louisiana	HCV	No express lookback period: Drug-related, violent. Lifetime ban: Drug-related conviction.



DC Housing Authority	Washington, DC	PH/HCV	No express lookback period: <ul style="list-style-type: none"> <li>Felonies.</li> <li>Misdemeanor involving destruction of property or acts violence against another person.</li> </ul> 5 years: Violent criminal behavior for which the applicant has not been convicted.
Eastchester Housing Authority	Eastchester, New York	HCV	No express lookback period: Drug-related, violent, other.
Everett Housing Authority	Everett, Washington	HCV	No express lookback period: Serious or numerous crimes that suggests behavior interfering with health, safety or right of peaceful enjoyment of others. 5 years: Drug-related, violent.
Fall River Housing Authority	Fall River, Massachusetts	PH	No express lookback period: Drug-related, violent, other.
Fort Collins Housing Authority	Fort Collins, Colorado	PH/HCV	No express lookback period: Drug-related, violent, other.
Frisco Housing Authority	Frisco, Texas	PH	No express lookback period: Drug-related, violent, other.
Gladstone Housing Commission	Gladstone, Michigan	PH	No express lookback period: Drug-related, violent, other.
Grand Rapids Housing Commission	Grand Rapids, Michigan	PH	No express lookback period: Drug-related, violent, other.
Hagerstown Housing Authority	Hagerstown, Maryland	PH	No express lookback period: <ul style="list-style-type: none"> <li>History or pattern of criminal activity</li> <li>Convicted of sexual offense and required to register in any state.</li> <li>Drug-related criminal activity.</li> </ul> Lifetime ban: Manufacture, sale, or distribution of drugs (2+) 5 years: Manufacture, sale or distribution of drugs (1)
Housing Authority of Paducah	Paducah, Kentucky	PH	No express lookback period: Drug-related, violent, other.
Housing Authority for the City of Alameda	Alameda, California	PH/HCV	No express lookback period: Conviction for manufacture or production of methamphetamine. (PH only) 5 years: Drug-related, violent, other.
Housing Authority of the City of Bradenton	Bradenton, Florida	PH	No express lookback period: Drug-related, violent, other.
Housing Authority of the City of Bradenton	Bradenton, Florida	HCV	No express lookback period: Drug-related, violent. 10 years: Drug trafficking.
Housing Authority of the City of El Paso	El Paso, Texas	PH	No express lookback period: <ul style="list-style-type: none"> <li>Human trafficking.</li> <li>Perpetrator of domestic violence, dating violence or stalking.</li> </ul> 10 years: A record of involvement in any criminal activity, including drug-related, violent, and other.

Housing Authority of the City and County of Denver	Denver, Colorado	HCV	No express lookback period: Drug-related, violent, other.
Housing Authority of the City of Los Angeles	Los Angeles, California	PH	No express lookback period: Drug-related, violent, other.
Housing Authority of the City of Milwaukee	Milwaukee, Wisconsin	PH	No express lookback period: Drug-related, violent, other.
Housing Authority of the City of Soperton	Soperton, Georgia	PH	No express lookback period: Felony convictions. "Reasonable time": Drug-related, violent, other.
Housing Authority of the County of Armstrong	Kittanning, Pennsylvania	PH	No express lookback period: Drug-related, violent, other.
Housing Authority of the Town of Greenwich	Greenwich, Connecticut	PH	No express lookback period: <ul style="list-style-type: none"> <li>• Violent criminal activity.</li> <li>• Criminal activity that would adversely affect the health, safety or welfare of other tenants.</li> <li>• Convicted of producing methamphetamine.</li> </ul> 3+ years: Drug-related criminal activity for personal use. For this category, the applicant must complete (i) court-ordered or voluntary rehabilitation and (ii) 6 months of unsupervised living without repeat incident.
Indianapolis Housing Agency	Indianapolis, Indiana	HCV	No express lookback period: <ul style="list-style-type: none"> <li>• Criminal activity that resulted in the negligible death of any person.</li> <li>• Criminal activity that has as one of its elements sexual assault/abuse.</li> </ul> Lifetime ban: Violent criminal activity. 5 years: Drug-related criminal activity
Kern Housing Authority	Bakersfield, California	PH	No express lookback period: Drug-related, violent, other.
Kingsport Housing and Redevelopment Authority	Kingsport, Tennessee	PH	No express lookback period: Drug-related, violent, other.
Lexington Housing Authority	Lexington, North Carolina	PH	No express lookback period: Drug-related, violent, other.
Martin Housing Authority	Martin, Tennessee	PH	No express lookback period: Drug-related, violent, other.
Metropolitan Housing Alliance	Little Rock, Arkansas	PH	No express lookback period: Drug-related, violent. 7 years: Felony convictions. 3 years: Misdemeanor convictions.
Minneapolis Public Housing Authority	Minneapolis, Minnesota	PH	No express lookback period: Any criminal activity, other activity or a history of criminal acts including drug-related criminal activity, which MPHA determines may adversely affect the health, safety, or welfare of other tenants, neighbors, or staff.
Mooresville Housing Authority	Mooresville, North Carolina	PH	No express lookback period: Drug-related, violent, other.

Morgantown Housing Authority	Morgantown, North Carolina	PH	No express lookback period: Drug-related, violent, other.
Mount Holly Department of Housing	Mount Holly, North Carolina	PH	No express lookback period: Drug-related, violent, other.
New Smyrna Beach Housing Authority	New Smyrna Beach, Florida	PH	No express lookback period: <ul style="list-style-type: none"> <li>• Pattern of illegal use of controlled substances</li> <li>• Any other criminal and/or drug-related activity that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.</li> </ul>
Parma Public Housing Agency	Parma, Ohio	PH	No express lookback period: Conviction for violent criminal activity. 10 years: Conviction for drug-related criminal activity. 5 years: Other criminal activity.
Pembroke Housing Authority	Pembroke, North Carolina	PH	No express lookback period: Violent, other criminal activity. 5 years: Drug-related criminal activity.
Penns Grove Housing Authority	Penns Grove, New Jersey	PH	No express lookback period: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> </ul>
Raleigh Housing Authority	Raleigh, North Carolina	PH	No express lookback period: Other criminal activity that would adversely affect the health, safety, or well being of other residents or staff or cause damage to the property. Lifetime ban: Murder; manufacturing or producing illegal drugs. 7 years: Felony drug-related or violent offenses. 5 years: Misdemeanor drug-related or violent offenses. 3 years: Pattern of criminal offenses.
Renton Housing Authority	Renton, Washington	PH/HCV	No express lookback period: Drug-related, violent, other.
River Rouge Housing Commission	River Rouge, Michigan	PH	No express lookback period: Drug-related, violent, other.
Roberson Housing Authority	Roberson, North Carolina	PH	No express lookback period: Drug-related, violent.
Rockville Housing Enterprises	Rockville, Maryland	PH/HCV	No express lookback period: <ul style="list-style-type: none"> <li>• Drug-related, violent.</li> <li>• Manufacturing or producing methamphetamine.</li> <li>• Arson (PH only).</li> </ul>
San Antonio Housing Authority	San Antonio, Texas	PH	No express lookback period: Drug-related, violent, other.
Smithfield Housing Authority	Smithfield, North Carolina	PH	No express lookback period: Drug-related, violent, other.
Yakima Housing Authority	Yakima, Washington	PH	No express lookback period: Drug-related, violent, other. Lifetime ban: Manufacturing and producing any illegal drug.

