

3-III.D. SCREENING

Screening for Eligibility

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists COC in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records COC must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

COC Policy

COC will perform a criminal background check for every adult household member age 18 and older at the time of admission to the HCV Program, including families porting into our jurisdiction. COC will also perform a criminal background check when the family makes a request to add an adult family member to the household at any time during their participation in the program.

COC may perform a criminal background check for every adult household member age 18 and older once every five years at annual recertification. Additionally, COC will perform criminal background checks on participants if COC has knowledge or reason to believe the a member of the household has engaged in criminal activity.

If the results of the criminal background check indicate that there may be past criminal activity, but the results are inconclusive, COC will request a fingerprint card and will request information from the National Crime Information center (NCIC).

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

COC Policy

COC will use the National Sex Offender database to screen applicants for admission.

Additionally, PHAs must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

If COC proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, COC must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903(f) and 5.905(d)].

Screening for Suitability as a Tenant [24 CFR 982.307]

COC has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. COC has the authority to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

COC Policy

COC will not conduct additional screening to determine an applicant family's suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. COC must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

HUD requires COC to provide prospective owners with the family's current and prior address (as shown in PHA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits COC to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.

COC may not disclose to the owner any confidential information provided to COC by the family in response to a PHA request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(a)(4)].

COC Policy

COC will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the initial HQS inspection or before. COC will not provide any additional information to the owner, such as tenancy history or criminal history, etc