

1. Screening Criteria Review Process

Seattle Office of Housing

DRAFT 10-28-13

Review current criminal record screening criteria to determine if changes might be made to decrease barriers for people with a criminal history.

Questions to consider during review

Is a history of this type of criminal conduct likely to have a negative impact on the applicant's ability to meet the obligations of tenancy?

Is a history of this type of criminal conduct likely to lead to (or increase risk of) injury of other tenants, staff or property?

Do the screening criteria meet funder requirements, including HUD regulations if applicable, and fair housing requirements?

Do the screening criteria allow for consideration of rehabilitation or good conduct since the conviction?

Are there other factors (such as agency mission, resident population of the building, neighborhood agreements, on-site property management or services, insurance requirements, or investor expectations) that should be taken into consideration?

Potential screening criteria to consider during review

Consider excluding the following:

- Arrests that did not result in conviction (not including pending charges)
- Convictions that were sealed or vacated
- Convictions that were subject to a certificate of rehabilitation signed by a judge
- Convictions that have been dismissed
- Juvenile adjudications (for adult applicants over age 21)
- Non-conviction data like police reports or charges that did not result in conviction
- Conviction related to domestic violence committed against the applicant (illegal under state law to use domestic violence status against a survivor).

Consider limiting wait times to no more than seven years. Exceptions could include sex offenders, other serious violent crimes, arson or meth manufacture.

Consider excluding or reducing wait times for nonviolent offenses, misdemeanors, or low-level felonies such as traffic offenses, prostitution or drug possession (other than meth).

Allow applicants to provide clarifying information (for example, to distinguish drug possession from manufacture or sale) to demonstrate that they meet criteria.

Remove any absolute bans. Provide opportunity to consider actual conduct resulting in conviction, time since the crime occurred, subsequent rehabilitation or good conduct, and other factors.

Background Information: Summary of HUD mandated denials

The following mandatory screening requirements apply to federally funded housing, including public housing, housing funded with federal capital dollars, and housing with Project-Based Section 8.

Admission is prohibited for:

- Sex offenders subject to lifetime registration
- Production of methamphetamine in federally assisted housing
- Household member evicted from federally assisted housing for drug-related criminal activity in past three years
- Owner determines any household member is currently engaged in illegal use of a drug
- Owner has reasonable cause to believe that a household member's illegal drug use, alcohol use, or pattern of drug/alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents

HUD allows exceptions under fair housing for applicants who have a disability and a related criminal history, other than sex offenders subject to lifetime registration. For example, SHA's Project-Based Section 8 policies provide flexibility to owners "with demonstrated expertise in serving people with mental illness and/or chemical addictions, and the capacity to provide the needed services." The SHA policy does not apply to sex offenders subject to lifetime registration or production of methamphetamine in federally assisted housing.