POLICIES WITH LIFETIME BANS AND OTHER LOOKBACK PERIODS	LIFETIME BANS		
Albuquerque Housing Authority	Albuquerque, New Mexico	HCV	<p>Unclear:</p> <p>Compare lifetime ban “Applicants ... for whom there is a preponderance of evidence for the use of or distribution of illegal drugs, or for violent criminal activity ..., the applicant family WILL NOT BE ELIGIBLE FOR ADMISSION. (67)) with 3 years “AHA will deny participation to applicants ... for the following reasons: ... Violent criminal activity within the past three (3) years.” (68)</p>
Albuquerque Housing Authority	Albuquerque, New Mexico	PH	<p>Unclear:</p> <p>Compare lifetime ban (“An applicant is qualified and eligible if ... No adult family member 18 years of age or older has ever been arrested, formally charged or convicted for ANY drug related or violent criminal activity” (§ 6.1)) with 3 years “AHA will deny admission for three (3) years from the date of the last known conviction, for any drug-related or violent activity.” (§ 8.3)</p>
Allegheny County Housing Authority	Allegheny County, Pennsylvania	PH	<p>Lifetime ban:</p> <ul style="list-style-type: none"> <li>• Murder, rape and/or other sex-related crimes, kidnapping &amp; arson.</li> <li>• Convicted of sexual offense and required to register for life.</li> </ul> <p>10 years: Indecent assault.</p> <p>5 years: Enumerated offenses for offenses involving danger to the person; drug offenses; offenses against property; burglary and other criminal intrusion; felony theft and related offenses; disarming a law enforcement officer; firearms offenses; luring a child into a motor vehicle or structure.</p>
Billings Housing Authority	Billings, Montana	HCV	<p>Lifetime ban: Convicted of violent offense and required to register.</p> <p>3 years: Drug-related, violent, other.</p>
City of Sioux City Housing Authority	Sioux City, Iowa	HCV	<p>Lifetime ban: Convicted of extremely violent crimes (e.g., murder, rape, arson, armed robbery)</p> <p>3 years: Drug-related, violent, other.</p>
Concord Housing Authority	Concord, North Carolina	PH	<p>Lifetime ban:</p> <ul style="list-style-type: none"> <li>• Convicted of a sexual offense and required to register.</li> <li>• Manufacturing or producing methamphetamine.</li> </ul> <p>20 years:</p> <ul style="list-style-type: none"> <li>• Murder/homicide.</li> </ul> <p>10 years:</p> <ul style="list-style-type: none"> <li>• 4 or more assaults.</li> <li>• Armed robbery, sexual assault/rape, arson</li> </ul> <p>7 years:</p> <ul style="list-style-type: none"> <li>• Kidnapping.</li> </ul> <p>5 years:</p> <ul style="list-style-type: none"> <li>• Felony assault, controlled substance delivery, intent to sell drugs, controlled substance possession, robbery, prostitution, domestic abuse.</li> </ul> <p>3 years:</p> <ul style="list-style-type: none"> <li>• Other felony convictions.</li> </ul> <p>2 years:</p> <ul style="list-style-type: none"> <li>• Misdemeanor assault, burglary.</li> </ul>

Fayetteville Metro. Housing Authority	Fayetteville, North Carolina	PH	Lifetime ban: Convicted of selling drugs on federally subsidized housing property. 7 years: Drug-related, violent, other.
Greenville Housing Authority	Greenville, North Carolina	PH	Lifetime ban: • Minors who have been convicted as adults for drug charges or felonies. 10 years: • Violent criminal activity • Possession of drugs with intent to sell, deliver, or manufacture. • Drug trafficking. 5 years: Simple drug possession.
Housing Authority for the City of Bridgeport	Bridgeport, Connecticut	HCV	Lifetime ban: Arson, child molestation. 5 years: • Drug-related, violent. • Robbery, felony larceny, prostitution, homicide, possession or sale of illegal firearms, terrorism. 3 years: Misdemeanor larceny, risk of injury to minor, criminal mischief or disorderly conduct, financial crimes (e.g., forgery) Note: Other crimes, and crimes committed more than 5 years ago, considered on a case-by-case basis.
Housing Authority for the City of Bridgeport	Bridgeport, Connecticut	PH	Lifetime ban: Arson, child molestation. 3 years: • Drug-related, violent. • Gang activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
Housing Authority of the City of Beaumont	Beaumont, Texas	PH/HCV	Lifetime ban: Manufacturing or producing methamphetamine or other drugs. 10 years: Drug trafficking conviction. 5 years: • Drug-related criminal activity. • Felony arrest/conviction record indicating threat or negative influence on residents.
Housing Authority of Cook County	Cook County, Illinois	PH	Lifetime ban: Conviction for murder, voluntary manslaughter, elder abuse or criminal sexual conduct. 10 years: • Drug-related, violent, other. • Criminal sexual conduct.
Housing Authority for the City of Fort Lauderdale	Fort Lauderdale, Florida	PH	Lifetime ban: Criminal sexual conduct. 10 years: Violent criminal activity. 5 years: • Drug-related, other. • Open and gross lewdness. • Child abuse with welfare fraud.

Housing Authority of Salt Lake City	Salt Lake City, Utah	HCV	Lifetime ban: Murder 10 years: • Criminal sexual activity. • Manufacturing or use of methamphetamines. 5 years: Drug-related, violent, other.
Housing Authority of the City of Austin	Austin, Texas	HCV	Lifetime ban: Capital murder, murder/manslaughter, kidnapping, child molestation, rape or crimes of a sexual nature, incest, gross lewdness, arson. 4 years: • Drug-related, violent, other. • Physical violence to person or property, even if not reasonably likely to cause serious bodily injury or property damage. • Illegal possession of firearms. • Assault & stalking. • Arrests for alcohol-related criminal activity (3+) • Burglary of a habitation. • Class C misdemeanors. (2+) 3 years: Incidents of abuse of alcohol, theft or fraud, organized criminal activity, or prostitution. (3+)
Housing Authority of the City of Arlington	Arlington, Texas	HCV	Lifetime ban: • Serious Part One crimes, such as murder, aggravated assault with a weapon, rape, burglary with a weapon. 5 years: Drug-related, violent.
Housing Authority of the City of Danbury	Danbury, Connecticut	PH	Lifetime ban: Arson, child molestation. 5 years: Drug-related, violent.
Housing Authority of the City of Fort Myers	Fort Myers, Florida	PH	Lifetime ban: • Manufacturing or producing methamphetamine. • Murder, rape and/or other sex-related crimes, kidnapping, arson. 3 years: Drug-related, violent, other.
Housing Authority of the City of Pittsburgh	Pittsburgh, Pennsylvania	PH/HCV	Lifetime ban: Murder, rape, involuntary deviate sexual intercourse, arson. (PH only) 5 years: Offenses involving danger to person, drug offenses, burglary, theft, other Cumulative point system: • 7 years for each felony. • 4 years for each misdemeanor.
Laurinburg Housing Authority	Laurinburg, North Carolina	PH	Lifetime ban: • 1st/2nd degree murder, armed robbery, attempted murder w/deadly weapon. • Violent criminal activity. 5 years: Felonies. 3 years: Drug-related, other criminal activity.
Lawrence Douglas County Housing Authority	Lawrence, Kansas	PH/HCV	Lifetime ban: • Manufacture, sale or distribution of methamphetamine. • Sexual or violent crime against a child. 5 years: Drug-related, violent.

