



Centerville Housing
CITY OF CENTERVILLE

CRIMINAL SCREENING POLICY
(ZERO TOLERANCE)

Purpose

Public and other federally-assisted housing is intended to provide a place to live and raise families not a place to commit crime, use or sell drugs, or terrorize neighbors. It is the intention of the Housing Authority (hereinafter referred to as "Housing Authority") to fully endorse and implement a policy which is designed to:

- Create and maintain a safe and drug-free community;
- Keep our residents free from threats to their personal and family safety;
- Support parental efforts to instill values of personal responsibility and hard work;
- Maintain an environment where children can live safely, learn and grow up to be productive citizens; and
- Assist families in their vocational/educational goals in the pursuit of self-sufficiency.

Administration

1. All screening and eviction procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, age, sex, familial status, disability, or other legally-protected groups and not to violate right to privacy.
2. To the maximum extent possible, the agency will involve other community and governmental entities, as well as resident organizations, in the promotion and enforcement of this policy.
3. This policy will be posted on the agency's bulletin board and copies made readily available to residents and/or applicants on request.

Screening of Applicants

1. In an effort to prevent future drug-related and other criminal activity as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or Housing Authority employees, this Housing Authority will endeavor to screen applicants as thoroughly and fairly as possible.
2. Such screening will apply to all members of the household who are **18 years** of age or older.
3. Pursuant to the Housing Opportunity Program Extension Act of 1996 a criminal history report will be obtained from the Texas Department of Public Safety (DPS) according to the following procedure.
 - a. For all applicable household members, the agency will submit to at least one of the following agencies: DPS, Public Data.com, Housing Authority or Tenant Tracker here after referred to as the screening agent (SA), name, sex, race, date of birth and social security number.
 - b. Based on the identifiers submitted, the SA agency will provide the HA with any criminal history conviction record information and outstanding warrants that are found on SA computerized Criminal History database.
 - c. SA will also search the National Crime Information Center (NCIC) for criminal information outside of Texas. If a record exists the SA will notify the HA that such information was found, but will not provide the HA with a copy of the information.

- d. If the person disputes or contests the criminal history report received by the SA, the HA may at any time determine that a fingerprint check is necessary.
 - e. If no case, the applicant will be charged for the cost of criminal history checks.
4. If information is revealed in the criminal history record that would cause the agency to deny housing to the household, the agency shall provide a copy of the record to the person for whom the record was received.
 5. If the person disputes the information, he/she shall be given an opportunity for an informal hearing according to the agency's hearing procedure outlined in the Admissions and Occupancy Policy.
 6. Evidence of drug-related and/or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees shall be considered grounds for denial of housing. Drug-related activity is defined as the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.
 7. Reasonable cause (e.g., information from criminal history report, information from former landlords or neighbors) to believe that a person's pattern of alcohol abuse would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or Housing Authority employees shall also be considered grounds for denial of housing.
 8. In both 6 and 7 above, the agency may waive its policy of prohibiting admission if the person demonstrates to the Housing Authority's satisfaction that he/she is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:
 - a. has successfully completed a supervised rehabilitation program;
 - b. has otherwise been rehabilitated successfully; or
 - c. is currently participating in a supervised rehabilitation program.
 9. Persons evicted from Public Housing, Indian Housing, Section 23 or any Section 8 Housing Program because of drug-related criminal activity are ineligible for admission to public housing for a three (3) year period beginning on the date of such eviction. This may be waived if:
 - a. person demonstrates successful completion of a rehabilitation program approved by the agency; or
 - b. the circumstances leading to the eviction no longer exist, (e.g., the individual involved in drugs is no longer a household member because of incarceration).
 10. In evaluating evidence of negative past behavior, the Housing Authority will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or the likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.
 11. If, at any time during occupancy, the Housing Authority has reasonable cause (e.g., newspaper articles, credible informants, police reports) to believe that a household member is engaging in drug-related or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or agency employees, the agency may run a subsequent criminal check on that household member.
 12. The Housing Authority will also order a criminal history on an individual or individuals age 18 years or older who are added to the lease after initial occupancy.

