

**CHELSEA HOUSING AUTHORITY
CORI POLICY FOR HOUSING APPLICANTS
Adopted May 13, 2020**

This policy is applicable to the criminal history screening of, applicants for the rental or leasing of housing under Federal and State programs.¹

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for, the rental or leasing of housing for all household members ages 17 and older as established under the CHA's Admissions and Continued Occupancy Policy (ACOP) and Housing Choice Voucher – Section 8 Administrative Plan, as applicable, the following practices and procedures will be followed.

I. CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, §. 172, and 760 CMR 5.12(3). All applicants will be notified that a CORI check will be conducted.

A CORI Acknowledgement Form shall be completed for each and every CORI check. If requested, the applicant will be provided with a copy of the CHA's CORI policy.

II. ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". The Chelsea Housing Authority must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

III. CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at The Chelsea Housing Authority will review and will be thoroughly familiar with the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

V. VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received from the DCJIS, the authorized individual will closely

¹ The CHA has a CORI Policy for Employment adopted on May 23, 2012

compare the record provided by DCJIS with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant, to ensure the record is related to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant. The CHA may contact the DCJIS and request a detailed search consistent with its policy.

VI. INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding housing, the applicant shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

VII. DETERMINING SUITABILITY

If the CHA reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in Section V of this policy, and the subject does not dispute the record's accuracy, then the determination of suitability for housing will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to, the following:

- (a) Relevance of the record to CHA's lease compliance requirements;
- (b) The nature of the housing program
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the authority.

The applicant is to be notified of the decision and the basis for it in a timely manner and the applicant's right to appeal the decision.

VIII. ADVERSE DECISIONS BASED ON CORI

If the CHA is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The CHA will consider a person to have an adverse CORI check if the applicant has any of the following:

a. Any open criminal cases pending trial or judgment that if convicted would disqualify them. The applicant may request that the CHA place the application on pending status until the applicant can provide evidence that that case has been resolved in their favor or for a period not to exceed eighteen months.

b. Has been convicted of any criminal activity to include, but not limited to offenses listed in section below, which if repeated by a tenant of public housing or leased housing participant, would interfere with or threaten the rights of other tenants or CHA employees to be secure in their persons or in their property or with the rights of other tenants to the peaceful enjoyment of their units and common areas of the housing location

OFFENSES

Domestic Violence

Crimes Against a Person

Any Violation of the Controlled Substance Acts

Crimes Against Property of a Felonious Nature

Breaking and Entering

Violation of a Protective or Restraining Order

Prostitution and Related Offenses Thereof

Firearm Related Offenses

Disturbing the Peace/Disorderly Conduct

Operating a motor vehicle under the influence

Civil rights violations, or activity in violation of M.G.L. c. 151B sec 4.

Provides any false or misleading information for CORI processing

Sex Crimes

Fraud

Arson

The applicant shall be provided with a copy of the CHA CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The CHA will provide a complete list of all charges that may potentially deem the applicant ineligible for public housing. Advise the applicant of the specific part(s) of the record that make the individual unsuitable for public housing, and give the applicant an opportunity to mitigate or dispute the accuracy and relevance of the CORI record. Should the applicant want to share his/her criminal record with non-CHA personnel, it shall be the applicant's responsibility to provide a copy of his/her criminal record to that individual. The CHA will not be responsible for any information that may be disseminated by non-CHA personnel. Any person deemed unqualified shall have 72 hours from notification by the CHA to file any dispute. Applicants shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

IX. LIFETIME SEX OFFENDER REGISTRATION REQUIREMENT

HUD requires the CHA to carry out background checks to determine if applicants for admission to any federally assisted housing are subject to a lifetime sex offender registration requirement.

In the screening of applicants, the PHA must conduct background checks in those states where the applicant resides and has resided.

CHA POLICY MANDATORY DENIAL OF ASSISTANCE

The CHA must permanently deny assistance to applicants or terminate assistance to current participants if any member of the household is subject to a lifetime registration requirement under a State Sex Offender Registration Program as posted on the Department of Justice Sex Offender NSOW (the Dru Sjodin National Sex Offender Public web-site) or any State Sex Offender internet search engine.

Those persons who are required to register for a period other than a lifetime will be reviewed on an individual basis to determine further eligibility for assistance. The CHA will review a national database covering sex offender registries in all states in lieu of asking for a complete list of states in which the applicants have resided.

The CHA is required to perform these checks so as to determine whether any household member is subject to a lifetime registration requirement under Massachusetts' or other state's (where a household member is known to have resided) sex offender program [24 CFR 982.553(a)(2)(i)].

If the CHA intends to deny assistance based on a criminal record check or on lifetime sex offender registration information, the CHA must notify the household of the intended action and provide the subject of the record and the applicant a copy of the same an opportunity to dispute the accuracy and relevance of the record prior to denial. [24 CFR 5.903(f) and 5.905(d)].

The family will be notified of a decision to deny assistance, in writing, within 10 (ten) business days of the determination. If the CHA intends to issue a denial based upon criminal record or sex offender registration information, then the CHA must conform with applicable screening eligibility requirements. Additionally, the CHA will allow the family 10 (ten) business days to dispute the accuracy and relevancy of such information. If the family fails to notify the CHA of such a dispute during said period, then the CHA will proceed with issuing the denial.

X. SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record *any* dissemination of CORI outside this organization, including dissemination at the request of the subject.

X. CONFIDENTIALITY

All information regarding an applicant's CORI will be kept strictly confidential. The CORI record shall be destroyed immediately upon final action, which shall be deemed to include the approval of the application, rejection of the application and/or the completion of any appeal process (including any administrative or judicial proceedings).