

Toolkit for Navigating the Criminal Background Screening Policy of the Housing Authority of New Orleans

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For Questions or Legal Assistance, contact Alexis Erkert at Southeast Louisiana Legal Services (SLLS): aerkert@slls.org; (504) 529-1000 ext. 245.

FREQUENTLY ASKED QUESTIONS

What is the HANO Criminal Background policy?

The policy says that nobody with a criminal record is automatically barred from receiving housing assistance unless they are on the lifetime sex offender registry or have been convicted of producing methamphetamines.

You should not be denied housing on the basis of your criminal record without being given a chance to submit further evidence about yourself.

Does this policy apply to me?

The Housing Authority of New Orleans (HANO) Criminal Background Screening Policy applies to you if you are applying for subsidized housing or the Section 8 Program, or if you want to join a family member's lease or voucher.

This policy only applies to the Section 8 Program and to subsidized properties in Orleans Parish that are controlled by the Housing Authority of New Orleans. It does not apply to all privately-controlled subsidized housing properties.¹

How do I get on a family member's lease or Section 8 Voucher?

If you wish to join a family member's lease or Section 8 voucher, the Head of Household needs to make this request to their landlord or caseworker. It is recommended that they make the request in writing and keep a copy.

I have a criminal record... What happens next?

All people applying to move into subsidized housing, the Section 8 Program, or wishing to join an existing lease, will be subject to a criminal record check.

If your conviction or release was recent or serious enough (see **Appendix I** for screening criteria grid),² you will be asked to meet with a Review Panel. This is called "further review." You will first be given the opportunity to submit evidence of rehabilitation, employment, and good character.

How will I know if my application is scheduled for further review?

If your application requires further review by the Review Panel, the Applicant (either you, or the Head of the Household if you are trying to join a lease) will be informed and provided with reasons.

¹ The policy applies to Fisher and Guste Homes. River Gardens and Bienville Basin also say that they are following the policy. Harmony Oaks, Marrero Commons, Columbia Parc and the Estates say that they are not contractually obligated to follow this policy, but will consider applications on a case-by-case basis.

² You can also be referred to the Review Panel if there are general grounds to believe that you present a significant level of risk to the housing community.

The Applicant should be provided with:

- A copy of your criminal record³;
- Your hearing date (you should be given at least 30 days notice); and
- The dates for submitting information to support your case.

You have a right to bring information or people to the Further Review to help your case. You also have a right to be legally represented. Your information will be kept confidential.

Do I have to attend the further review hearing in person?

No. You can either appear in person, or submit a signed statement and other documents for consideration. It is recommended that you attend in person.

What can I do to prepare for my review hearing?

1. Provide evidence of the facts and circumstancing surrounding your crime/s

The Review Panel will consider:

- Time since your most recent conviction;
- Time since your release from prison/jail, if applicable;
- The number of convictions;
- The nature of your convictions; and
- Your risk assessment scores (LARNA).

You should provide as much information as possible, which shows that your criminal offense was less serious than it would seem.

This can include:

- Your age at the time of the crime, if you were/are young;
- The length of time that has passed since the crime, if the crime was not recent;
- What led to the crime, especially if it involved abuse, coercion and/or a disability (see **Appendix II** for sample letter provided by a doctor explaining the link between the person's crime and their disability); and
- What exactly took place on the day of the crime, especially if you played a smaller role in the crime.

You can provide an official document, e.g. a court judgment or transcript. Or, you can write a letter setting out the relevant details of the offense, and any mitigating factors (see **Appendix III** for a sample letter from a person with a criminal record).

2. Provide evidence of good tenant history

Evidence that you have previously been a good tenant, either before or after your offense, will help your case. The best way to show that you have been a good tenant

³ You have a right to dispute your criminal record if you think it is incorrect. Seek Legal Assistance from Southeast Louisiana Legal Services.

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in the past is to provide a letter from a previous landlord, explaining that you paid rent on time, complied with your rental agreement, and were a good tenant. You can also provide letters from previous neighbors if they are willing to say that you were a good neighbor (see **Appendix III** for a sample letter from a landlord).

3. Provide evidence of rehabilitation

The Review Panel will want to see evidence of your rehabilitation, particularly if you have a history of drug and/or alcohol abuse. You should provide evidence of any treatment that you have completed or are undergoing (e.g., drug or alcohol treatment, batterers' intervention, sex offender treatment, anger management treatment or cognitive behavioral therapy).