Lincoln Housing Authority	Lincoln, Nebraska	PH	Lifetime ban: Felony sexual assault or other sex-related offense. 3 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Alcohol-related criminal activity.</li> </ul>
Lucas Metropolitan Housing Authority	Toledo, Ohio	PH/HCV	Lifetime ban: Crimes of physical violence including but not limited to intentionally/recklessly causing another's death, arson, rape, sexual assault and convictions which require one to register as a sex offender. 5 years: Drug-related, violent, other.
Miami-Dade County Public Housing and Community Development	Miami-Dade County, Florida	PH/HCV	Lifetime ban: Murder, arson, aggravated felony battery, sex-related crimes. 10 years: Drug-related, violent, other.
Marquette Housing Commission	Marquette, Michigan	PH	Lifetime ban: <ul style="list-style-type: none"> <li>• Manufacturing or producing methamphetamine or other illegal drug.</li> <li>• Capitol murder, murder/manslaughter, kidnapping, child molestation, rape or crimes of a sexual nature.</li> </ul> 5 years: <ul style="list-style-type: none"> <li>• Drug trafficking, use or possession.</li> <li>• Illegal possession/discharge/display/carrying of firearm.</li> <li>• Assault, aggravated assault, assault by threat, stalking.</li> <li>• Physical violence to persons or property.</li> </ul>
Marquette Housing Commission	Marquette, Michigan	HCV	Lifetime ban: <ul style="list-style-type: none"> <li>• Methamphetamine-related criminal activity.</li> <li>• Manufacturing or producing methamphetamine or other illegal drug.</li> </ul> 5 years: Other drug-related criminal activity.
Moline Housing Authority	Moline, Iowa	PH/HCV	Lifetime ban: Murder, rape, other. 10 years: Felonies. (PH only) 3 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct.</li> </ul>

Norfolk Redevelopment and Housing Authority	Norfolk, Virginia	PH	<p>Lifetime ban:</p> <ul style="list-style-type: none"> <li>• Intent to distribute drugs/controlled substances (2+)</li> <li>• Illegal Sale of Alcohol, Possession, Drunk in Public, and/or DUI's (4)</li> <li>• Bomb threats; arson. (2+)</li> <li>• Crimes of violent behavior, murder, rape, incest, child molestation, sexual deviation (2+)</li> <li>• Felonies. (4+)</li> <li>• Soliciting, indecent exposure, immoral conduct of any type, trespassing. (5+)</li> </ul> <p>15 years:</p> <ul style="list-style-type: none"> <li>• Crimes of violent behavior, murder, rape, incest, child molestation, sexual deviation.</li> <li>• Convictions (15)</li> </ul> <p>10 years:</p> <ul style="list-style-type: none"> <li>• Assault, Battery; Damaging Property; Disorderly Conduct (3-4+)</li> <li>• Intent to distribute drugs/controlled substances.</li> <li>• Bomb threats; arson.</li> <li>• Brandishing/discharging firearm (2)</li> <li>• Felonies. (3)</li> <li>• Soliciting, indecent exposure, immoral conduct of any type, trespassing. (3+)</li> <li>• Possession of drugs (4+)</li> <li>• Convictions. (12-14)</li> </ul> <p>7 years: Convictions (9-11)</p> <p>5 years:</p> <ul style="list-style-type: none"> <li>• Brandishing/discharging firearm</li> <li>• Felonies. (2)</li> <li>• Soliciting, indecent exposure, immoral conduct of any type, trespassing. (2)</li> <li>• Possession of drugs (2+)</li> <li>• Urinating in public (4+)</li> <li>• Convictions.(4-8)</li> </ul> <p>3-5 years:</p> <ul style="list-style-type: none"> <li>• Assault, battery; damaging property; disorderly conduct. (3+)</li> <li>• Forgery, altering prices, shoplifting, breaking and entering. (4+)</li> </ul> <p>3 years:</p> <ul style="list-style-type: none"> <li>• Felony.</li> <li>• Possession of drugs</li> <li>• Soliciting, indecent exposure, immoral conduct of any type, trespassing.</li> <li>• Urinating in public (2+)</li> </ul> <p>1 year: Urinating in public</p> <p>Note: Timeframes are determined by the number of convictions.</p>
Richmond Redevelopment and Housing Authority	Richmond, Virginia	PH/HCV	See Appendix II. Lookback periods range from 3 years to lifetime bans.
Sarasota Housing Authority	Sarasota, Florida	PH	<p>Lifetime ban: Arson, child molestation.</p> <p>10 years: Drug-related, violent.</p>



Secaucus Housing Authority	Secaucus, New Jersey	PH	Lifetime ban: Drug-related evictions 10 years: Drug trafficking conviction. 5 years: <ul style="list-style-type: none"> <li>• Drug use without rehabilitation.</li> <li>• Arrest/conviction record indicating threat to residents.</li> </ul>
Washington County, Oregon, Department of Housing Services	Washington County, Oregon	HCV	Lifetime ban: Convictions for murder, sexual crimes (except prostitution), crimes of abuse or neglect of minor children. 60 months: <ul style="list-style-type: none"> <li>• Conviction for drug-related, violent, other.</li> <li>• Conviction for violation of parole or probation; violation of anti-stalking or restraining orders; theft or burglary; animal abuse; or fraud, forgery or theft of identity.</li> </ul> 36 months: <ul style="list-style-type: none"> <li>• 2 arrests within 12-month period for drug-related, violent, other.</li> <li>• 2 arrests within 12-month period for violation of parole or probation; violation of anti-stalking or restraining orders; theft or burglary; animal abuse; or fraud, forgery or theft of identity.</li> </ul>
<b>20-25 YEAR LOOKBACK PERIODS</b>			
Allegheny County Housing Authority	Allegheny County, Pennsylvania	HCV	15-25 years: Convicted of sexual offense and required to register. 5 years: Enumerated offenses for offenses involving danger to the person; drug offenses; offenses against property; burglary and other criminal intrusion; felony theft and related offenses; disarming a law enforcement officer; firearms offenses.
Seattle Housing Authority	Seattle, Washington	PH	20 years: Murder/homicide. 10 years: Assaults (4+); armed robbery; arson.; sexual assault/rape. 7 years: Kidnapping. 5 years: Felony assault; delivery of controlled substances; robbery, intent to sell drugs, domestic abuse. 3 years: Any other felony convictions. 2 years: Controlled substance possession or use; misdemeanor or assault; burglary; prostitution.
<b>15 YEAR LOOKBACK PERIODS</b>			
New Hampshire Housing Finance Authority	New Hampshire	HCV	15 years: <ul style="list-style-type: none"> <li>• Homicide.</li> <li>• Convicted of sexual offense and required to register.</li> <li>• Sexual offenses against children.</li> </ul> 7 years: <ul style="list-style-type: none"> <li>• Intent to manufacture, sell or distribute a controlled substance.</li> <li>• Assault, rape, robbery, burglary, arson, kidnapping.</li> </ul>

