



**Tacoma
Housing
Authority**

Tacoma Housing Authority Is Considering Changes To Its Criminal Background Screening Policies: We Want Your Advice

June 12, 2020

Tacoma Housing Authority (THA) is considering changes to our current criminal screening policies. We would like your views and advice.

We screen for criminal history as part of our effort to determine if someone would be a good tenant. We do this for people seeking to live in THA properties. We also do it for persons seeking our rental assistance to pay the rent on someone else's housing.

We are considering some changes in our screening rules, for several reasons:

- As a way to predict if someone will be a problem, criminal history has limited value. Data and research suggest we may be screening out good people unnecessarily. Our report on this research is on THA's website here: www.tacomahousing.net/housingforallreport. That research suggests changes may avoid these unnecessary exclusions, while still serving our most important purpose of keeping our housing safe.
- Criminal screening excludes persons of color, particularly black applicants, at a higher rate than others. If these exclusions are unnecessary, they are particularly unjust.
- These exclusions deprive families of the chance to reunite with a father, mother, child, or other relative.
- Data shows that depriving a person of housing will make re-offense more likely. Housing makes re-offense less likely, and makes the community safer.

Below we show:

- our current rules, including those that we cannot change because of HUD rules;
- our proposed changes;
- some other possible changes

We would be grateful to receive your comments or advice. We need them by **08/31/2020**.

Please send them to:

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HUD Prohibits Admission For:

THA must comply with HUD's requirements. These are policies we cannot make more lenient. In some cases, we expanded the exclusion in ways we do not propose to change.

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| Lifetime Ban | Anyone who must register as a lifetime sex offender |
| Lifetime Ban | Anyone who has ever manufactured methamphetamine in federally subsidized housing. <i>NOTE: THA expands this exclusion to deny admission of anyone who made meth anywhere, whether in or out of federally subsidized housing.</i> |
| Required Denial | <p>Anyone evicted from federally subsidized housing because of unlawful drug activity within the previous three years.</p> <p>Anyone who demonstrates a current, or pattern of drug or alcohol abuse that would threaten the health, safety and peaceful enjoyment of the premises by other residents and others in the immediate vicinity. <i>NOTE: THA interprets this to include anyone who is engaged in any such use of illegal drugs during the previous 12 months.</i></p> <p>Under HUD's rules THA can still rent to such persons if they show: (i) that they are currently participating in, (ii) have completed a supervised rehabilitation program; or (iii) successful rehabilitation. A family can also remove the family member if would cause the entire family to be denied housing.</p> |

Of the rules that THA can control, we are considering the following changes:

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| 1. Reduce Criminal History Lookback Period | Lookback period refers to the time THA will review for a disqualifying criminal history to determine whether to rent to a person. The review starts from the date THA is reviewing the application. It will look back to a specified length of time. (see options below). |
| Current | Review for criminal convictions or evictions for drug-related, violent or threatening behavior over the past five years |
| <i>Proposed</i> | For voucher programs only, no longer review for criminal history beyond those required by HUD. The voucher program is designed to have the private landlord chose the tenant. |
| <i>Proposed</i> | For THA's housing, look back 12 months from the date of the application review to the applicant's date of conviction for a felony conviction for violent, drug-related or threatening criminal behavior. An applicant with such a conviction will receive an individualized review before THA decides whether to admit or deny the applicant. |
| <i>Alternative</i> | Require that the 12 month look back period be 12 months without incarceration. |

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| 2. Reduce the Scope of Criminal History Review | |
| A criminal conviction can be classified as a <i>felony</i> or a <i>misdemeanor</i> depending on the seriousness of the offense. A misdemeanor is a less serious offense, which can result in a jail time of up to one year and/or a fine of no greater than \$5,000. A felony is a more serious offense, which can result in significantly longer sentences and/or greater fines. | |
| Current | Review for criminal convictions, felony or misdemeanor , for violent, drug-related, or threatening offenses within the five-year lookback period |
| <i>Proposed</i> | Review for felony convictions for violent, drug-related, or threatening offenses within the one-year lookback period |
| <i>Alternative 1</i> | Review for all felony convictions for violent, drug-related, or threatening offenses within a five-year lookback period |
| <i>Alternative 2</i> | Review for all felony convictions within a five-year lookback period |
| <i>Alternative 3</i> | Review for all felony convictions within a one-year lookback period |
| <i>Alternative 4</i> | Review for all criminal convictions within a five-year lookback period |
| <i>Alternative 5</i> | Review for all criminal convictions within the one-year lookback period |

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| 3. Individualized Reviews | |
| Current | If THA denies an applicant, the applicant may request an informal review using THA's grievance process. |
| <i>Proposed</i> | Before THA decides about an applicant with a disqualifying criminal history, the applicant would meet with THA staff for an individualized review. The review is an opportunity to consider an applicant's individual circumstances and any mitigating circumstances. THA will base the final decision on the information presented and considered during the review. If THA denies the application, the applicant may still request an informal review of the denial through THA's grievance process. THA will withdraw the applicant of an applicant who fails to participate in the individualized review. |

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| 4. Automatic Case Management Referrals | |
| A THA staff member may refer a tenant to THA's Client Support and Empowerment staff. department for case management services. The services may come directly from THA staff or a service partner. | |
| Current | THA staff refers current tenants for services upon request or as needed to address issues relating to the family's ability to comply with program obligations. |
| <i>Proposed</i> | Automatic case management referral for applicants admitted with criminal histories through the individualized review process. Participation in services will be voluntary |
| <i>Alternative</i> | In such cases, or in some cases, require participation in services as a condition of tenancy. |

5. Additions to Participating Families

Waitlist applicants are those THA pulls from the waitlist. Current THA families may request to add a family member to their household. New arrivals are not permitted to reside in the unit without THA's approval. The new arrival not need to go through the wait. But the new arrival and the newly composed family must meet the same eligibility requirements as waitlist list applicants.

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| Current | Screening requirements apply for both types of admissions, those from the waitlist and current tenants seeking to add a family member. |
| <i>Proposed</i> | Adopt the same new screening criteria to both types of new admissions. |
| Alternative | Adopt some more lenient screening criteria for family members who are joining current THA families. |

Anyone denied due to their criminal history (except for HUD lifetime bans) are entitled to request an informal review. The informal review is a chance to meet with THA staff s as appeal of the denial.

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