This evidence can include:

- Award of certificates of completion; or
- A letter from somebody in the program who can speak to your progress, motivation, and compliance with program requirements, such as clean drug tests (See **Appendix IV** for a sample letter from a counselor).

You should also ask your probation or parole officer to write a letter describing your progress and your compliance with the requirements of your community supervision.

4. Provide evidence of community ties/support

The Review Panel will consider whether you have community supports, and whether you offer support to others. The Panel will also consider who is in your household, including if you are responsible for looking after children or older relatives.

You should provide:

- Letters of support from family members, friend or people who know you well;
- Proof of any dependents that rely on you for support;
- A letter from any religious or community organization you belong to (e.g. church or social club) detailing your value to the community, and any positive changes they have observed in you;
- A letter from a program coordinator of any community organizations you volunteer with explaining your time commitment to helping your community (e.g. a non-profit, hospital, school, or retirement home); and
- Proof of your children's successes, such as report cards or awards, or letters from their teachers or coaches describing your role in your children's lives.

5. Provide evidence of any education or training programs

Provide as much information about any education or training programs you have undertaken since being released.

This can include:

- A certificate, degree or transcript from a GED or Hi-SET program, community college, a job-training program, a university, or other educational institution;
or

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- A letter from an educator explaining your promise, your motivation, and commitment to bettering yourself (See **Appendix V** for sample letter).

6. Provide evidence of employment history

You should also provide the Review Panel with as much information about your employment history, any current employment, and your future job prospects.

Evidence you can provide to the Review Panel includes:

- Current pay slips or employment contract;
- A resume outlining your previous jobs;
- A letter from an employer describing the nature and quality of your work and your value as an employee (see **Appendix VI** for a sample letter); and
- A letter from a co-worker describing how great it is to work with you.

What happens at the Further Review hearing?

The Review Panel has three members, one of whom is formerly incarcerated.

At the Further Review, the Review Panel will review your situation, including any information you have provided them. If you attend in person, remember that you can bring witnesses to support your case. Those witnesses can be friends, family members, probation officers, community leaders or employers.

The members will look at all the information before them and then vote to decide whether to grant or deny your application. The Panel will make a decision on the day of the Further Review, unless they are missing an important piece of information. You will receive their decision in writing within five business days of the hearing, and you will be given reasons for the Review Panel's decision.

Can I appeal a decision by the Review Panel?

Yes. You have a right to appeal all decisions made by the Review Panel. However, you only have **seven** business days to request an appeal hearing. Your decision letter will include a form to fill out and submit requesting a hearing.

If you wish to have legal assistance with your appeal, you may contact Southeast Louisiana Legal Services (SLLS). Walk-in days for housing cases are Monday, Wednesday, and Friday 8:30am-4:00pm:

Southeast Louisiana Legal Services
1340 Poydras Suite, Suite 600
New Orleans, LA 70112

Lease Additions: Your right to have your application reviewed

If a family member's request to add you to an existing lease was denied because of your criminal conviction/s, the head of the household may request another review of the decision after **six months**.

How Do I Get Legal Assistance?

Anyone needing assistance in navigating the panel review process or appealing a denial based on a criminal conviction can contact Alexis Erkert at Southeast Louisiana Legal Services (SLLS): aerkert@slls.org; (504) 529-1000 ext. 245.

Walk-in days for legal housing issues are Monday, Wednesday, and Friday 8:30am-4:00pm:

Southeast Louisiana Legal Services
1340 Poydras Suite, Suite 600
New Orleans, LA 70112

Appendix I: HANO Screening Criteria Grid

Criminal Offenses	Subcategory	Further Review
Assault and Battery	Felony only	Only if 3 years since conviction or 1 year since release
Misdemeanor Domestic Violence and robbery, no weapon involved, stalking	All	3 years since conviction or 1 year since release
Use of firearm against a person, armed robbery, intentional homicides, manslaughter, kidnapping and abduction, sex offenses – forcible	All	Always Further Review
Sex offenses – non-forcible	Felony; peeping tom misdemeanor	3 years since conviction or 1 year since release
Arson-related	All	Further Review
Burglary/Breaking and Entering-related; destruction, damage, vandalism of property	Felony only	3 years since conviction or 1 year since release
Theft, Stolen Property, Fraud-related	2 or more felony convictions	3 years since latest conviction or 1 year since release
Drug offenses – Possession	2 or more felony convictions	1 year since latest conviction or release
Drug offenses - Manufacture, Distribution, or Possession with Intent to Distribute; weapons offenses (other than firearm against a person)	All	3 years since conviction or 1 year since release
Driving under the influence-related	2 or more convictions	1 year since latest conviction or release
Multiple Convictions: Assault and battery, misd. domestic violence, robbery, manslaughter, non-forcible sex offenses, stalking; manufacturing, distributing, or poss. with intent to distribute	2 or more convictions	If 2 or more convictions within 10 years
Attempt / Conspiracy: Considered like the crime that the person attempted or conspired to commit.		

