



**SACRAMENTO
HOUSING AND REDEVELOPMENT
AGENCY**



Agency Rpt
33

September 21, 1987

Housing Authority of the
City of Sacramento
Sacramento, California

CITY MANAGER'S OFFICE
RECEIVED
SEP 23 1987

Honorable Members in Session:

SUBJECT: Criminal Background Checks for Housing Applicants

SUMMARY

As part of its tenant screening process the Housing Authority is mandated by Federal regulations (CFR Title 24, Section 960.205) to consider criminal history as a selective factor. However, sufficient authorization under local law does not exist for the Housing Authority to gather this information on all applicants. The Housing Authority needs to pass a resolution to obtain and use this information to screen its applicants for Authority owned housing and to review certain present tenants who may have falsified an earlier application. This would also provide the ability to check criminal backgrounds for applicants for employment in certain sensitive positions.

BACKGROUND

The Housing Authority of the City of Sacramento has adopted a policy statement that applicants for Authority owned housing with a "history of serious criminal activity involving crimes of physical violence to person or property, or other criminal acts which would adversely affect the health, safety or welfare of the other tenants" will be determined ineligible. However, there is a requirement that such activity be documented before such a determination is made.

In practice it is very difficult to get this information since law enforcement agencies are limited by legal restrictions on what information they can release and to whom. We have attempted to get this information for all applicants in the past without success and are again renewing our efforts.

The policy of the Housing Authority is consistent with Federal Housing Law and Regulations as well as sound administrative practice. We have had a number of serious crime incidents over the past several years many of which could have been avoided with a criminal background screening.

All Districts
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A sampling of crime incidents perpetrated by tenants (as opposed to "outsiders") in our Elderly developments follows:

- 1982 Fire bombing of tenant cars by another tenant.
- 1984 Burglaries by residences by another tenant.
 Exchange of gunfire between tenant and "Guests".
 Assault by tenant on other residents.
 Arson incident performed by a tenant.
- 1985 Murder by tenant (a parolee) of a guest.
 Large quantity of stolen property found in evicted
 tenants apartment.
 Two tenants had knife fight in hallway.
- 1987 Naked male tenant threw furniture and assaulted
 other tenants in community room.
- 1986 A drug addict died of an overdose.

The Housing Authority does ask applicants to list on the eligibility form if they have been convicted of a crime (other than minor traffic offenses or juvenile crime). A number of people have listed such information and on this basis have been determined ineligible. Some of these requested hearings and were reinstated as eligible if their offenses were not serious or recent.

There are also present occupants of Authority-owned housing who falsified their original application by failing to disclose previous criminal history. If reasonable suspicion of ongoing criminal activity such as drug dealing emerged, a background check on these tenants could be made and if certain criminal activity were discovered the lease would be terminated. This would assist in removing criminal activity from Housing Authority property.

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In order to implement the checking of applicant criminal histories through police files and the State Department of Justice, a resolution needs to be passed by the Housing Authority authorizing access to such information by the Housing Authority. The Housing Authority would use such information for the following purposes:

1. Verification of statements made by the applicant on his or her criminal background on the eligibility certification form for Authority-Owned housing.
2. Checking on the present or past criminal status of tenants that would cause a threat to the health, welfare or safety of other tenants.
3. Background checks for employees of the Housing Authority who handle or approve expenditure of funds, have potential access to residences of our tenants and other clients or who work in child care.

Limitations on the use of this information would be:

1. That it be used for Authority-Owned Housing only.
2. That only criminal convictions would be used.
3. That only serious crimes adversely affecting the health, welfare and safety of other residents or the maintenance of property would be disqualifying. The specific crimes are identified in a new Appendix IV to be added to Policies Governing Admission and Continued Occupancy amended by the attached resolution.
4. Only authorized Authority staff would have access to this information.
5. Any applicant disagreeing with the determination of ineligibility would have the opportunity to appeal the factual nature of the alledged criminal convictions or show convincing evidence of rehabilitation. Such hearings would be conducted by a hearing officers with specialized knowledge of criminal activity and the Penal Code.

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FINANCIAL DATA

There would be a net positive financial impact on the Housing Authority through avoidance of subsequent evictions by prior screening. A number of tenants, whom we later learn have criminal records prior to being housed are evicted every month for offenses ranging from non-payment of rent, destruction of property, to blatant criminal acts. These evictions are expensive in terms of lost rental revenue, damages, administrative time, legal costs, and sometimes the victimization of neighboring residents.

