

## APPLICANT SCREENING ON THE BASIS OF CRIMINAL RECORDS

Consistent with CORI reform in Massachusetts, to the extent criminal offender record information will be accessed to screen applicants for housing, such access will be utilized for rental or lease of housing only and will generally be limited to: felony convictions for 10 years following the disposition thereof, including termination of any period of incarceration or custody; misdemeanor convictions for 5 years following the disposition thereof, including termination of any period of incarceration or custody; and pending criminal charges as provided under M.G.L. c. 6, § 172 as amended, and implementing regulations at 803 CMR 2.00 et seq. Such limitations will not apply to convictions for murder, voluntary manslaughter, involuntary manslaughter, and sex offenses as defined in M.G.L. c. 6 § 178C that are punishable by a term of incarceration in state prison. Entities that are required to obtain a CORI for the housing or portion of such housing by a statutory or regulatory provision may be eligible to obtain additional CORI information for the housing, or portion of such housing, pursuant to M.G.L. c. 6, § 172 as amended, and implementing regulations at 803 CMR 2.00 et seq.

Where criminal record checks are part of a general background screening of applicants for housing, the following practices and procedures will generally be followed.

- I. All applicants for housing will be notified that a criminal record check will be conducted. If requested, they will be provided with a copy of this applicant screening policy.
- II. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review records of criminal activity in the decision-making process must be thoroughly familiar with criminal records and this applicant screening policy.

III. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on criminal record checks will be made consistent with this policy. Records of criminal activity not resulting in a conviction (i.e., records of arrests, arraignments, dismissals, etc.) are not reliable evidence of criminal activity and, without more, shall not form the basis of a denial of housing. Records of criminal activity gleaned from newspaper articles or internet searches are not inherently reliable and should not be the sole basis for a denial of housing. Records of convictions obtained from a state agency responsible for maintaining and disseminating criminal records are the most reliable, preferred source of information concerning records of criminal activity. In Massachusetts, those agencies are the Department of Criminal Justice Information Services (“DCJIS”) (formerly the Criminal History Systems Board) and the Sex Offender Registry Board.

IV. If a record of criminal activity is revealed through a background check, the Billerica Housing Authority’s Executive Director will closely compare the record provided by the background check with the identifying information provided by the applicant, to ensure that the record relates to the applicant.

V. If the Billerica Housing Authority is inclined to make an adverse decision based on the results of the background check concerning criminal records, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and this applicant screening policy, advised of the part(s) of the record that make the individual unsuitable for housing, and given an opportunity to dispute the accuracy and relevance of the criminal record. If the applicant denies that the record is accurate or that he is the person to whom it pertains, then the Billerica Housing Authority shall allow the applicant a reasonable amount of time to seek to have the record corrected.

VI. If the Billerica Housing Authority reasonably believes the record belongs to the applicant and that it is accurate, then the determination of suitability for housing will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

- a) Relevance of the crime to the housing sought;
- b) The nature of the housing for which the applicant is applying;
- c) Time since the conviction;
- d) Age of the applicant at the time of the offense;
- e) Seriousness and specific circumstances of the offense;

- f) Whether the applicant has pending charges;
- g) Whether the applicant is still on probation or parole;
- h) Any relevant evidence of rehabilitation or lack thereof;
- i) Any other relevant information, including information submitted by the applicant or requested by the Billerica Housing Authority.

VII. The Billerica Housing Authority will notify the applicant of the decision and the basis of the decision in a timely manner.

**Voted:** January 5, 2017

**Effective:** January 5, 2017