



PHA GUIDE TO MODIFYING TENANT SCREENING AND ELIGIBILITY POLICIES AND PROCEDURES

Background

Public Housing Agency (PHA) policies and procedures regarding tenant screening can be a significant obstacle for many people experiencing or at risk of homelessness, and particularly for people with disabilities who experience homelessness.

Many restrictive policies are set at the local level, are not required by Federal law or regulations, and can be changed through local processes. Some PHAs have modified their tenant screening criteria and procedures in an effort to reduce barriers to housing access for people experiencing homelessness, particularly for people who have had contact with the criminal justice system as a result of problems with mental illness or substance use.

Removing Barriers

Incarceration and homelessness are highly interrelated, as difficulties in reintegrating into the community increase the risk of homelessness for released prisoners, and homelessness increases the risk for re-incarceration. Sometimes people come in contact with the criminal justice system because of behaviors related to the symptoms of untreated mental illness or other disabling conditions.

However, contrary to common assumptions, a person's criminal background [does not predict whether that person will succeed or fail at staying housed](#). HUD has provided encouragement to PHAs, including this [letter the Secretary of HUD sent to all PHA Executive Directors](#), to review their policies related to criminal history and consider more flexible, reasonable admissions policies that balance safety concerns with the importance of providing individuals a second chance at improving their lives and becoming productive citizens.

For most PHAs, the standard approach to tenant screening is to deny housing assistance to applicants with an outstanding debt owed to the PHA or with records of prior arrests or convictions. Some PHAs use additional screening procedures and criteria, such as credit history or landlord references, and this can create barriers to housing access for persons experiencing homelessness.

Many PHAs are taking steps to modify policies and procedures in order to reduce or remove these barriers. Federal law gives substantial flexibility to PHAs and housing providers to adopt local policies regarding criminal backgrounds and other screening criteria.

Some PHAs and providers of other federally subsidized housing have adopted policies that are more restrictive than the requirements of Federal law, creating significant obstacles to housing for many people who experience chronic homelessness. While some PHAs have very restrictive policies, others have modified their policies and procedures in an effort to reduce barriers for people who have spent time in jails and prisons.

Consider Individual Factors

PHAs should consider individual factors, when making admissions decisions based on unfavorable information about an applicant. For example, in public housing or the Housing Choice Voucher program, in determining whether to deny admission because of the action of a family member that would normally screen a household out of the program, the PHA may consider all relevant circumstances.

These circumstances can include the time, nature, and seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial on other family members who were not involved in the action. Consideration may be given to factors that might indicate a reasonable probability of favorable future conduct, including evidence of rehabilitation and the applicant's willingness to participate in social services.

For example, some PHAs may initially deny applications for housing for all households with criminal backgrounds, but have appeal procedures that allow for a case-by-case review of circumstances, including evidence of rehabilitation.

A PHA may partner with an organization that serves people with mental illness or people experiencing homelessness, to create a non-adversarial process for considering whether a person's disability contributed to the problems. This would be a reasonable accommodation for persons with disabilities who might otherwise be screened out of housing assistance because of a prior eviction or contact with the criminal justice system,

Through taking this information into consideration, a housing application can be approved, particularly if services and supports are available to help the person succeed as a tenant. This is another approach through which PHAs and supportive service providers may work together to make it possible to use vouchers for people experiencing homelessness.

In some communities there are [problem-solving courts](#), such as Mental Health Courts, Homeless Courts, or Veterans Courts, that provide opportunities for people experiencing homelessness to clear outstanding warrants or resolve criminal charges that could be barriers to eligibility for housing assistance.

Some people experiencing homelessness have debts they owe to the PHA that would be an obstacle to eligibility for housing assistance. PHAs and their community partners may use flexible funding to pay off these debts and remove this barrier. For example, the Salt Lake City Housing Authority used Homelessness Prevention and Rapid Re-Housing Program funds to help families re-pay past debts to PHAs so that they could obtain rental assistance.

Where Can PHAs Do This?

All PHAs can consider making modifications to tenant screening and eligibility policies and procedures to remove barriers to housing assistance for individuals and families experiencing or most at risk of homelessness.

Who Can PHAs Assist?

