



JANEDOE-THE UNTOLD STORY

ADAMS COUNTY HOUSING AUTHORITY, CO

THE CHALLENGE:

Align Adams County Housing Authority's criminal history screening standards for prospective tenants with the organization's mission of empowering people and strengthening communities.

THE OUTCOME:

A criminal history screening standard was developed that addresses racial and ethnic disparities in the justice system and helps stabilize individuals, families and communities by treating people as unique individuals. This change has helped mitigate pre-existing barriers and create housing opportunities for "hard-to-house" families. Additionally, this work has led to increased organizational morale and operational efficiency.

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SUMMARY

Adams County Housing Authority has embraced HUD's guidance on countering discriminatory effects on potential or current residents and, therefore, modified its criminal history screening policies. By utilizing a case-by-case assessment strategy, ACHA combats overgeneralized criminal screening and promotes "successful reentry to society" by providing access to "safe, secure and affordable housing." The change has resulted in overwhelmingly positive outcomes including a lower eviction rate within the cohort, lower costs, and increased morale amongst Property Operations staff.



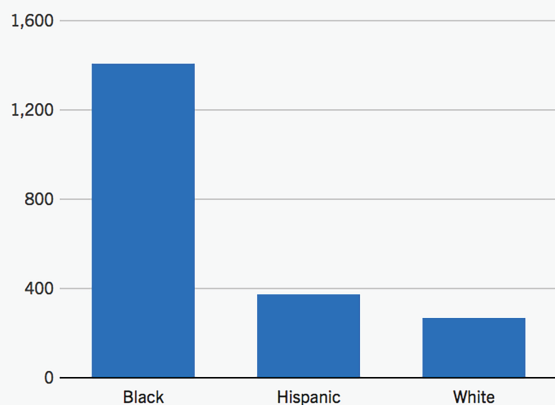
2 ABOUT

As many as 100 million U.S. adults, nearly one-third of the population, have some type of criminal record. The April 4, 2016 HUD guidance, Application of Fair Housing Act Standards to the Use of Criminal Records, addresses how the discriminatory effects and disparate treatment methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action such as refusal to rent or renew a lease based on an individual's criminal history.

"The Fair Housing Act prohibits both intentional housing discrimination and housing practices that have an unjustified discriminatory effect because of race, national origin or other protected characteristics. Because of widespread racial and ethnic disparities in the US criminal justice system, criminal history based restrictions on access to housing are likely disproportionately to burden African Americans and Hispanics. While the Act does not prohibit housing providers from appropriately considering criminal history information when making housing decisions, arbitrary and over broad criminal history related bans are likely to lack a legally sufficient justification."

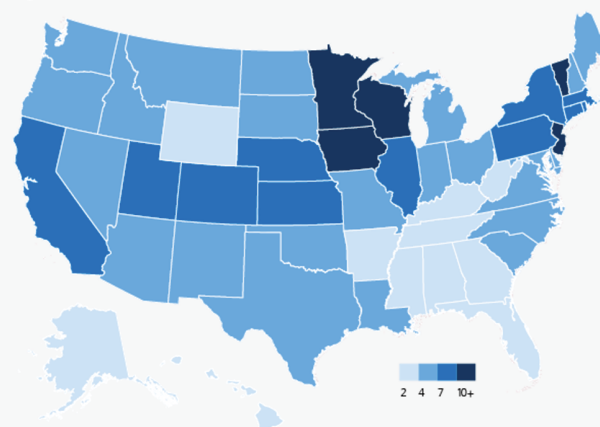
Thus, a discriminatory effect resulting from a policy or practice that denies housing to anyone with a prior arrest or any kind of criminal conviction cannot be justified, and therefore such a practice would violate the Fair Housing Act.