10 YEAR LOOKBACK PERIODS			
Alachua County Housing Authority	Gainesville, Florida	PH	10 years: Convictions for violent criminal activity; drug-related criminal activity; unarmed burglary, vandalism or other non-violent property crimes that could have a detrimental financial effect on the HA's property or its residents. 5 years: Convictions for non-violent crimes. 3 years: Arrests for drug-related, violent, or other criminal activity (3).
Auburn Housing Authority	Auburn, New York	HCV	Lifetime ban: 10 years: Drug trafficking; possession with intent to sell 3 years: Drug-related, violent and other. 2 years: Illegal use or possession for personal use of a controlled substance.
Charter Oaks Communities	Stamford, Connecticut	PH	10 years: • Drug-related, violent, other • Criminal sexual conduct
Charter Oaks Communities	Stamford, Connecticut	HCV	10 years: Drug-related, violent.
City of Manistee Housing Commission	Manistee, Michigan	PH	10 years: • Drug-related, violent, other • Criminal sexual conduct
City of Mesquite Housing and Community Services Dept.	Mesquite, Texas	HCV	10 years: • Drug-related, violent, other • Felonies.
Delaware County Housing Authority	Woodlyn, Pennsylvania	PH/HCV	10 years: Drug-related, violent, other. 3 years: any criminal activity (PH Only).
Eufaula Housing Authority	Eufaula, Alabama	HCV	10 years: Drug trafficking conviction. 5 years: Arrest/conviction record indicating threat or negative influence on residents. 3 years: Drug use without rehabilitation. 1 year: Illegal use or possession for personal use of a controlled substance.
Geneva Housing Authority	Geneva, New York	PH	10+ years: Violent criminal activity. 5+ years: • Drug-related criminal activity for manufacture, sale, or distribution. • Crimes against property. • Crimes or offenses that impose a financial cost. • Crimes or offenses that involve disturbing the peace. • Other criminal activity that affect the health, safety or right of peaceful enjoyment of the premises. 3+ years: Drug-related criminal activity for personal use. Note: In addition to lookback period, applicant must complete (i) court-ordered or voluntary rehabilitation and (ii) 6 months of unsupervised living without repeat incident.

Hightstown Housing Authority	Hightstown, New Jersey	PH	<p>10+ years: Violent criminal activity.</p> <p>5+ years:</p> <ul style="list-style-type: none"> <li>• Drug-related criminal activity for manufacture, sale, or distribution.</li> <li>• Crimes against property.</li> <li>• Crimes or offenses that impose a financial cost.</li> <li>• Crimes or offenses that involve disturbing the peace.</li> <li>• Other criminal activity that affect the health, safety or right of peaceful enjoyment of the premises.</li> </ul> <p>3+ years: Drug-related criminal activity for personal use.</p> <p>Note: In addition to lookback period, applicant must complete (i) court-ordered or voluntary rehabilitation and (ii) 6 months of unsupervised living without repeat incident.</p>
Housing Authority of DeKalb County	DeKalb County, Georgia	PH	<p>10 years: Felony drug-related, violent, other.</p> <p>5 years: Non-felony drug-related, violent, other.</p>
Housing Authority for the City of Fort Lauderdale	Fort Lauderdale, Florida	S8	<p>10 years: Murder, arson, kidnapping, violent sex-related offenses.</p> <p>5 years: Drug-related, violent, other.</p>
Housing Authority of Jackson County	Medford, Oregon	HCV	<p>10 years: Manufacturing/producing methamphetamine or any other controlled substance.</p> <p>5 years: Drug-related, violent.</p>
Housing Authority of Rocky Mount	Rocky Mount, North Carolina	PH	<p>10 years: Drug trafficking conviction.</p> <p>5 years:</p> <ul style="list-style-type: none"> <li>• Arrest/conviction record indicating threat or negative influence on residents.</li> <li>• Drug use without rehabilitation.</li> </ul>
Housing Authority of St. Louis County	St. Louis County, Missouri	PH/HCV	<p>10 years:</p> <ul style="list-style-type: none"> <li>• Assault, rape, robbery, arson, murder</li> <li>• Violent criminal activity.</li> <li>• Other criminal activity that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or the owner or its employees.</li> </ul> <p>5 years: Drug-related.</p>
Howard County Housing and Community Development	Howard County, Maryland	HCV	<p>10 years:</p> <ul style="list-style-type: none"> <li>• Felony drug-related or violent criminal activity.</li> <li>• 1 misdemeanor drug-related or violent charges plus 3+ unrelated charges (felony or misdemeanor).</li> <li>• Unrelated misdemeanor drug-related or violent charges, one of which occurred within the last 5 years (2+)</li> <li>• Misdemeanor drug-related or violent charges older than 5 years. (2+)</li> </ul>
Lake County Housing Authority	Lake County, Illinois	PH/HCV	<p>10+ years:</p> <ul style="list-style-type: none"> <li>• Violent criminal activity.</li> <li>• Drug-related criminal activity for the illegal manufacture, sale, distribution or possession with intent to manufacture, sell or distribute.</li> </ul> <p>5+ years:</p> <ul style="list-style-type: none"> <li>• Crimes against property.</li> <li>• Crimes or offenses that impose a financial cost.</li> <li>• Crimes or offenses that involve disturbing the peace.</li> <li>• Other criminal activity that affect the health, safety or right of peaceful enjoyment of the premises.</li> </ul> <p>3+ years: Drug-related criminal activity for personal use.</p> <p>Note: In addition to lookback period, applicant must complete (i) court-ordered or voluntary rehabilitation and (ii) 6 months of unsupervised living without repeat incident.</p>

Meridian Housing Authority	Meridian, Mississippi	PH	10 years: Drug trafficking conviction. 5 years: <ul style="list-style-type: none"> <li>• Arrest/conviction record indicating threat or negative influence on residents.</li> <li>• Drug use without rehabilitation.</li> </ul>
Mobile Housing Board	Mobile, Alabama	PH	10 years: Drug trafficking conviction. 3 years: <ul style="list-style-type: none"> <li>• Drug use without rehabilitation.</li> <li>• Arrest/conviction record indicating threat or negative influence on residents.</li> </ul>
Morristown Housing Authority	Morristown, New Jersey	PH	10 years: Drug trafficking conviction. 5 years: <ul style="list-style-type: none"> <li>• Drug use without rehabilitation.</li> <li>• Arrest/conviction record indicating threat or negative influence on residents.</li> <li>• Fraud</li> </ul>
Municipal Housing Authority for the City of Yonkers	Yonkers, New York	PH	10 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual assault. (PH only)</li> </ul>
Nacogdoches Housing Authority	Nacogdoches, Texas	PH	10 years: Drug trafficking conviction. 5 years: <ul style="list-style-type: none"> <li>• Drug use without rehabilitation.</li> <li>• Arrest/conviction record indicating threat or negative influence on residents.</li> </ul>
New Edenton Housing Authority	Edenton, North Carolina	PH	10 years: Drug-related, violent, other.
Parma Public Housing Agency	Parma, Ohio	HCV	10 years: Arrested at federally subsidized housing due to violent criminal activity. 5 years: Other violent.
St. Louis Housing Authority (City)	St. Louis, Missouri	PH	10 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct.</li> </ul>

