

CRIMINAL BACKGROUND SCREENING AND RECORDS POLICY

Knox County Housing Authority
216 W. Simmons St.
Galesburg, IL 61401
(309) 342-8129

Article I. Purpose/Scope of the Policy

Section 1.01 The Knox County Housing Authority will determine an applicant's/tenant's suitability for tenancy and potential for risk at the time of initial screening. All applicants/tenants will be screened in accordance with HUD regulations and established management practices. Screening will include a criminal background to determine if the family meets the KCHA's standards for admission. The KCHA will review an applicant's/tenant's criminal background from as far back as reasonably necessary for certain crimes, and determine each family's ability to comply with the essential obligations of tenancy and the provisions of the lease.

Section 1.02 During criminal screening, the KCHA requires applicants/tenants to demonstrate their ability to comply with the essential obligations of tenancy and the provisions of the lease, which include: (24 CFR § 960.202 – 205)

- (a) To not interfere with the rights and peaceful enjoyment of others.
- (b) To avoid damaging the property of others.
- (c) To not engage in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, staff, or people in the immediate vicinity.
- (d) To not engage in drug-related criminal activity.
- (e) To comply with the program requirements of HUD and the KCHA.

Article II. Acquisition of Criminal Background Records

Section 2.01 All household members, age 18 and over, must sign all consent forms that authorize the KCHA to make necessary inquiries into the applicant's/tenant's behavior or background as it relates to lease compliance, including obtaining arrest and conviction information in order to determine a pattern of behavior and the likelihood of lease compliance. These forms include the HUD Form 9886 and the KCHA Authorization and Consent Release Form. Failure to sign said consent forms will result in denial of the application/termination of lease.

Section 2.02 All adult applicant/tenant information will be submitted to the Galesburg Police Department for pre-screening.

- (a) The assigned Housing Officer (or designate) will complete the pre-screen of each applicant/tenant.
 - (i) If the pre-screen does not disclose that a member of the household has a criminal record deemed unsuitable for residency in public housing or participation in the Housing Choice Voucher program:
 - 1) The application process may continue unabated.
 - 2) The signed "pre-screen" form will be placed in the applicant file.

- (ii) If the pre-screen discloses that a member of the household has a criminal record deemed unsuitable for residency in public housing or participation in the Housing Choice Voucher program:
 - 1) A criminal background check will be conducted
 - 2) The application process will stop until results from the criminal records search have been obtained and reviewed.
 - 3) Criminal records may be obtained through the following methods:
 - a) Applicants/tenants backgrounds may be referenced through Online Rental Exchange against a national database for arrests, convictions, and sex offender registries.
 - b) Applicants/tenants may be required to provide fingerprint samples to be analyzed and matched through local, state, and national databases for arrests and convictions.
 - 4) The KCHA will then receive a detailed report on the applicant's/tenant's criminal background - arrests, convictions, sex offender status, etc.
 - 5) If review of the report reveals negative information about a household member, the KCHA will deny admission/propose termination of tenancy.

Section 2.03 All applicable cost associated with collecting the applicant's/tenant's fingerprints and any subsequent report for the purpose of screening will be the responsibility of the Knox County Housing Authority. The KCHA may pass along the cost of obtaining fingerprints/reports if the applicant/tenant requests a report for purposes other than screening (review of banned status, for example).

Section 2.04 Failure to meet the requirements of the background check will result in the rejection of the applicant/termination of tenancy.

Article III. Maintenance

Section 3.01 General Maintenance Provisions.

- (a) The Knox County Housing Authority will keep all criminal records that are received confidential.
- (b) These records will be used only to screen applicants/tenants for housing or to pursue evictions, and will be kept until deemed no longer necessary to complete the applicable process.
- (c) If the criminal background check returns zero results, KCHA staff will print an acknowledgment page to be placed in the applicant's/tenant's file to demonstrate the check has been completed.
- (d) The records will not be disclosed to any person or other entity except for official use in the application process.

Section 3.02 Tenant Requests for reports/information will be considered on a case by case basis.

- 1) Each applicant/tenant may request one (1) copy of their report results. Applicants/tenants wishing to obtain a copy of their individual report will be required to submit a written request for such, at the time of submitting fingerprints.

- (b) Requested copies of reports will be logged and maintained at the Central Office Cost Center. Applicants/Tenants may pick their reports up there, or request the report be mailed to them at the address provided on their application.
- (c) Applicants/tenants wishing to dispute the results of the report must do so with the reporting agency.

Section 3.03 Criminal records or records of drug treatment or registered sex offender status will be kept in a file separate from other application or eviction information. Only specified employees with direct involvement in the application/review process shall have access to the records.

Article IV. Disposition

Section 4.01 If the record is to be used in making a determination on admission/continued occupancy, the fingerprint report will be maintained in a separate file.

Section 4.02 The records shall be destroyed once action is taken on the application for housing and any grievance hearing or court proceeding has been completed and the action is finalized.