Appendix II: Sample letter from professional regarding person's disability

[Name of professional (therapist, physician, psychiatrist)]

[Address]

[City, State, Zip Code]

[Date of the letter]

To whom it may concern,

Re: [Applicant's name, (D.O.B.)]

[Applicant's name] is my patient, and has been in my care since [date]. I am thoroughly familiar with his/her medical history and with his/her substantial functional limitations. He/she is disabled for the purposes of fair housing law.

I am also familiar with [Applicant's name]'s criminal record. I believe that untreated mental illness contributed to [Applicant's name]'s conviction. [Applicant's name] is now receiving treatment for his/her disability. This treatment has produced a marked change in [Applicant's name]'s behavior.

However, [Applicant's name] still suffers difficult consequences due to his/her past behavior, including denial of housing. In order to help alleviate these difficulties, and to enhance his/her ability to live independently, [Applicant's name] should be given a second chance because of the link between his/her conviction and his/her disability.

Sincerely,

[Professional's Signature]

[Name of Professional]

[Phone number]

[Email]

Appendix III: Sample letter provided by a person explaining their record

[Your Name]
[Address]
[City, State, Zip Code]

[Date of the letter]

Dear Further Review Panel,

Re: [Applicant's name, (D.O.B.)]

I applied for [subsidized housing/ the Section 8 program/ to join an existing lease], but my application was referred to the Review Panel because of my criminal record. Because I do not believe that my criminal record accurately reflects who I am as a person today, I would like to request that you consider the full circumstances of my criminal offense and my efforts at rehabilitation.

I want to provide you with some explanation of my criminal record. [Provide context around the age you were offending, the types of offences, and any mitigating factors, which downplay the seriousness of the crime].

[If you had any addictions, provide context] My addiction began during a time when my family and I were dealing with [explain any factors/hardships that contributed to addiction]. As a result, I started to [a] heavily and eventually began using [b].

[If you attended drug rehabilitation] I spent [j] in a drug and alcohol treatment program/s. I successfully completed the program and have been sober for [k]. [Speak to your specific situation]. E.g. I am providing you a letter from the counselor I worked with in the program.

[Express remorse for your any criminal offending] I was convicted of a felony and was incarcerated for [x]. I realize that what I did was wrong. It was a terrible mistake, and I truly regret my actions. I regret this period of my life, and I take full responsibility for my actions.

[Explain other areas of progress] I have also moved forward in other areas of my life. [Provide information about recent employment, training, and education].

[If you have children, explain the role that you are playing in their lives].

I hope that this information will help you see that I am more than my criminal record. Thank you for considering this information. If you have any questions, please feel free to contact me at [cell number].

Sincerely,
[Signature of Applicant]

Printed Name of Applicant

Appendix IV: Sample letter from a landlord

[Landlord's Name]
[Address]
[City, State, Zip Code]

[Date of the letter]

To whom it may concern,

Re: [Applicant's name, (D.O.B.)]

My name is [Landlord's name] and I am the [on-site manager /landlord] of [Address of property]. This building is owned by [x]. I have known [Applicant's name] and their family for more than [y].

[Applicant's name] moved into our building in [date applicant moved in] and rented the apartment/house for [duration of lease]. He/she and his/her family have been honest, reliable, and responsible. They have always been on time with their rent and get along well with their neighbors. We have never had an issue with [Applicant's name] or his/her family during his/her tenancy.

Overall, [Applicant's name] and his/her family are good tenants and neighbors. We were sad to see them leave. I would be happy to have them again as tenants.

If I can provide any additional information, just give me a call.

[Landlord's signature]
[Landlord's name]
[Cell/phone]
[Email]

Appendix V: Sample Letter from Counselor

[Counselor's Name]
[Company]
[Address]
[City, State, Zip Code]

[Date of the letter]

To whom it may concern,

Re: [Applicant's name, (D.O.B.)]

I am a [counselor/ psychotherapist/social worker] and have treated [Applicant's name] since [first treatment date].

