

The City of Franklin Housing Authority
Criminal Screening Policy
(One Strike And You're Out)

A. Purpose

Public and other federally assisted housing is intended to provide a place to live and safely raise a family. Criminal activity is known to prevent the achievement of this intended goal. Any criminal activity or other patterns of behavior that poses a threat to the health, safety or right to peaceful enjoyment of the premises, of Franklin Housing Authority by resident or Authority employees, will not be tolerated.

B. Screening of Applicants

In order to achieve our Purpose, Franklin Housing Authority will check the background history of all applicants. The Association will not discriminate on the basis of race, color, nationality, religion, age, sex, familial-status, disability or other legally protected groups, nor violate right to privacy.

1. Such screen will apply to all members of the household who are:

- a. eighteen (18) years of age or older.
- b. eighteen (18) years or older added to the lease after initial occupancy
- c. giving the agency cause to believe they are engaged in drug-related or other criminal activity through reasonable witness (eg., police report, camera surveillance, witness by two or more Authority staff members).

2. Pursuant to the Housing Opportunity Program Extension Act to 1996, a criminal history report will be obtained from the Texas Department of Public Safety (DPS), using 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 hereafter referred to as the screening agent (SA). DPS will use the applicant's name, sex, race, date of birth and social security number.
- b. Based on the identifiers submitted, DPS will provide the agency with any criminal history conviction record information and outstanding warrants that are found on the DPS Computerized Criminal History Database and the Texas Crime Information Center.

- c. DPS will also search the National Crime Information Center (NCIC) for criminal information outside of Texas. If a record exists, DPS will notify the agency that such information was found, but will not provide the agency with a copy of the information.
 - d. If the applicant disputes the criminal history report received by the SA, Franklin Housing Association may at this time determine if a fingerprint check is necessary.
 - e. In no case will the applicant be charged for the cost of a criminal background history check.
3. If information is revealed in the criminal history report that could cause denial of housing, a copy of the report will be given to the applicant in question.
 4. If the person disputes the information, he/she may request a hearing with the Housing Authority's Commissioners.

NOTE: In evaluating evidence of negative past behavior, the 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.

C. Denial of Housing

The following Criminal Report results will result in denial of housing:

1. Evidence that a person is subject to a lifetime registration requirement under a State Sex Offender Registration Program.
2. Evidence of alcohol abuse, drug related and/or other criminal activity that could pose a threat to the health, safety and peaceful enjoyment of the premises by the residents and Authority staff. Drug Related Activity is defined as the illegal manufacture, sell, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

NOTE: In event #2, the Authority may waive its policy of denial of housing if the person demonstrates to the Authorities' satisfaction that he/she is no longer engaged in illegal use of a controlled substance or abuse of alcohol:

- a. by considering the time lap between the report and application;
- b. if the applicant has successfully completed a supervised rehabilitation program;

c. if the applicant is currently participating in a supervised rehabilitation program.

3. Evidence of monies owed to other Housing Authorities and refusal to establish a Back Rent Agreement.

D. "One Strike And You're Out"

The Franklin Housing Authority recognizes that the "One Strike and You're Out" policy for public housing residents, as referenced in HUD Notices PIH 96-16 and PIH 96-27 mandates the development and enforcement of stricter screening and eviction as part of the anti-drug and anti-crime initiatives. A "Zero-Tolerance" position will be taken in respect to drug related and/or other criminal activity threatening the health, safety or peaceful enjoyment of the premises the residents or Authority staff. The basic philosophy of the "One Strike...You're Out" policy is - DRUG RELATED OR VIOLENT CRIMINAL ACTIVITY WILL NOT BE TOLERATED ON OR OFF ANY FRANKLIN HOUSING AUTHORITY PROPERTY.

E. Grounds for Eviction

If at any time during occupancy, Franklin Housing Authority has reasonable cause to believe that a resident or guest is involved in drug-related or other criminal activity that threatens the health and safety of the residents and Authority staff, the following actions will be taken.

1. If a resident takes part in such activity, that action may result in grounds for eviction whether committed ON OR OFF THE PREMISES of the agency.
2. If a guest of the household takes part in such activity, grounds for eviction of the Household may result, if such activity occurs ON THE PREMISES of the Housing Authority.
3. If drug paraphernalia or items used in the use or sell of drugs are found in a tenants housing, this action could lead to eviction.
3. A pattern of alcohol abuse that poses a threat to the health, safety or peaceful enjoyment of the premises by the residents or Authority staff will be considered grounds for immediate eviction.

NOTE: 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 agency shall be responsible for producing evidence strong enough to warrant eviction.

F. Grievance Procedure

According to the Due Process Determination of the Department of Housing and Urban Development, the Authority’s Grievance Procedure is not applicable for:

- a. Evictions related to any activity, not just criminal activity, which would pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents; or
- b. evictions related to any drug-related criminal activity ON OR OFF FRANKLIN HOUSING AUTHORITY premises, not just “on or Near” the premises.

G. Eviction Period

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, (eg., the individual involved in drugs is no longer a household member because of incarceration.)

H. Resident Involvement

Residents are encouraged to report immediately to the police any illegal activity that they are aware of and to notify the Authority. Resident awareness and prompt reporting to the police of any concerns will help fight drugs at the site and help maintain security.

ACKNOWLEDGEMENT:

I acknowledge the above “One Strike and You’re Out” Policy was explained to me prior to my occupancy/ at the implementation of the policy.

Tenant Signature

Tenant Signature

Tenant Signature

Tenant Signature