Southern Nevada Regional Housing Authority	Southern Nevada	PH/HCV	<p>10 years: Murder, rape, child molestation, kidnapping, sexual assault, child pornography.</p> <p>5 years:</p> <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Convicted of a sexual offense and required to register for a limited period.</li> </ul> <p>3 years: Assault or battery, coercion, prostitution (3+), abuse and neglect of children (2), open and gross lewdness (2), abuse and exploitation of older persons, harassment and stalking (2), discharging a firearm out of a motor vehicle, burglary, possession with intent to sell.</p> <p>2 years:</p> <ul style="list-style-type: none"> <li>• Possession of controlled substance.</li> <li>• Other criminal activity which, if repeated after admission, may threaten the health, safety or right to peaceful enjoyment of other residents or of the property's owner, etc.</li> </ul> <p>1 year:</p> <ul style="list-style-type: none"> <li>• Other unenumerated felonies.</li> <li>• Misdemeanor arrest for open or gross lewdness (1st); various firearms offenses; procession of burglary tools; conspiracy to commit a crime; public intoxication; prostitution (1st &amp; 2nd); petty larceny; battery; domestic violence; (1st &amp; 2nd) disorderly house; possession of drugs; abuse and neglect of children (1st); harassment &amp; stalking; trespassing; loitering; DUI (1st &amp; 2nd); violation of a protective order; resist a police officer; possession of drug paraphernalia.</li> </ul>
Watervliet Housing Authority	Watervliet, New York	PH	<p>10 years: Drug trafficking conviction.</p> <p>5 years:</p> <ul style="list-style-type: none"> <li>• Arrest/conviction record indicating threat or negative influence on residents.</li> <li>• Drug use without rehabilitation.</li> <li>• Fraud.</li> </ul>
Waynesville Housing Authority	Waynesville, North Carolina	PH	<p>10 years:</p> <ul style="list-style-type: none"> <li>• Felonies.</li> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct.</li> </ul>
<b>8 YEAR LOOKBACK PERIODS</b>			
Cheyenne Housing Authority	Cheyenne, Wyoming	PH/HCV	5-8 years: Drug-related, violent, other.
<b>7 YEAR LOOKBACK PERIODS</b>			
Beaufort Housing Authority	Beaufort, South Carolina	PH	7 years: Felonies, drug-related, and violent criminal activity.
Charlotte Housing Authority	Charlotte, North Carolina	PH/HCV	<p>7 years:</p> <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct. (PH only)</li> </ul>
City of Dubuque	Dubuque, Iowa	HCV	<p>7 years: Felonies, violent sexual criminal activity, drug-related, other.</p> <p>3 years:</p> <ul style="list-style-type: none"> <li>• Convictions for offenses classified as more than simple misdemeanors, but less than felonies.</li> <li>• Simple misdemeanors (2+).</li> </ul>

Dunn Housing Authority	Dunn, North Carolina	PH	7 years: Drug-related, violent, other.
East Providence Housing Authority	East Providence, Rhode Island	HCV	7 years: Drug-related, violent, other.
Fairmont Housing Authority	Fairmont, North Carolina	PH	7 years: <ul style="list-style-type: none"> <li>• Felonies.</li> <li>• Drug-trafficking.</li> <li>• Violent criminal activity.</li> </ul>
Farmville Housing Authority	Farmville, North Carolina	PH	7 years: Drug-related, violent, other.
Fresno Housing Authority (City & County)	Fresno, California	PH/HCV	5-7 years: Violent criminal activity. 3 years: <ul style="list-style-type: none"> <li>• Felonies.</li> <li>• Drug-related, other.</li> </ul>
High Point Housing Authority	High Point, North Carolina	PH	7 years: <ul style="list-style-type: none"> <li>• Violent misdemeanors and felonies.</li> <li>• Drug-related criminal activity.</li> <li>• Non-lifetime sexual offenses.</li> <li>• Weapons violations.</li> <li>• Documented gang activity/affiliation/member.</li> </ul> 5 years: Non-violent misdemeanors and felonies (excluding misdemeanor speeding).
Lansing Housing Commission	Lansing, Michigan	PH	7 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct. (PH only)</li> </ul>
Lumberton Housing Authority	Lumberton, North Carolina	PH	7 years: <ul style="list-style-type: none"> <li>• Felonies.</li> <li>• Drug-trafficking.</li> <li>• Violent criminal activity.</li> </ul>
New Randleman Housing Authority	New Randleman, North Carolina	PH	7 years: <ul style="list-style-type: none"> <li>• Felonies.</li> <li>• Drug-trafficking.</li> <li>• Violent criminal activity.</li> </ul>
<b>5 YEAR LOOKBACK PERIODS</b>			
Ann Arbor Housing Commission	Ann Arbor, Michigan	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct. (PH only)</li> </ul>
Area Housing Authority of the County of Ventura	Ventura County, California	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct. (PH only)</li> </ul>
Bangor Housing Authority	Bangor, Maine	HCV	5 years: Drug-related, violent, other.
Bellingham/Whatcom Housing Authorities	Bellingham, Washington	PH	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct.</li> <li>• Criminal activity or any activity that would be a crime on or off the premises or property.</li> </ul>

Campbell County Department of Housing	Campbell County, Kentucky	HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Felonies.</li> </ul>
Cedar Rapids Housing Authority	Cedar Rapids, Iowa	HCV	60 months: Felonies. 36 months: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Any pattern of criminal activity.</li> </ul>
Citrus County, Housing Services Section	Citrus County, Florida	HCV	5 years: Drug-related, violent.
City of Glendale, Arizona Community Housing Division	Glendale, Arizona	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Release from prison/completion of probation. (PH only)</li> </ul>
City of Hawaiian Gardens Housing Authority	Hawaiian Gardens, California	HCV	5 years: Drug-related, violent, other.
City of Oxnard Housing Authority	Oxnard, California	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct. (PH only)</li> </ul>
City of Tucson Housing and Community Development Department	Tucson, Arizona	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct. (PH only)</li> </ul>
City of Westminster Public Housing Agency	Westminster, Maryland	HCV	5 years: Drug-related, violent.
Dauphin County Housing Authority	Dauphin County, Pennsylvania	HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent.</li> <li>• Felonies.</li> </ul>
Delaware State Housing Authority	Delaware	HCV	5 years: <ul style="list-style-type: none"> <li>• Class A felony convictions.</li> <li>• Multiple Class A misdemeanors and/or Class A felonies within the last 10 years.</li> </ul> Note: For both categories, applicant must be able to complete sentence earlier than 10 years from date of eligibility interview; otherwise, ineligible. 2 years: <ul style="list-style-type: none"> <li>• Class B felonies.</li> <li>• Violent Classes C-G felonies.</li> <li>• Drug-related or violent Class A misdemeanors.</li> <li>• Multiple Class A misdemeanors and/or non-Class A felonies within the last 5 years.</li> <li>• Multiple misdemeanors.</li> </ul> 1 year: <ul style="list-style-type: none"> <li>• Non-violent Classes C-G felonies.</li> <li>• All other misdemeanors, violations, and Title 21 &amp; Title 23 offenses.</li> <li>• Multiple Violations and/or Title 21 &amp; Title 23 offenses.</li> <li>• Multiple arrests without conviction.</li> </ul>
Durham Housing Authority	Durham, North Carolina	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct. (PH only)</li> <li>• Convicted of sexual offense and required to register in any state. (HCV only)</li> </ul>