[If Applicant has passed random drug testing] As an integral part of his/her ongoing rehabilitation, [Applicant's name] are administered toxicology tests randomly and without prior notification. Since the date of his/her conviction, [conviction date], [Applicant's name] has maintained continuous abstinence. As a result, his/her prognosis to maintain ongoing sobriety is excellent.

[If Applicant is seeing a psychiatrist] [Applicant's name] is also being treated by [name of psychiatrist]. He/She has exhibited extreme willingness to participate in our counseling programs and has displayed a high wiliness to participate and correct his/her offending behavior. While in the program, he/she has compiled as positive record.

[Applicant's name] has not exhibited any behavior that is threatening to the staff or herself and I do not believe that he/she poses any danger to herself or others. He/She is cooperative and courteous to staff members and program participants.

In my time with [Applicant's name] I have found him/her to be hardworking, conscientious, and a person who honestly wants to set her life back on the right track. I do not believe him/her to be a threat or a liability in a private housing setting and would recommend him/her as a tenant.

[Applicant's name] maintains the following goals: [Insert Applicant's long-term goals] Examples include: (1) Stays mentally stable and not decompensating under stress (2) Maintains long-term abstinence (3) Attends church on Sunday (4) Abstains from all criminal activities

Sincerely,
[Signature of Counselor]
[Name of counselor, qualifications]
[Phone number]
[Email]

Appendix VI: Sample Letter from Educator

[Educator's Name]
[Educational Institution]
[Address]
[City, State, Zip Code]

[Date of the letter]

To whom it may concern,

Re: [Applicant's name, (D.O.B.)]

I am an instructor/teacher at [Educational Institution] I am familiar with [Applicant's name]. He/she has been my student for [list classes/courses].

I have had long conversations with [Applicant's name] about his/her plans for the future. Based on my interactions with [Applicant's name], I believe him/her to be a smart, hardworking, and mature individual that I would wholeheartedly recommend as a tenant or neighbor.

During my time working with [Applicant's name], I have seen him/her grow greatly in his time at [Educational Institution]. He/she is a consistent contributor to class discussions. His/her questions are insightful and he/she always treats others with the utmost respect. [Applicant's name] is punctual and has had excellent attendance in all of my classes. Through my interactions with [Applicant's name], he/she has shown himself to be a serious, and focused individual, set on improving himself/herself through education.

I understand that [Applicant's name] has had some interactions with the criminal justice system. While I do not know the full details of what happened, nothing in my interactions with [Applicant's name] has ever made me feel unsafe or at risk from [Applicant's name]. Conversely, [Applicant's name] has such a respectful and calm demeanor, that I would trust myself around him/her to a greater extent than the average student.

In summation, I would recommend [Applicant's name] as a tenant. I think very highly of him/her and believe that he/she will accomplish great things. If you have any questions, please feel free to give me a call.

Cordially,
[Educator's Name]
[Title]
[Phone number]
[Email]

Appendix VII: Sample letter from Employer

[Employer's Name]
[Place of Employment]
[Address]
[City, State, Zip Code]

[Date of the letter]

To whom it may concern,

Re: [Applicant's name, (D.O.B.)]

I write this letter on behalf of [Applicant's name], whom I have known almost [x]. I can say with certainty that [Applicant's name] is an indispensable member of the team. He/she has always conducted herself professionally and respectfully. I would rent to [Applicant's name] if given the chance because I know [Applicant's name] to be a dependable person of character.

I first met [Applicant's name] in [date] when he/she applied to be [role applied for]. We hired him/her and since that date his/her performance with the staff and customers has always been professional and responsive. In his/her time with [place of employment], [Applicant's name] has always met and exceeded goals set for him/her. He/she is a hard-working and dependable worker who gets along with everyone he/she interacts with.

[If Employer has personal relationship with Applicant] I also consider [Applicant's name] to be a friend and I treasure his/her friendship. Outside of work [Applicant's name] is a kind and funny person. I am happy and feel lucky to know [Applicant's name] both inside and outside of the workplace.

[Applicant's name] has shared his/her past problems with me, regarding his/her prior convictions and time in prison. From my interactions with him/her in his/her time here, I believe him/her to be a more mature and responsible person today. Nothing in my interactions with [Applicant's name] have shown him/her to be anything but a great employee and person.

Therefore, I thank you and recommend that you consider Ms. Applicant suitable. If you have any questions please reach out to me.

Sincerely,
[Employer's name]
[Job title]
[Phone number]
[Email]