

## **ADDENDUM I**

### **CRIMINAL RECORDS VERIFICATION**

The RHA is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission or to terminate current residents in public housing or voucher program(s.) This authority assists the RHA in complying with HUD requirements and RHA policies to deny or terminate applicants or resident who are engaging in or have engaged in certain criminal activities. All applicants and household members will be screened for criminal history. In order to gain access to these records, the RHA will require all household members age 18 and older to sign a criminal background release form and submit fingerprints if necessary to gather information necessary information to determine eligibility.

The RHA may not pass along to the applicant or participant the cost of criminal records check Per HUD 24 CFR 5.903.

The RHA is also required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state or federal sex offender program in the United States.

Applicants and residents must complete an authorization to release criminal information for the Rochester Police Department and FBI. When an applicant and/or resident completes the signs the authorization form, the applicant and/or resident certifies the information contained within the form is true under penalty of Forgery (NH RSA 638:1) and Unsworn Falsification (NH RSA 641:3). Applicants will be denied admission to housing if they fail to provide truthful information on the application and are subject to further prosecution as listed above under NH Law.

A history of any of the following by any household member is cause for denial or termination of an applicant and or current program participant and managed property residents as follows:

A. Lifetime denial with any conviction or adjudication other than acquittal of:

1. First-degree murder.
2. Sex offences, including but not limited to forcible rape, child molestation, and aggravated sexual battery.
3. Arson and /or crimes involving explosives.
4. Any applicant (or member of applicant's household) who has been convicted of the manufacture of methamphetamine on the premises of federally assisted housing is prohibited from admission to the RHA's public housing program.

B. Within 10 years from the date of criminal record processing, any conviction or adjudication other than acquittal of:

Any felony that involved bodily harm against a person or property,  
including but not exclusive of:

1. Homicide (other than first-degree murder).
2. Manslaughter.
3. Armed robbery.
4. First, second degree assault and domestic violence assault.
5. Buying, receiving, or possession of stolen property.
6. Burglary or theft.
7. Auto theft.
8. Embezzlement.
9. Sales or manufacture of controlled substance; and/or
10. Any crime of violence that may establish that the applicant constitutes a direct threat to the health and safety of other individuals.
11. Weapons offenses.

C. Within 5 years from the date of criminal record processing, any conviction or adjudication other than acquittal of:

1. A crime involving the illegal use of a controlled substance other than sales.
2. Illegal gambling.
3. Prostitution.
4. Commercialized vice.
5. Stalking.
6. Forgery.

D. Within 3 years from the date of criminal record processing; any conviction or adjudication other than acquittal of:

1. Any other felony not included above.

2. Any Misdemeanor A or B conviction or adjudication other than acquittal.

E. Police or court records within the past ten years will be used to check for any evidence of disturbance of neighbors or destruction of property that may have resulted in an arrest.

If at the time of application or admission the applicant has a pending charge not resolved in the courts, the application will be placed on hold. Once the pending charge(s) are resolved, the applicant must provide the RHA with information from the court as to the outcome of the charge(s). The RHA will then review and make a determination as to the applicant's eligibility.

The RHA will not admit an applicant into housing until three years post-conviction, or if sentenced, until three years post completion of sentence, or if released on probation, until probation ends and the applicant is released from all court ordered restrictions and mandated programs.

F. Screening for Suitability as a Tenant HUD 24 CFR 960.203 (c)

The RHA will deny admission to applicants or terminate assistance to current participants whose habits and practices may be reasonably expected to have a detrimental effect on the operations of the development or neighborhood or on the quality of life for its residents, based on the following provisions:

1. Respecting the rights of other residents to the peaceful enjoyment of their housing.
2. Criminal activity on the part of any family member that is a threat to the health safety or property of others.
3. Behavior of all household members as related to the grounds for denial as detailed in A through E above.
4. Compliance with any other essential conditions of tenancy.

G. Criteria for Deciding to Deny Admission or Terminate Assistance

1. Evidence

The RHA will use the concept of preponderance of evidence as the standard for making all admission decisions. Preponderance of evidence defined as which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

2. Consideration of Circumstances HUD 24 CFR 960.203 (c) (3) and (d)

- a. The RHA will consider all relevant circumstances when deciding whether to deny admission or termination of assistance based on a family's past history except in the situations for which denial of admission is mandated. (See Sections A. through D.)
- b. In the event the RHA receives unfavorable information up to ten years prior to application with respect to an applicant or applicant's family member or current participant, consideration will be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent to the RHA policies, the RHA may give consideration to factors which might indicate a reasonable probability of favorable future conduct.
- c. The RHA will consider the following factors prior to making its decision:
  1. The seriousness of the case with respect to how it would affect other tenants.
  2. The extent of participation or culpability of individual household members, including whether the culpable family member is a minor or person with disabilities.
  3. The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future.
  4. Evidence of the family's participation in or willingness to participate in social service or other appropriate counseling services.
  5. In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program. The RHA will require evidence to support the current rehabilitation effort or evidence that supports completion of having been successfully rehabilitated
3. Removal of a Family Members Name from the Application HUD CFR 960.203 (c) (3) (i)
  - a. As a condition of receiving assistance, a family may agree to remove a culpable family member's name from the application or household. In such instances, the head of household must certify that the family member will not be permitted to visit or stay as a guest in the public housing unit.
  - b. Prior to admission to the program or current participation in any RHA program or managed property, the family must present evidence of the former family members current address and proof of residency, for example, copy of lease or rent receipts.
4. Continued Occupancy
  - a. All applicants, who become residents are subject to continued monitoring of their behavior as it pertains to local, state and federal laws, as well as HUD and RHA rules and regulations
  - b. All applicants upon reaching the top of any wait list are subject to a criminal background check. The applicant is required to sign a release for a criminal background check that includes a

clause enabling the RHA to continue to use this document in perpetuity for the purpose of monitoring residents who may be under the suspicion of criminal behavior

H. Current participation of any RHA program or managed property; any conviction or adjudication other than acquittal of:

Any felony that involved bodily harm against a person or property,  
including but not exclusive of:

1. Homicide (other than first-degree murder).
2. Manslaughter.
3. Armed robbery.
4. Aggravated assault.
5. Buying, receiving, or possession of stolen property.
6. Burglary or theft.
7. Auto theft.
8. Embezzlement.
9. Sales or manufacture of controlled substance; and/or
10. Any crime of violence that may establish that the applicant constitutes a direct threat to the health and safety of other individuals.
11. Weapons offenses.

I. Current participation of any RHA program or managed property; any conviction or adjudication other than acquittal of:

1. A crime involving the illegal use of a controlled substance other than sales.
2. Illegal gambling.
3. Prostitution.
4. Commercialized vice.
5. Stalking.

6. Forgery.

J. Current participation of any RHA program or managed property; any conviction or adjudication other than acquittal of:

1. Any other felony not included above.

2. Any Misdemeanor A crime of violence that may establish that the applicant or participant constitutes a direct threat to the health and safety of other individual.