Figure 1. Average rate of incarceration by race and ethnicity, per 100,000 population



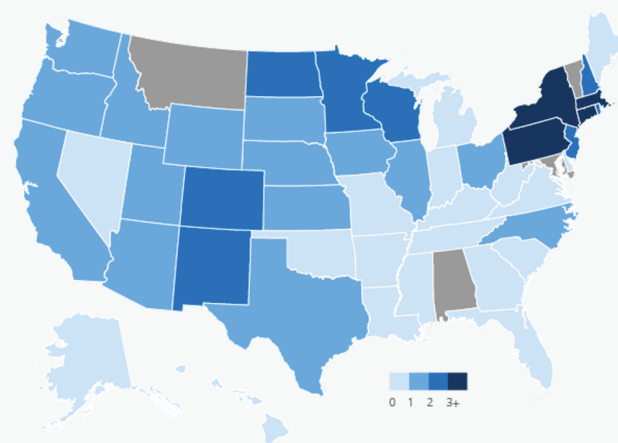
Data source: United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. National Prisoner Statistics, 1978-2014. Bibliographic Citation: ICPSR36281-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2015-10-09; U.S. Census Bureau (2013). 2013 Population Estimates. Annual estimates of resident population by sex, race, and Hispanic origin for the United States, states and counties: April 1, 2010 to July 1, 2013. Washington, DC: U.S. Census Bureau.

Figure 2. Black/white incarceration ratios



Data Sources: United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. National Prisoner Statistics, 1978-2014. Bibliographic Citation: ICPSR36281-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2015-10-09; U.S. Census Bureau (2013). 2013 Population Estimates. Annual estimates of resident population by sex, race, and Hispanic origin for the United States, states and counties: April 1, 2010 to July 1, 2013. Washington, DC: U.S. Census Bureau.

Figure 3. Hispanic/white incarceration ratios



Data Sources: United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. National Prisoner Statistics, 1978-2014. Bibliographic Citation: ICPSR36281-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2015-10-09; U.S. Census Bureau (2013). 2013 Population Estimates. Annual estimates of resident population by sex, race, and Hispanic origin for the United States, states and counties: April 1, 2010 to July 1, 2013. Washington, DC: U.S. Census Bureau. Data were not provided for Alabama, Maryland, Montana, and Vermont.

"The staff made me feel like I was a person and not just a number."

3 CHALLENGES

While modifying criminal history screening standards produces an overwhelmingly positive result, it does pose initial challenges. The organization must be willing to commit to an introspective journey influenced by the culture of the organization. An examination of internal culture and tolerance for addressing conflict is highly recommended. The process should not be approached half-heartedly but with an attitude of total engagement. There is also a need for



political support and organizational champions which can be time consuming and intimidating to secure. Due to the complexity of the issue, there is no perfect process but by using this model results have proved very positive.

The process is best approached in a cross-sectional and cohesive manner, utilizing representation throughout organizational departments. Our process included the voice of property operations, human resources, the housing choice voucher department and representatives of the entirety of the organization to ensure transparency, collaboration, and debate.

Obtaining stable housing is integral to keeping a job, maintaining health, and pursuing educational opportunities. The exclusion of those with a criminal background from stable housing makes recidivism more likely thereby destabilizing families and communities and undermining the goal of rehabilitation. While recidivism rates vary based on the arresting agency, the overall average is two in five offenders (43%) will be rearrested and incarcerated within five years. Six hundred thousand people return home from incarceration each year — many to loved ones living in public and affordable housing.

Because African American and Hispanic populations are convicted at a disproportionately higher rate than their representation in the population, criminal background screenings may act as an unjust barrier to obtaining housing. As a result of this disproportionate representation of protected classes in the criminal justice system, many housing policies that eliminate applicants for consideration based upon a criminal background without a process that allows for an individualized evaluation may create a discriminatory effect.

