

## Policy on Screening Applicants with Criminal Records for XXXXXXXXXXXXX

### **Screening Process**

- In an addendum to the application form, the management company will explain its policies and procedures on criminal activity and will inform the applicant of his or her right to request a reasonable accommodation. The addendum will also inform the applicant of his or her opportunity to submit with the application evidence of mitigating circumstances, as well as the protections available under the Violence Against Women Act.
- The management company will conduct a criminal background check on each adult member of an applicant household. An adult means a person 18 or older or a person convicted of a crime as an adult under federal, state, or tribal law.
- If the criminal background report reveals negative information about a household member and the management company proposes to deny admission due to the negative information, the subject of the record (and the applicant, if different) will be provided notice of the proposed adverse action and an opportunity to dispute the accuracy and relevance of the record. The notice will also provide the opportunity for the applicant to request a copy of the criminal record report.
- If the applicant does not contact the management company to dispute the accuracy of the criminal record within 10 days, the management company will send a written notice of ineligibility to the applicant stating the specific reason for denial. If the applicant did not contact the management company within the specified time period due to a disability, the management company may provide a reasonable accommodation extending the dispute period as is reasonable.

### **Admission Process**

- If a member of an applicant household is subject to a State Lifetime Sex Offender registration requirement, the management company:
  - Will deny admission based on the household member's eligibility for or actual inclusion on the list.
- If a member of an applicant household has been convicted of a felony offense involving the manufacture or distribution of a controlled substance, the management company:
  - Will deny admission based on the conviction of any person convicted of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C 802); as permitted by Section 807(b)(4) of the Fair Housing Act.
- If a member of the applicant household has been evicted from federally assisted housing for drug related criminal activity in the past three (3) years, the management company:
  - Will deny admission based on this eviction.
- If a member of the applicant household is currently engaging in illegal use of drugs, the management company :
  - Will deny admission based on evidence of use.
- If a member of an applicant household has been convicted of a violent felony offense involving crimes of physical violence to persons or property or the nature of which would be detrimental to the safety or welfare of other residents or their peaceful occupancy of

the premises, the management company:

- Will deny admission if the conviction, or exit from incarceration, occurred within \_\_\_ years of application; and
- May deny admission if the conviction, or exit from incarceration, occurred more than \_\_\_ years before application.
- If a member of an applicant household has been convicted of a nonviolent felony offense, the management company:
  - May deny admission if the conviction, or exit from incarceration, occurred within \_\_\_ years of application;
  - Will not deny admission if the conviction, or exit from incarceration, occurred more than \_\_\_ years before application.
- If a member of an applicant household has been convicted of a violent misdemeanor, the management company:
  - Will deny admission if the conviction, or exit from incarceration, occurred within \_\_\_ years of application;
  - May deny admission if the conviction, or exit from incarceration, occurred more than \_\_\_ years before application.
- If a member of an applicant household has been convicted of a nonviolent misdemeanor offense, the management company:
  - May deny admission if the conviction, or exit from incarceration, occurred within \_\_\_ years of application; and
  - Will not deny admission if the conviction, or exit from incarceration, occurred more than \_\_\_ years before application.
- The management company will not consider an arrest or charge that was resolved without conviction. In addition, the management company will not consider expunged or sealed convictions. The management cannot deny admission or terminate housing solely on the basis of an arrest, although an arrest may be the basis for further inquiry and a decision can be made on the conduct and other supporting information such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation.
- Where the management company “may deny” admission to a household, the management company will conduct an individualized assessment of the criminal record and its impact on the household’s suitability for admission. This individualized assessment will include consideration of the following factors: (1) the seriousness of the criminal offense; (2) the relationship between the criminal offense and the safety and security of residents, staff, or property; (3) the length of time since the offense, with particular weight being given to significant periods of good behavior; (4) the age of the household member at the time of the offense; (5) the number and nature of any other criminal convictions; (6) evidence of rehabilitation, such as employment, participation in a job training program, education, participation in a drug or alcohol treatment program, or recommendations from a parole or probation officer, employer, teacher, social worker, or community leader; and (7) tenancy supports or other risk mitigation services the applicant will be receiving during tenancy.