

CRIMINAL RECORDS AND ACTIVITY POLICY

It is the policy of the Greenburgh Housing Authority (“GHA”) to make every effort to provide a safe, secure, and sanitary living environment for all tenants of the public housing authority. In doing so, the GHA abides by the following policy:

Definitions:

- “Drug related criminal activity” includes the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance.
- “Immediate vicinity” means within a three-block radius and/or within ¼ mile of the premises, whichever area is larger.
- “Premises” is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.
- “Prohibited Criminal Activity” includes “drug related criminal activity”, weapons, rape, sexual offenses, or burglary and Misdemeanor

Advertisements, Applications and Interviews: (Waiting List, Pre-Application Process)

The GHA will not use advertisements or applications that state or imply that anyone with a criminal record will not be considered for the rental or lease of a property. The GHA will not inquire about a potential resident’s criminal record on the application or in the initial interviews. It may, however, share this policy with applicants and inform them that a background check for certain criminal activities may be considered as part of the application process.

Individualized Determinations:

The GHA recognizes that an individual’s criminal conviction record does not necessarily mean that the individual will pose a threat to the health or safety of current residents. Accordingly, the GHA will evaluate each applicant on an individual basis, and consider various factors in determining whether or not to accept an applicant, including but not limited to, evidence of rehabilitation, the length of time since the conviction, and the nature of the conviction.

Procedures for Applicants:

1. The GHA shall screen out and deny admission to any applicant where:
 - a. The applicant has a recent history of criminal activity involving crimes of physical violence to persons or property and other criminal acts, including drug-related activity, that would adversely affect the health, safety, or right to peaceful

enjoyment of the premises by other residents, GHA employees, or persons residing in the immediate vicinity of the premises.

- b. The applicant was evicted from assisted housing within the last three years for drug related criminal activity. The GHA can waive this requirement if: 1) the person demonstrates successful completion of a rehabilitation program approved by the GHA; or 2) the circumstances leading to the eviction no longer exist. For example, the individual involved in drug related criminal activity is no longer in the household because the person is incarcerated.
 - c. Any household member is currently engaging in illegal drug use;
 - d. The GHA has reasonable cause to believe a household member's use or pattern of use of an illegal drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - e. The GHA has reasonable cause to believe a household member is abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
2. The GHA shall consider all applicants, including those with criminal records, for inclusion in all housing facilities.
 3. The GHA shall perform background checks on all applicants in a uniform manner with a reputable background check organization.
 4. The GHA will consider conviction histories, but will not consider arrests or other unproven allegations, in considering the suitability of a potential resident.
 5. When evaluating an individual's criminal record, the GHA will consider these factors:
 - a. Whether the applicant's offense bears a relationship to the safety and security of other residents;
 - b. The level of violence, if any, of the offense for which the applicant was convicted;
 - c. Length of time since the conviction;
 - d. The number of convictions that appear on the applicant's criminal history;
 - e. If the applicant is now in recovery for an addiction, whether the applicant was under the influence of alcohol or illegal drugs at the time of the offense; and
 - f. Any rehabilitation efforts that the applicant has undertaken since the time of conviction. The GHA will consider the following as evidence of rehabilitation: (1) gainful employment; (2) enrollment in drug or alcohol treatment programs; (3) participation in mental health counseling; (4) participation in anger management programs; (5) enrollment in education and/or job training; (6) demonstrated financial accountability; (7) involvement of family, friends or community groups in support network; (8) age at the time of conviction; (9) other mitigating factors

offered voluntarily, such as such as explanation of the precedent coercive conditions, intimate physical or emotional abuse, or untreated substance abuse or mental illness that contributed to the conviction.

Procedures for Residents:

1. The GHA will terminate the tenancy of any person who it determines has or is engaging in any drug related criminal activities.
2. The GHA will terminate a tenancy and evict a household where the GHA determines the tenant, member of the household, or guest engaged in any prohibited criminal activity that interferes with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
3. The GHA determines that the tenant's abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents, employees, or persons residing in the immediate vicinity of the premises.
4. All criminal activity is cause for eviction even in the absence of conviction or arrest. In the event of an arrest, the GHA will not rely on that arrest as evidence of criminal activity, nor will it terminate a tenancy based on that arrest. The GHA, however, will consider conviction records in deciding whether to terminate a tenancy.
5. The GHA will consider these factors before terminating a lease on the basis of criminal activity:
 - a. The seriousness of the offending action, especially with respect to how it would affect other residents;
 - b. The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking;
 - c. The effects that the eviction will have on other family members who were not involved in the action or failure to act;
 - d. The effect of the community of the termination, or of the GHA's failure to terminate the tenancy;
 - e. The effect of the GHA's decision on the integrity of the public housing program;
 - f. The demand for housing by eligible families who will adhere to lease responsibilities;
 - g. The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action; and

- h. The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future.
- 6. Once removed from the lease based on the Criminal Records Policy, the offending individual (resident and non-resident) will be subject to the terms of the Bar-Out Policy.