Elmira Housing Authority	Elmira, New York	PH	5 years: Drug-related, violent, other.
Flint Area Consolidated Housing Authority	Montezuma, Georgia	PH	5 years: Drug-related, violent, other.
Galveston Housing Authority	Galveston, Texas	PH/HCV	5 years: Drug-related, violent, other.
Geneva Housing Authority	Geneva, New York	HCV	5 years: Drug-related, violent, other.
Greensboro Housing Authority	Greensboro, North Carolina	PH/HCV	5 years: Drug-related, violent, other.
Greenville Housing Authority	Greenville, North Carolina	HCV	5 years: Drug-related, violent, other.
Grundy County Housing Authority	Grundy County, Illinois	PH	5 years: Drug-related, violent, other.
Hampton Redevelopment and Housing Authority	Hampton, Virginia	PH	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent.</li> <li>• Criminal sexual conduct.</li> <li>• Felonies.</li> </ul>
Hampton Redevelopment and Housing Authority	Hampton, Virginia	HCV	5 years: Drug-related, violent, other.
Harrisonburg Redevelopment and Housing Authority	Harrisonburg, Virginia	HCV	5 years: Convicted of drug-related or violent criminal activity. 12 months: Arrests for drug-related or violent criminal activity (2+).
Hawaii Public Housing Authority	Hawaii	HCV	5 years: Drug-related, violent, other.
Hendersonville Housing Authority	Hendersonville, North Carolina	PH	5 years: Drug-related, violent, other.
Housing Authority of Bergen County	Bergen County, New Jersey	HCV	5 years: Drug-related, violent, other.
Housing Authority of the City of El Paso	El Paso, Texas	HCV	5 years: Drug-related, violent, other.
Housing Authority of the City of Berkeley	Berkeley, California	HCV	5 years: Drug-related, violent, other.
Housing Authority of the County of San Diego	San Diego, California	PH	5 years: Drug-related, violent, other.
Housing Authority of Cook County	Cook County, Illinois	HCV	5 years: Drug-related, violent, other.
Housing Authority of Covington	Covington, Kentucky	PH	5 years: Drug-related, violent, other.
Housing Authority of Covington	Covington, Kentucky	HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent.</li> <li>• Sex-related offenses.</li> </ul>



Housing Authority of the County of Alameda	Alameda County, California	PH/HCV	5 years: Drug-related, violent, other.
Housing Authority for the County of Butte	Butte County, California	PH	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct. (PH only)</li> </ul>
Housing Authority of the County of Chester	West Chester, Pennsylvania	PH/HCV	5 years: Drug-related, violent, other.
Housing Authority of the County of Riverside	Riverside, California	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Gang-related criminal activity.</li> </ul>
Housing Authority of the County of Sacramento	Sacramento, California	PH/HCV	5 years: Drug-related, violent, other.
Housing Authority of the County of San Diego	San Diego, California	HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent.</li> </ul> 3 years: <ul style="list-style-type: none"> <li>• Other criminal activity.</li> </ul>
Housing Authority of the County of San Joaquin	Stockton, California	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct (PH only)</li> </ul>
Housing Authority of DeKalb County	DeKalb County, Georgia	HCV	5 years: Drug-related, violent, other.
Housing Authority of Fort Mill	Fort Mill, South Carolina	PH/HCV	5 years: Drug-related, violent, other.
Housing Authority of Fulton County	Fulton County, Georgia	HCV	5 years: <ul style="list-style-type: none"> <li>• Felonies.</li> <li>• Drug-related, violent, other.</li> </ul>
Houston Housing Authority	Houston, Texas	PH/HCV	5 years: Drug-related, violent, other.
Huntsville Housing Authority	Huntsville, Alabama	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual assault.</li> </ul>
Indiana Housing and Community Development Authority	Indiana	HCV	5 years: Drug-related, violent, other.
Iowa City Housing Authority	Iowa City, Iowa	PH/HCV	5 years: <ul style="list-style-type: none"> <li>• Drug-related, violent &amp; other criminal activity.</li> <li>• Also, criminal street gang activity, theft, forgery/fraud, burglary, disorderly conduct, registered as a sex offender.</li> </ul> 1 year: Non-violent disorderly conduct, disorderly house.
Lebanon County Housing Authority	Lebanon County, Pennsylvania	PH	5 years: <ul style="list-style-type: none"> <li>• Felonies.</li> <li>• Drug-related, violent, other.</li> <li>• Criminal activity where the victim is under the age of 18.</li> </ul>
Louisville Metro Housing Authority	Louisville, Kentucky	PH	5 years: Drug-related, violent, other.

Marin Housing Authority	Marin County, California	HCV	5 years: Drug-related, violent, other.
Manchester Housing Authority	Manchester, Connecticut	PH/HCV	5 years: Drug-related, violent, other.
Mercer County Housing Authority	Mercer County, Pennsylvania	HCV	5 years: Drug-related, violent, other.
Milwaukee County Housing Authority	Milwaukee County, Wisconsin	HCV	5 years: Drug-related, violent, other.
Minneapolis Public Housing Authority	Minneapolis, Minnesota	HCV	5 years: Drug-related, violent, other.
Mobile Housing Board	Mobile, Alabama	HCV	5 years: Arrest/conviction record indicating threat or negative influence on residents. 3 years: Drug use without rehabilitation. 1 year: Illegal use or possession for personal use of a controlled substance.
Muskogee Housing Authority	Muskogee, Oklahoma	PH	5 years: Drug-related, violent, other.
Northwestern Regional Housing Authority	Boone, North Carolina	PH	5 years: • Drug-related, violent, other. • Criminal sexual assault.
Oakland Housing Authority	Oakland, California	PH/HCV	5 years: • Drug-related, violent, other. • Criminal sexual assault. (PH only)
Parkersburg Housing Authority	Parkersburg, West Virginia	PH/HCV	5 years: Drug-related, violent, other.
Pennington County Housing and Redevelopment Commission	Pennington County, South Dakota	PH/HCV	5 years: Felonies.
Pinal County Housing and Community Development Department	Pinal County, Arizona	HCV	5 years: Drug-related, violent.
Plano Housing Authority	Plano, Texas	HCV	5 years: Drug-related, violent, other.
Portland Housing Authority	Portland, Maine	PH	5 years: Drug-related, violent, other.
Portland Housing Authority	Portland, Maine	HCV	5 years: Drug-related, violent, other.
Rockford Housing Authority	Rockford, Illinois	PH/HCV	5 years: • Drug-related, violent, other. • Criminal sexual assault. (PH only)
San Antonio Housing Authority	San Antonio, Texas	HCV	5 years: Drug-related, violent, other.

San Francisco Housing Authority	San Francisco, California	PH/HCV	5 years: • Drug-related, violent, other. • Criminal sexual assault.
Sarasota Housing Authority	Sarasota, Florida	HCV	5 years: Drug-related, violent, other.
Savannah Housing Authority	Savannah, Georgia	PH	5 years: Drug-related, violent, other.
South Carolina State Housing Finance and Development Authority	South Carolina	HCV	5 years: Drug-related, violent, other.
Spokane Housing Authority	Spokane, Washington	HCV	5 years: Violent, drug-related, other.
St. Petersburg Housing Authority	St. Petersburg, Florida	PH	5 years: Drug-related, violent, other.
Town of Islip Housing Authority	Islip, New York	HCV	5 years: Drug-related, violent, other.
Wilmington Housing Authority	Wilmington, North Carolina	PH	5 years: Drug-related, violent, other.
Winder Housing Authority	Winder, Georgia	PH	5 years: Drug-related, violent, other.
Wyoming Housing Commission	Wyoming, Michigan	PH	5 years: • Drug-related, violent, other. • Criminal sexual assault.
Vermont State Housing Authority	Vermont	HCV/PH	5 years: Drug-related, violent, other.
Yakima Housing Authority	Yakima, Washington	HCV	5 years: Drug-related, violent, other.
Yuba County Housing Authority	Marysville, California	HCV	5 years: Drug-related, violent, other.
<b>3 YEAR LOOKBACK PERIODS</b>			
Abilene Housing Authority	Abilene, Texas	HCV	3 years: Drug-related, violent, other.
Alaska Housing Finance Corporation	Alaska	PH/HCV	36 months: Drug-related or violent criminal activity.
Asheboro Housing Authority	Asheboro, North Carolina	PH	3 years: Drug-related, violent, other.
Benson Housing Authority	Benson, North Carolina	PH	3 years: Drug-related, violent, other.
Biloxi Housing Authority	Biloxi, Mississippi	HCV	3 years: Drug-related, violent, other.
Bloomington Housing and Redevelopment Authority	Bloomington, Minnesota	HCV	3 years: Drug-related, violent.
Brainerd Housing and Redevelopment Authority	Brainerd, Minnesota	HCV	3 years: Drug-related, violent, other.