Upon release, many individuals simply cannot obtain rental housing because of the stigma of a criminal record. The experience of incarceration and its stigmatizing effect erect formidable barriers to accessing safe, affordable housing. The notion that individuals with criminal conviction histories pose a future threat to people or property may seem superficially persuasive, but past criminal history is not predictive of future criminal activity. In fact, sociological research

suggests that criminal history does not provide reliable information about the potential for housing success. Similarly, research shows that stable housing reduces the incidence of future criminal activity.

Incarceration and homelessness are highly interrelated. Difficulty reintegrating into the community increases the risk of homelessness for released prisoners, and homelessness increases the risk for re-incarceration. Housing organizations have the power to either help combat homelessness or perpetuate the recidivism cycle, dependent upon the policy utilized.

The length of time that a housing organization “looks back” in a prospective tenant’s criminal history for each criminal offense plays a key role in an organization’s criminal screening standards. As an example, previously at ACHA, we looked back up to 99 years for certain criminal offenses. Upon review, we realized that this is neither reasonable nor aligned with our mission.

Ultimately, ACHA’s screening standards were modified and updated. ACHA aims to embrace a policy to say “yes” more often than “no”, focusing on reducing systematic barriers that ex-offenders have historically faced.

A roadmap to implementation - Resident Screening Best Practices:

1. Allow applicants the opportunity to explain circumstances surrounding criminal records.
2. Revise criminal history selection criteria considering the following:
 - Exclude use of arrest records
 - When using conviction records, conduct an individualized assessment of the crime by considering the following:
 - The circumstances surrounding the crime
 - The age of the individual at the time the crime was committed
 - Nature of criminal activity (type of crime and impact/risk to community, employees, etc.)
 - Length of time since criminal activity occurred
 - The pattern and number of criminal activities
 - Evidence of positive tenant history since the crime



- Evidence of rehabilitation effort
- Whether the crime committed poses a risk to resident safety or property

3. Eliminate the use of public websites providing arrest records for criminal search and scale existing screening services to include convictions.

4. Add reasonable time frames to criminal qualifying criteria.

5. Postpone accessing criminal history report until after the credit report, identity authentication, income and rental qualifications have been met.

6. Customize decision recommendations to include language suggesting when individualized assessment might be warranted.

7. Order county courthouse or state source manual criminal searches (docket details) to uncover additional information for review of circumstances surrounding the criminal event.

8. Revise adverse action letters to include the specific "reasons" for denial versus just stating "information from a consumer report."

9. Research/compile local and regional statistics identifying minority populations and percentage of crimes by race and national origin within property footprint.

10. Identify and train or hire individuals qualified to perform your organization's individualized assessments when necessary.

"I did not attempt to apply to any other properties due to my probation and financial situation out of fear of being denied; my fines are now paid off and my finances have opened up allowing me to pay full-rent on my own."



HOW ACHA tackled the challenge

ACHA's process began with establishing a cross-departmental project team to evaluate its current resident screening practices to determine if the standards, process, and criminal history review were aligned with the population the organization serves and Fair Housing Laws. A particular focus was evaluating the possibility of providing housing to more of the community including various program participants. Other property management companies' policies were also reviewed. Upon completion of the review, the team was tasked with presenting recommendations to ACHA's leadership.

It was determined by the team that a modification to the then current standards was necessary. Recommendations for revising ACHA's resident screening policy ensured that property management practices are non-discriminatory and efficient.

Policy Changes:

- ACHA successfully adopted HUD's guidance and aligned its policy with its mission statement.
- Arrest records without conviction are excluded which acts to further individualize the process and filter out irrelevant incidents.
- Revised time frames for criminal convictions for both felonies and misdemeanors.
- Evaluation of all applicants with flagged criminal convictions on an individual basis prior to any official denial or approval determinations.
- Established a three-member review panel to review and engage flagged applicants to ensure the validity of the process, maintain guidelines, and apply the policy consistently.
- If the review panel is not unanimous, then the case proceeds to a second panel for further review.



