

# FRISCO HOUSING AUTHORITY CRIMINAL SCREENING POLICY

## A. Purpose

Public and other federally-assisted housing is intended to provide a place to live and raise families--not a place to commit crime, use or sell drugs or terrorize neighbors. It is the intention of the Housing Authority (hereinafter referred to as "agency") to fully endorse and implement a policy which is designed to:

1. Create and maintain a safe and drug-free community;
2. Keep our residents free from threats to their personal and family safety;
3. Support parental efforts to instill values of personal responsibility and hard work
4. Maintain an environment where children can live safely, learn and grow up to be productive citizens; and
5. Assist families in their vocational/educational goals in the pursuit of self-sufficiency.

## B. Administration

1. All screening and eviction procedures shall be administered fairly and in such a way as not to discriminate based on race, color, nationality, religion, age, sex, familial status, disability or other legally-protected groups, and not to violate right to privacy.
2. This policy will be posted on the agency's bulletin board and copies made readily available to residents and/or applicants on request.

## C. Screening of Applicants

1. To prevent future drug-related and other criminal activity as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees, this agency will endeavor to screen applicants as thoroughly and fairly as possible.
2. Such screening will apply to all members of the household who are 18 years of age or older.

3. If information is revealed in the criminal history record that would cause the agency to deny housing to the household, the agency shall provide a copy of the record to the person for whom the record was received.
4. If the person disputes the information, he/she shall be given an opportunity for an informal hearing per the agency's hearing procedure outlined in the Admissions and Occupancy Policy.
5. Evidence of drug-related and/or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall be considered grounds for denial of housing. Drug-related activity is defined as the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance.
6. Reasonable cause (e.g., information from criminal history report, information from former landlords or neighbors) to believe that a person's pattern of alcohol abuse would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall also be considered grounds for denial of housing.
7. In both 6 and 7 above, the agency may waive its policy of prohibiting admission if the person demonstrates to the agency's satisfaction that he/she is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:
  - a. has successfully completed a supervised rehabilitation program;
  - b. has otherwise been rehabilitated successfully; or
  - c. is currently participating in a supervised rehabilitation program.
8. Persons evicted from Public Housing, Indian Housing, Section 23 or any Section 8 Housing Program because of drug-related criminal activity are ineligible for admission to public housing for a three (3) year period beginning on the date of such eviction. This may be waived if:
  - a. person demonstrates successful completion of a rehabilitation program approved by the agency; or
  - b. the circumstances leading to the eviction no longer exist, (e.g., the individual involved in drugs is no longer a household member because of incarceration.)
9. Evidence that a person is subject to a lifetime registration requirement

under a State sex offender registration program shall be grounds for denial of housing.

10. In evaluating evidence of negative past behavior, the agency will consider the seriousness of the activity with respect to how it would affect other residents, and/or the likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.
11. If, at any time during occupancy, the agency has reasonable cause (e.g., newspaper articles, credible informants, police reports) to believe that a household member is engaging in drug-related or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees, the agency may run a subsequent criminal check on that household member.
12. The agency will also order a criminal history on an individual or individuals age 18 years or older who are added to the lease after initial occupancy.
13. Records Management
  - a. All criminal records received will be maintained confidentially, not misused, or improperly disseminated, and the utmost security will be maintained.
  - b. All criminal reports, while needed, will be housed in a locked file with access restricted to individuals responsible for screening and determining eligibility and to the Executive Director.
  - c. Misuse of the above information by any employee will grounds for termination of employment. Legal penalties for misuse are contained in Section 411.085 of the Texas Government Code.
  - d. If the applicant is determined to be eligible, the criminal history report shall be shredded as soon as the applicant is housed. If the applicant is denied housing, the criminal history report shall be shredded immediately upon completion of the hearing or due process procedures and a final decision has been made.
  - e. The agency will document in the applicant's file the circumstances of the criminal report and the date the report was destroyed.

## **D. Enforcement Through Evictions**

1. The provisions of this policy shall also be reflected in the terms and conditions of the lease agreement for all residents of public housing. The agency shall enforce this "one-strike" policy with a "zero-tolerance" position with respect to drug-related and /or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees. Such activity shall be grounds for immediate termination of the lease and eviction.
  - a. Such activity by a household member shall be grounds for eviction, whether committed ON OR OFF THE PREMISES of the agency.
  - b. Such activity by a guest of the household may also be grounds for eviction of the household if such activity occurs ON THE PREMISES of the agency.
  - c. Since eviction is a civil, not criminal matter, a criminal conviction or arrest is not necessary to terminate a lease and evict a household; but, the agency shall be responsible for producing evidence strong enough to warrant eviction.
2. A pattern of alcohol abuse which poses a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall be considered grounds for immediate eviction.
3. According the Due Process Determination of the Department of Housing and Urban Development, the agency's GRIEVANCE PROCEDURE is not applicable for:
  - a. evictions related to any activity, not just criminal activity, which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents; or
  - b. evictions related to any drug-related criminal activity ON OR OFF agency premises, not just "on or near" the premises.

## **E. Tracking and Reporting Crime**

1. A component of good management is the evaluation of the implementation of Policy procedures. The evaluation is based on tracking of crime-related problems in Public Housing Developments, cooperating with local law enforcement officials and local courts, implementing screening processes and resident eviction procedures, and meeting goals under any HUD-funded drug prevention or crime reduction program. The Housing

Authority will review its progress in these areas regularly through the compilation of periodic reports, generated at least semi-annually, with a fiscal year end summary completed and submitted to the Housing Authority Board of Commissioners.

2. The Housing Authority will work cooperatively with State and local police departments. The Housing Authority will request that police: 1) promptly provide the Executive Director with relevant incident report for timely eviction processing; 2) help Housing Authority expedite drug identification in serious cases, and 3) prepare for cases as needed with Housing Authority attorney. Police may also be present at eviction hearings involving criminal activity.
3. The Housing Authority will work cooperatively with local judges. Although the Housing Authority cannot communicate with judges concerning pending court actions, the Housing Authority can communicate with the court system regarding the need for evictions where the evidence shows serious lease violations and the goal of the Housing Authority is to provide drug- and criminal-free housing.