Records Management

1. All criminal records received will be maintained confidentially, not misused, or improperly disseminated, and the utmost security will be maintained.
2. All criminal reports, while needed, will be housed in a locked file with access restricted to individuals responsible for screening and determining eligibility and to the Executive Director.
3. Misuse of the above information by any employee will be grounds for termination of employment. Legal penalties for misuse are contained in Sec. 411.085 of the Texas Government Code.
4. If the applicant is determined to be eligible, the criminal history report shall be shredded as soon as the applicant is housed. If the applicant is denied housing, the criminal history report shall be shredded immediately upon completion of the hearing or due process procedures and a final decision has been made.
5. The Housing Authority will document in the applicant's file the circumstances to the criminal report and the date the report was destroyed.

Enforcement through Evictions

1. The provisions of this policy shall also be reflected in the terms and conditions of the lease agreement for all residents of public housing. The Housing Authority shall enforce this "one-strike" policy with a "zero-tolerance" position with respect to drug-related and/or other criminal activity which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents or Housing Authority employees. Such activity shall be grounds for immediate termination of the lease and eviction.
 - a. Such activity by a household member shall be grounds for eviction, whether committed ON OR OFF THE PREMISES of the HA.
 - b. Such activity by a guest of the household may also be grounds for eviction of the household if such activity occurs ON THE PREMISES of the Housing Authority.
 - c. Since eviction is a civil, not criminal matter, a criminal conviction or arrest is not necessary in order to terminate a lease and evict a household; but, the Housing Authority shall be responsible for producing evidence strong enough to warrant eviction.

Drug Awareness, Detection and Enforcement

It is the responsibility of the Housing Authority to provide, as best as possible, drug-free Neighborhoods. This is accomplished through various means.

1. Literature and information is given during move-in and is distributed to current residents to discourage the use of illegal drugs.
2. Police and lease enforcement patrol through the neighborhoods at various times of the day and night unannounced.
3. Make use of information from residents, employees and local citizens concerning the use of drugs in the neighborhoods for investigation and reporting this to proper authorities.
4. Use of police drug detection canines (drug dogs) and their authorized handlers to randomly walk the neighborhoods. If the dog is alerted to an apartment, it is our policy to enter the apartment and conduct a physical search.
5. When physical drugs or paraphernalia are found in an apartment or the verifiable evidence that the resident has been involved in using drugs or allowed drugs in the apartment, that household will receive a lease termination.



Centerville Housing Authority

CITY OF CENTERVILLE
130 E. Main, PO BOX 249
Centerville, Texas 75833
Phone 903-536-2378 Fax 903-536-5003

CRIMINAL CHECK ACKNOWLEDGMENT

I/We, the undersigned, have been notified and do understand that the Centerville Housing Authority, as part of the applicant screening process for assisted housing, is authorized by the Housing Opportunity Program Extension Act of 1996 to order a criminal history report on all applicant's and members of household who are 18 years of age and older from the Leon County Sheriff's Department and the Texas Department of Public Safety.

I/We, hereby certify that the Centerville Housing Authority has reviewed with me/us and I/we understand the Authority's Criminal Screening Policy – (Zero Tolerance).

Applicant's Signature

Date

Applicant's Signature

Date

Applicant's Signature

Date

PHA Representative

Date



Centerville Housing Authority

CITY OF CENTERVILLE

130 E. Main - P.O. Box 249

Centerville, Texas 75833

Phone (903) 536-2378 Fax (903) 536-5003

Leon County Sheriff's Department

Hwy 7

P.O. Box 278

Centerville, Texas 75833

The person signing below is applying for admission to the Centerville Housing Authority. As part of our screening process, we are requesting that they furnish the Housing Authority with a copy of their **complete criminal history**.

We would appreciate a computer print-out if available. Also, if there is no record, please so state.

Sincerely,
Tara Pittman
Executive Director

I hereby authorize the Leon County Sheriff's Department to release to the managers of the Centerville Housing Authority any and all records of my criminal history.

Applicant's Printed Name

Applicant's TDL #

Other Names Applicant has used (Please Print)

Signature of Applicant

Date

RECORD ATTACHED: YES _____ NO _____

If record - Indicate history _____

Signature of Officer or Clerk

Date