Some additional staff time will be required to gather and process criminal background data. However, additional staff is not anticipated to be required although eligibility processing time will be slowed down somewhat (estimated at one week). There will also be additional costs to hire an outside hearing officer utilized to conduct hearings on appeals of ineligibility determinations. However this would be handled on a case-by-case basis and would not involve a major expenditure.

ENVIRONMENTAL REVIEW

Environmental review is not required for actions requested in the staff report.

POLICY IMPLICATIONS

The actions proposed in this staff report are consistent with previously approved policy and there are no policy changes being recommended. However, the ability to obtain criminal background information will greatly assist in implementing present policy.

VOTE AND RECOMMENDATION OF COMMISSION

At its regular meeting of September 21, 1987 the Sacramento Housing and Redevelopment Commission adopted a motion recommending approval of the attached resolution. The votes were as follows:

AYES: Glud, Moose, Pettit, Sanchez, Sheldon, Simon, Simpson,
Wiggins, Wooley, Yew, Amundson

NOES: None

ABSENT: None

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RECOMMENDATION

The staff recommends the adoption of the attached Housing Authority Resolutions requesting City Council to authorize release of Criminal history information and amending the Housing Admission Policies.

Respectfully Submitted,

William H. Edgar
WILLIAM H. EDGAR
Executive Director

TRANSMITTAL TO COUNCIL:

Walter J. Slipe
for. WALTER J. SLIPE
City Manager

Contact Person: John E. Bridges

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RESOLUTION NO. 87-082⁰²¹

ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO

ON DATE OF

September 29, 1987

APPROVED
BY THE CITY COUNCIL

SEP 29 1987

CITY CLERK

AUTHORIZING ACCESS TO CRIMINAL HISTORY INFORMATION

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties, and districts to access state and local summary criminal history information for employment, licensing, or certification purposes, and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require the City Council, Board of Supervisors, or governing body of a city, county, or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO:

Section 1: The Director of Housing, Assistant Director of Housing and Personnel Director of the Housing Authority of the City of Sacramento are hereby authorized to access summary criminal history information for employment and certification purposes.

Section 2: The Housing Authority of the City of Sacramento shall not consider a person who has been convicted of a felony or a misdemeanor involving moral turpitude eligible for employment or certification; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment or certification in question.

CHAIR

ATTEST:

SECRETARY

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RESOLUTION NO. 87-~~008~~

ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO
ON DATE OF

September 29, 1987

APPROVED
BY THE CITY COUNCIL

SEP 29 1987

CITY CLERK

RESOLUTION AMENDING STATEMENT OF POLICIES
GOVERNING ADMISSION TO AND CONTINUED OCCUPANCY
OF THE LOW RENT HOUSING PROGRAMS OWNED AND
OPERATED BY THE HOUSING AUTHORITY OF THE
CITY OF SACRAMENTO

BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF
SACRAMENTO:

Section 1: Section I.D.2 and Section I.D of the
Statement of Policies Governing Admission and Continued Occupancy
of the Low Rent Housing Programs of the Housing Authority of the
City of Sacramento ("Statement of Policies") is hereby amended as
follows:

- a) Section I. Selection of Residents
D. Ineligible Applicants
"2. Conviction of serious criminal activity
involving crimes of physical violence to persons or
property or; or other criminal acts which would
adversely affect the health, safety or welfare of
the other tenants as specified in the attached
Appendix V".
- b) Appendix V is added to the above policies, attached
to this resolution as Exhibit I.
- c. D. Each applicant determined to be ineligible shall
be notified of such determination in writing and the
reason for ineligibility and a record of such
determination maintained at the Central Tenant
Selection Office of the Authority for a period of at
least five years. Each notice shall also indicate

their right to a hearing.

Any family declared ineligible shall only be entitled to a hearing if they submit a request in writing within ten working days from the date of the notification of ineligibility. The hearing shall be conducted before the Hearing Officer designated by this Authority and the determination shall be binding. For applicants denied eligibility on the basis of a history of criminal conduct, said Hearing Officer selected will have a knowledge of criminal activity and the Penal Code.

CHAIR

ATTEST:

SECRETARY

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