- New rental application verbiage was created — “Felony and/or misdemeanor convictions are reviewed individually based on the severity of the conviction to determine eligibility. ACHA has tailored our Criminal Screening Policy to ensure our substantial, legitimate, nondiscriminatory interest and to take into consideration such factors as the type of the crime and the length of the time since conviction. ACHA does not review or consider criminal charges as part of resident screening.”

“This has given me hope; I was not aware that I would get a chance to tell my story until I received a call from ACHA to set up a time to come in and meet. This appeal process has given me the opportunity to prove that I have changed my life, and I will now have the stability I need for my children.”

5 RESULTS

After the change in policy, ACHA achieved a four to ten-day appeal turnaround time dependent upon the applicant’s situation. In regards to cost, ACHA assigned three exempt employees to conduct the panel reviews. Outside of the opportunity cost associated with other duties not engaged, the cost associated has been negligible as the volume of applicants referred to the panel has been sustainable at the current level staffed. In the event an hourly associate is needed in the process, the estimated time is just over an hour.

Previously, three out of five applicants would be denied due to their criminal history, with the burden placed on the applicant to engage the appeal process. The new policy automatically triggers referral to the screening panel for applicants with a flagged criminal history thus ensuring that all applicants that are willing to engage are given the opportunity to do so with a client centered and focused approach. What we’ve found is that, more prospective tenants are being told “yes” and flagged applicants have decreased by up to 50%. Additionally, less applicants are losing money due to paying application fees and being denied.

Q1- Q3 FY17 Snapshot:

41 Total Panel Reviews Conducted:

- 90% approval rate (5 denials)
- 2 no-show, no-call
- 2 due to violent crime with a nexus to housing
- 1.2 hours average time spent per applicant

*Under previous policy all 41 would have been denied with the right to appeal.

Out of the 36 Approved Applicants:

- 3 Total Evictions (8%)
- Versus Total Portfolio evictions (14%)
- 1 due to violation of Crime Free Addendum (2%)
 - Versus 8.1% total portfolio evictions for violations of Crime Free Addendum
- 2 due to non-payment of rent
- All other members of this cohort are in good standing.

“The change was good, some people are truly rehabilitated and it’s great to have a second chance in life. The best part is- second chances give people the desire to keep moving forward in a positive way. When people aren’t given a second chance they go back to the life they knew.”

6 Conclusion

Here at ACHA we are committed to empowering people and strengthening communities. We believe that strong communities take root at home and is realized when all of our citizens are afforded the opportunity to live in a safe, healthy, and affordable home. With such a staggering percentage of Americans impacted by the criminal justice system it became clear to us that affordable housing must be the foundation by which we collectively rehabilitate our communities. “Housing first” teaches us this in a very straight forward, empathetic manner.

This journey that we have taken as an organization has been one of self-reflection, cross-functional participation, and vigorous



debate. This process is a highly emotional one — fraught with concerns regarding risk, obligation, and organizational culture. As such, any organization that embraces this challenge will find themselves implementing a solution that is specific to their organization, customized to each organization's culture and organizational climate.

Our screening standards have become a point of great organizational pride but it took time... implementation was bumpy. The review panel felt uncomfortable reviewing the first client files: fear of the unknown remained and “What if's” attempted to derail our commitment to progress, but trust and a dedication to our mission carried the day. Then the breakthrough came, after a few clients began sharing their stories, their personal journeys began to illuminate the power and impact this policy change was making. The review panel saw first-hand the situations that had driven these clients to make the decisions that had created their criminal histories and what they have been doing since that time to address it. This vantage point into our clients' lives allowed us to better understand and ultimately meet them in a place of opportunity.

For the clients that choose to participate in ACHA's screening standard policy, accountability and opportunity are intertwined. Clients are required to participate, share and engage. Once they become residents at an ACHA community they are held to the same standards as any lease holder and as we have seen the majority are thriving. What our policy has proven is that there exists a new area of opportunity that housing organizations can inhabit that says, “yes” more than “no” and that the inherent risk is far less than our fears may lead us to believe.