

CRIMINAL SCREENING POLICY (Formerly “One-Strike” 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 PHA (hereinafter referred to as "agency" or “PHA”) 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 on the basis of race, color, nationality, religion, age, sex, familial status, disability or other legally-protected groups, and not to violate right to privacy.
2. To the maximum extent possible, the agency will involve other community and governmental entities, as well as resident organizations, in the promotion and enforcement of this policy.
3. This policy will be posted on the agency's bulletin board and copies made readily available to residents and/or applicants on request.
4. Arrest records alone will not be the basis for denying admission, terminating assistance or evicting tenants.

C. Screening of Applicants

1. In an effort 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. Screening for drug or criminal history, and registered sexual offenders involves accessing online website records through the Texas Department of Public Safety, local law enforcement agencies, as well as, other background database providers such as Public Data, Tenant PI, Happy Software, National Offender Database, etc.
4. 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, upon request, unless dissemination of record is prohibited by law enforcement agency policy.
5. If the person disputes the information, he/she shall be given an opportunity for an informal hearing according to the agency's hearing procedure outlined in the Admissions and Occupancy Policy.
6. 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.
7. 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.
8. 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.
9. 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.)

10. 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.
11. In evaluating evidence of negative past behavior, the agency will give fair consideration to 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.
12. 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.
13. 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.
14. 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 in order 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 PHA 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 agency's Board of Commissioners.
2. The PHA will work cooperatively with State and local police departments. The PHA will request that police: 1) promptly provide the Executive Director with relevant incident report for timely eviction processing; 2) help PHA expedite drug identification in serious cases, and 3) prepare for cases as needed with PHA attorney. Police may also be present at eviction hearings involving criminal activity.
3. The PHA will work cooperatively with local judges. Although the PHA cannot communicate with judges concerning pending court actions, the PHA can communicate with the court system regarding the need for evictions where the evidence shows serious lease violations and the goal of the PHA is to provide drug- and criminal-free housing.

F. Drug Awareness, Detection and Enforcement

It is the responsibility of the PHA to provide, as best as possible, drug-free neighborhoods. This is accomplished through various means.

1. Literature and information is given during move-in and is distributed to current residents to discourage the use of illegal drugs and the abuse of prescription drugs.
2. Police and lease enforcement patrols through the neighborhoods at various times of the day and night unannounced.
3. Make use of information from residents, employees and local citizens concerning the use of drugs in the neighborhoods for investigation and reporting this to proper authorities.
4. Use of certified narcotics detection canines (drug dogs) and their authorized handlers to randomly walk the neighborhoods. If the dog is alerted to an apartment, it is our policy to enter the apartment and conduct a physical search.
5. When physical drugs or paraphernalia are found in an apartment or the verifiable evidence that the resident has been involved in using drug or allowed drugs in the apartment, the household will receive a Notice of Lease Termination.
6. All vehicles on PHA property are subject to be searched.

Upon making application for low-income housing, I have read the above “Criminal Screening Policy, been given the opportunity to ask questions, and I understand it.

Head of Household

Date

Spouse/Other Adult

Date

PHA Representative

Date