Brazos Valley Council of Governments	Brazos Valley Region, Texas	HCV	3 years: Drug-related, violent, other.
Bremerton Housing Authority	Bremerton, Washington	PH	3 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct.</li> </ul>
Bremerton Housing Authority	Bremerton, Washington	HCV	3 years: Drug-related, violent, sex-related, other.
Buffalo Municipal Housing Authority	Buffalo, New York	HCV	3 years: Drug-related, violent.
Cincinnati Metropolitan Housing Authority	Cincinnati, Ohio	HCV	3 years: Drug-related, violent.
City of Pittsburgh Housing Authority	Pittsburgh, California	HCV	3 years: Drug-related, violent.
Cuyahoga Metropolitan Housing Authority	Cuyahoga County, Ohio	HCV	3 years: <ul style="list-style-type: none"> <li>• Felony drug-related, violent.</li> <li>• Other criminal activity that may threaten the health and safety of residents, owner, staff, etc.</li> </ul>
Evansville Housing Authority	Evansville, Indiana	HCV	3 years: Drug-related, violent, other.
Fairfield Metropolitan Housing Authority	Lancaster, Ohio	HCV	3 years: <ul style="list-style-type: none"> <li>• Felonies.</li> <li>• Drug-related, violent, other.</li> <li>• Sexual offenses.</li> <li>• Weapons offenses.</li> <li>• Probation/parole violation.</li> <li>• 2 convictions of any of the following: menacing, public indecency, criminal trespass, criminal damaging or endangering, disorderly conduct, criminal mischief, theft valued at \$49.99 or less.</li> </ul>
Fall River Housing Authority	Fall River, Massachusetts	HCV	3 years: Drug-related, violent.
Grand Rapids Housing Commission	Grand Rapids, Michigan	HCV	3 years: Drug-related, violent, other
Housing Authority of Baltimore City	Baltimore, Maryland	PH/HCV	3 years: <ul style="list-style-type: none"> <li>• Felony convictions.</li> <li>• Drug-related or violent criminal activity.</li> </ul> 18 months: Misdemeanor convictions.
Housing Authority of Bergen County	Bergen County, New Jersey	PH	3 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct.</li> </ul>
Housing Authority of the City of Danbury	Danbury, Connecticut	HCV	3 years: Drug-related, violent.
Housing Authority of the City of Flagstaff	Flagstaff, Arizona	PH/HCV	3 years: Drug-related, violent, other.

Housing Authority of the City of Yuma	Yuma, Arizona	PH/HCV	3 years: <ul style="list-style-type: none"> <li>Any criminal activity. (PH only)</li> <li>Drug-related, violent, other.</li> <li>Criminal sexual conduct. (PH only)</li> </ul>
Housing Opportunities Commission of Montgomery County	Montgomery County, Maryland	PH	3 years: Criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property.
Housing Opportunities Commission of Montgomery County	Montgomery County, Maryland	HCV	3 years: Drug-related, violent, other.
Kentucky Housing Corporation	Kentucky	HCV	3 years: Drug-related, violent, other.
Kern Housing Authority	Bakersfield, California	HCV	3 years: Drug-related, violent, other
Knoxville Community Development Corporation	Knoxville, Tennessee	HCV	3 years: Drug-related, violent.
Lorain Metropolitan Housing Authority	Lorain, Ohio	HCV	3 years: Drug-related, violent.
Maine State Housing Authority	Maine	HCV	3 years: Drug-related, violent, other.
Marin Housing Authority	Marin County, California	PH	5 years: <ul style="list-style-type: none"> <li>Drug-related, violent, other.</li> <li>Criminal sexual conduct.</li> </ul>
Memphis Housing Authority	Memphis, Tennessee	PH	3 years: Drug-related, violent. 2 years: Other criminal activity that may threaten the health or safety of the other residents, property management staff or employees, their contractors and agents.
Metro HRA	St. Paul, Minnesota	HCV	3 years: Drug-related, violent, other.
Muskogee Housing Authority	Muskogee, Oklahoma	HCV	3 years: Drug-related, violent.
Oklahoma Housing Finance Agency	Oklahoma	HCV	3 years: Drug-related, violent, other.
Omaha Housing Authority	Omaha, Nebraska	HCV	3 years: Drug-related, violent, other
Pinal County Housing and Community Development Department	Pinal County, Arizona	PH	3 years: Drug-related, violent, other.
St. Louis Housing Authority (City)	St. Louis, Missouri	HCV	3 years: Drug-related, violent, other.
St. Petersburg Housing Authority	St. Petersburg, Florida	HCV	3 years: Drug-related, violent.
Savannah Housing Authority	Savannah, Georgia	HCV	3 years: Drug-related, violent, other.
Secaucus Housing Authority	Secaucus, New Jersey	HCV	3 years: Drug-related, violent.

Wyoming Housing Commission	Wyoming, Michigan	HCV	3 years: Drug-related, violent, other.
Yuma County Housing Department	Yuma County, Arizona	PH/HCV	3 years: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Criminal sexual conduct (PH only).</li> </ul>
<b>2 YEAR LOOKBACK PERIODS</b>			
Hawaii Public Housing Authority	Hawaii	PH	2 years: Drug-related, violent, other.
Housing Authority of the City of Los Angeles	Los Angeles, California	HCV	2 years: <ul style="list-style-type: none"> <li>• Drug-related.</li> <li>• Felony violent criminal activity.</li> </ul>
Michigan State Housing Development Authority	Michigan	HCV	24 months: Violent & other criminal activity. 12 months: Drug-related criminal activity.
<b>1 YEAR LOOKBACK PERIODS</b>			
Contra Costa Housing Authority	Contra Costa, California	PH	12 months: <ul style="list-style-type: none"> <li>• Drug-related, violent, other.</li> <li>• Crime involving bodily injury.</li> </ul>
Cuyahoga Metropolitan Housing Authority	Cuyahoga County, Ohio	PH	1 year: Enumerated felonies - aggravated murder, murder, assault, aggravated assault, permitting child abuse, kidnapping, abduction, criminal child enticement, rape, sexual battery, unlawful sexual conduct with minor, gross sexual imposition, aggravated arson, endangering children.
Hannibal Housing Authority	Hannibal, Missouri	HCV	1 year (possession, controlled substance); 5 years (arrest or conviction for threats and/or negative influence); 10 years (conviction for drug trafficking).
Seattle Housing Authority	Seattle, Washington	HCV	12 months: <ul style="list-style-type: none"> <li>• Convictions for Class A felonies.</li> <li>• A series of crimes of any kind that indicate habitual criminal behavior.</li> </ul>
White River Regional Housing Authority	Melbourne, Arkansas	HCV	1 year: Drug-related, violent, other.

## Appendix II

The Richmond Redevelopment and Housing Authority (Richmond, Virginia) uses the following matrix in assessing the criminal history of applicants to its public housing and Housing Choice Voucher programs. See RICHMOND REDEVELOPMENT & HOUS. AUTH., ADMINISTRATIVE PLAN 13-18 (2012) (Virginia), <http://www.rrha.org/2009/html/2012/HCVAdminPlan12-13.pdf>; RICHMOND REDEVELOPMENT & HOUS. AUTH., ADMISSIONS AND CONTINUED OCCUPANCY POLICY 49-53 (2012) (Virginia), <http://www.rrha.org/2009/html/2012/ACOP.pdf>. This policy has been set aside from the policies of Appendix I because of its length and level of detail.