Modifications of tenant screening and eligibility policies and procedures can have a large impact on removing barriers to assistance for Veterans and persons who are experiencing chronic homelessness, who have mental illness or other disabilities, including co-occurring substance use problems, and/or who have been involved with the criminal justice system.

This strategy will also reduce barriers to housing for families who are experiencing homelessness, particularly if the household includes or is seeking to reunify with a family member who has been incarcerated.

However, it is important to note that when a PHA modifies tenant screening criteria for its public housing or Housing Choice Vouchers program, it modifies screening criteria for all applicants to public housing or the Housing Choice Voucher program. Therefore, if a PHA is not comfortable or willing to revise its general screening criteria, the PHA is strongly encouraged to consider mitigating circumstances.

Additional Resources

- In June 2013, HUD issued [HUD PIH Notice 2013-15: Guidance on housing individuals and families experiencing homelessness through the Public Housing and Housing Choice Voucher programs](#). In this notice HUD notes that a PHA wishing to serve more people experiencing homelessness may consider reviewing their discretionary admission policies to determine if any changes can be made to remove barriers. The notice also provides information about how PHAs can consider relevant circumstances and other individual factors as part of the admissions process.
- In June 2011, the Secretary of HUD sent a [letter to all PHA executive directors](#), describing the laws and policies regarding screening potential tenants based on criminal activity. While the focus of this letter was primarily on ex-offenders seeking to reunify with family members living in public housing or receiving voucher assistance, the encouragement to offer a second chance to allow ex-offenders a place to live may provide a helpful signal to

PHAs regarding more-flexible policies that reduce barriers for people experiencing homelessness.

- The **Federal Interagency Reentry Council** also published a [“Myth Buster” fact sheet](#) clarifying Federal policies regarding eligibility for housing assistance for people who have been convicted of a crime.
- The **Legal Action Center** has published [Safe at Home: A Reference Guide for Public Housing Officials on the Federal Housing Laws Regarding Admission and Eviction Standards for People with Criminal Records](#).

Examples

- The **Housing Authority of the City of Los Angeles (HACLA)** modified its tenant screening policies in collaboration with advocacy organizations working to end homelessness. By making changes to local policies that were more restrictive than those required by federal law, HACLA has been able to significantly reduce barriers to using Housing Choice Vouchers for people experiencing chronic homelessness, and those who may have had contact with the criminal justice system because of behaviors related to the symptoms of mental illness or other disabilities.

Through the Section 8 Administrative Plan process, HACLA sharply reduced the number of years for denial of admission due to criminal convictions, permitted treatment options for drug and alcohol related convictions, and eliminated some kinds of criminal activity from the list of denial reasons altogether for homeless applicants. When HUD PIH-Notice 2013-15 made clear that homeless admission criteria may not differ from the standards for other applicants, HACLA amended its Administrative Plan to reduce the admission barriers for all applicants.

HACLA also created a “Moving On” preference by including an admission preference in the Housing Choice Voucher program for formerly homeless Shelter Plus Care residents who have stabilized their lives in that program and no longer require the supportive housing environment in order to maintain their housing. Transfer to the voucher program enables people who previously experienced homelessness to exercise tenant mobility and move on with their lives, and this frees up their supportive housing unit for a new person experiencing chronic homelessness who needs it.

Examples (continued)

- The **Housing Authority of the City of Dallas**, Texas revised the PHA's tenant screening standards to conform to the federal requirements. This revision eliminated some standards that had created barriers to using PHA programs to assist people experiencing homelessness. The Housing Authority's Executive Director participates as a member of the board that governs the Continuum of Care for Metro Dallas, and the decision was informed and motivated by her involvement in the region's collaborative efforts to end homelessness.
- The **Seattle Housing Authority** (SHA) changed its tenant screening criteria in an effort to reduce barriers to housing for people experiencing homelessness. Before making the change, SHA had required a variable waiting period after an applicant has been released from incarceration. This waiting period ranged from two years to 20 years, depending upon the type of offense. Instead SHA adopted a uniform time of 12 months following release from incarceration. A [profile is included in the CSH PHA toolkit](#), including the resolution adopted by SHA's Board of Commissioners, the background memo for the Board of Commissioners explaining the rationale for the proposed policy change, and the changes SHA made to its [Administrative Plan](#).