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Unacceptable Police Record – An unacceptable police record is one wherein the applicant or any member of the household has been convicted of a crime, within the time period specified below, or has a history of criminal activity that would jeopardize the health, safety and welfare of the community. An unacceptable juvenile record is one wherein the juvenile has one (1) conviction within the past twelve (12) months for crimes outlined in categories (a) through (d), (h), and (j). Other convictions within the past twelve (12) months that fall within the remaining categories will be determined based upon the severity of the crime as indicated by the deposition.

RE-APPLY DATES ARE TO BE DETERMINED FROM THE DATE OF LAST CONVICTION.

- a. Denial for Life – Includes a family or household member who has been convicted of manufacturing or producing methamphetamine on or off the premises of public housing and a family or household member who is subject to a lifetime registration requirement under a State or Federal sex offender registration program.
- b. Intent to Distribute Drugs or Other Controlled Substance – Includes evidence of conviction for trafficking or intent to distribute drugs or other controlled substance of any type other than alcohol.

RE-APPLY:	DISAPPROVAL:
10 Yrs.	One (1) conviction within ten years from the date of application review.
Permanent	Two (2) convictions.

- c. Possession of Drugs – Includes evidence of conviction for possession of drugs or other controlled assistance other than alcohol. Favorable consideration shall be given after eighteen (18) months upon a professional agency verifying in writing that such applicant has been rehabilitates. RRHA shall have sole discretion in determining satisfactory evidence.

RE-APPLY:	DISAPPROVAL:
3 Yrs.	One (1) conviction within three years from the date of application review.
5 Yrs.	Two (2) or more convictions within five years from the date of application review.
10 Yrs.	Four (4) or more convictions within ten years from date of application review.

- d. Illegal Sale of Alcohol, Possession, Drunk and/or DUI's – Includes evidence of alcohol abuse of which can constitute a danger of disrupting the peaceful occupancy of other tenants. Favorable consideration shall be given after eighteen (18) months upon a professional agency verifying in writing that such applicant has been rehabilitated. RRHA shall have sole discretion in determining satisfactory evidence.

RE-APPLY:	DISAPPROVAL:
1 Year	One conviction within the past year of application review.
2 Yrs.	A combination of or two (2) of the above convictions within the past two years from the date of application review.
Permanent	Three (3) DUI's or any combination of the above convictions within seven (7) years from date of application review.

- e. Brandishing and/or Discharging a Firearm – Concealed Weapon – Such convictions include evidence of conduct which constitute a danger of disrupting the peaceful community of other tenants and endangering their welfare.

RE-APPLY:	DISAPPROVAL:
5 Yrs.	One (1) conviction within the past five years from the date of application review.
10 Yrs.	Two (2) convictions within the past ten years from the date of application review.



- f. Assault, Battery and/or Bomb Threats; Arson, Damaging Property – Includes evidence of acts of violence or of any other conduct which constitute a danger of disrupting the peaceful occupancy of the community.

RE-APPLY:	DISAPPROVAL:
3 to 10 Yrs.	Can include one (1) to ten (10) conviction from the date of application review. Number of convictions will also be the basis for determining the time period (from the date of last conviction) for reapplying with minimum disapproval being three (3) Years.

- g. Disorderly Conduct – Soliciting; Indecent Exposure; Urinating in Public; Immoral Conduct of Any Type – Includes evidence of acts of violence or of any other conduct, which constitutes a danger of disrupting the peaceful occupancy of the community.

RE-APPLY:	DISAPPROVAL:
3-5 Yrs.	Three (3) convictions within the past three years from the date of application review. Such disapproval will be based upon individual circumstances relating to each conviction and will also be the basis for determining the time period (three or five years from last conviction) for re-applying.

- h. Fraud – Includes all convictions for fraud/bribery or any other corruption regardless of the circumstances:

RE-APPLY:	DISAPPROVAL:
3 Yrs.	One (1) conviction within the past three (3) years. Eligibility to re-apply for housing also includes restitution.

- i. Crimes of Violent Behavior, Murder, Attempted Murder, 2nd Degree Murder, Felonious Assault, Breaking and Entering, Rape, Incest, Child Molestation or Sexual Deviation – Includes any violent criminal activity that includes the use, attempted use, or threatened use of physical force substantial enough to cause or be reasonably likely to cause serious bodily injury or property damage. Includes crimes of violence which would constitute a danger to the community including indecent exposures, sodomy, carnal abuse, impairing the morals of a minor or similar crimes indicating sexual deviation.

RE-APPLY:	DISAPPROVAL:
10 Yrs.	One (1) conviction within the past ten years from the date of application review.
Permanent	Two convictions will constitute permanent disapproval.

- j. Forging – Concealment and Under; Altering Pieces; Shoplifting, Theft and Larceny.  
Includes convictions for one or a combination of the above crimes.

RE-APPLY:	DISAPPROVAL:
3 or 5 Yrs.	Four (4) or more convictions within the past three years from the date of application review.

- k. Other Felonies – Includes convictions for all other types of felonies.

RE-APPLY:	DISAPPROVAL:
3 Yrs.	One conviction within the past three years from the date of application review.
5 Yrs.	Two (2) convictions within the past five years from the date of application review.
10 Yrs.	Three (3) convictions within the past ten years from the date of application review.
Permanent	Four (4) or more felony convictions constitute permanent disapproval.

- l. Other Misdemeanors – Includes convictions for all other types of misdemeanors.

RE-APPLY:	DISAPPROVAL:
3 Yrs.	Two (2) convictions within the past three years from the date of application review.
5 Yrs.	Three (3) convictions within the past five years from the date of application review.
10 Yrs.	Four (4) convictions within the past ten years from the date of application review.

- m. Four (4) or more misdemeanor or felony convictions constitute a history of criminal activity. Such convictions will be the basis for determining the time period upon when the applicant will be eligible to re-apply for admission. Such determination will be made according to individual circumstances surrounding the crimes, the severity of the crimes and the number of repeated convictions. Such time period can range from a period of five, seven, ten, or fifteen years from the date of the applicant’s last conviction. The following time periods have been established as a guide to assist in making such determination.

However, IN NO CASE IS THE TIME PERIOD FOR REPEATED CONVICTIONS TO BE LESS THAN THE TIME PERIOD UNDER THE INDIVIDUAL CONVICTION CATEGORY.

RE-APPLY:	DISAPPROVAL:
5 Yrs.	Four (4) to Eight (8) within the past 5 years from the date of application review.
7 Yrs.	Nine (9) to Eleven (11) within the past 7 years from the date of application review.
10 Yrs.	Twelve (12) to Fourteen (14) within the past 10 years from the date of application review.
15 Yrs.	Fifteen (15) or more within the past 15 years from the date of the application review.

n. Juvenile Felonies

RE-APPLY:	DISAPPROVAL:
5 Yrs.	Three (3) or more felonies within the past two (2) years from date of application review.

An unacceptable juvenile record is one wherein the juvenile has one (1) conviction within the past twelve (12) months for crimes outlined in categories (a) through (d), (h) and (j). Other convictions within the past twelve (12) months that fall within the remaining categories will be determined based upon the severity of the crime as indicated by the categories.

