

CORI POLICY

CRIMINAL OFFENDER RECORD INFORMATION POLICY

This policy is adopted pursuant to the Criminal History Systems Board Regulations Governing Request for and Use of CORI by Local Housing Authorities, 803 CMR 5.05, and Opportunity to Challenge the Accuracy and Relevance of CORI, 803 CMR 6.11.

Great Barrington Housing Authority employees may be designated to request and use criminal offender record information (CORI) only for the purposes of evaluating applicants for public housing. Dissemination of CORI for any other purpose or to individuals not involved in the tenant selection process is expressly prohibited. To ensure that CORI is handled in a lawful manner, the following practices and procedures shall be followed:

1. CORI checks will only be conducted as authorized by CHSB. All applicants will be informed in writing that CORI will be obtained from the Criminal History Systems Board (CHSB). If requested, the applicant will be provided with a copy of this CORI policy.
2. CORI will be obtained for all applicants for public housing who are age 17 or older, including all applicant household members and other persons to be listed on the lease as "authorized occupants" as well as any other persons to be added to this list at a later time.
3. Requests for CORI shall not be made prior to the final application screening process.
4. Requests for and use of CORI shall not have the purpose or effect of discrimination on the basis of race, religion, color, national or ethnic origin, ancestry, age, sex, handicap, sexual orientation, marital status, military status or receipt of public assistance.
5. Employees in the following positions are authorized to submit a written request for CORI to the CHSB on behalf of the Authority:
Executive Director

Employees in these positions shall sign an "agreement of non-disclosure" provided by the CHSB.

6. Employees in the following positions are directly involved in the decision as to whether an applicant is eligible for public housing and are authorized to handle CORI in the course of their duties:

Executive Director, Regional Counsel

Employees in these positions shall sign an "agreement of non-disclosure" provided by the CHSB.

An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by CHSB.

7. Only one copy of an individual's CORI shall be kept in the Housing Authority's files at any time.
8. CORI shall be kept in a locked file cabinet when not being used.
9. CORI shall be destroyed when the applicant to whom it pertains has been housed. If an applicant has been determined ineligible for housing, the applicant's CORI shall be destroyed three (3) years from the date of the application's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.
10. No provision of these guidelines shall be construed to prohibit dissemination of CORI by the Housing Authority in the course of a tenant selection appeal, grievance or other administrative or judicial proceeding in which such CORI is relevant, brought by an applicant (or tenant) against the Authority; provided, however, that the Great Barrington Housing Authority shall, on request, share with the applicant his/her CORI at any time.
11. Each individual shall have the right to inspect and be provided with a copy of CORI relating to him/her from the Great Barrington Housing Authority upon request.
12. The dissemination and/or use of CORI by Great Barrington Housing Authority employees other than as provided in 803 CMR 5.00 or herein is expressly prohibited.
13. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations, including but not limited to 760 CMR 5.08.
14. If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure that the record relates to the applicant.
15. If the Great Barrington Housing Authority is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. Such notice shall:
 - 1 provide the applicant with a copy of the criminal record, the Housing Authority's CORI policy and a copy of CHSB's ***Information Concerning the Process in Correcting a Criminal Record***;
 - 2 advise the applicant of the part(s) of the record that make the individual disqualified for housing;
 - 3 give the applicant an opportunity to dispute the accuracy and relevance of the CORI record; and
 - 4 notify the applicant of an opportunity to show mitigating circumstances, which may include rehabilitation or rehabilitating efforts, sufficient so that when the potentially disqualifying behavior is weighed against the mitigating circumstances, the LHA is reasonably certain that the applicant or household member will not engage in any similar conduct in the future.

- 5 notify the applicant that if they notify the Housing Authority in writing within ten (10) days of the date of the notice sent to the applicant pursuant to this section that they are seeking modification of such CORI pursuant to 803 CMR 6.08, the Housing Authority shall keep the record open and not make a final determination of disqualification based upon such CORI for 90 days in order to permit the applicant to obtain modification of their CORI. After such 90 day period, or when the Housing Authority is notified of CHSB's decision on such request for modification, whichever occurs first, the Housing Authority shall make its final determination of the applicant's qualification.

In determining whether the applicant has shown mitigating circumstances, the LHA shall consider all relevant circumstances including;

- (a) the severity of the potentially disqualifying conduct and the number of offenses;
- (b) their age at the time of the offense and the amount of time which has elapsed since the occurrence of such conduct;
- (c) the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the housing development and its common areas if the conduct recurred;
- (d) the disruption and inconvenience which recurrence would cause the LHA;
- (e) Whether the applicant has any pending charges;
- (f) the likelihood that the applicant's behavior in the future will be substantially improved; and
- (g) Any other relevant information, including information submitted by the applicant.

The greater the degree of danger, if any, to the health, safety and security of others or to the security of property of others or to the physical condition of the housing, the greater must be the strength of the showing that a recurrence of behavior, which would have been disqualifying, will not occur in the future.

16. If the CORI record provided does not exactly match the identification information provided by the applicant, the HA will make a determination of the validity of the identification] based on a comparison of the CORI record and documents provided by the applicant. The HA may contact CHSB and request a detailed search consistent with CHSB policy.
17. If the HA reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in sections 14 and 16 of this Policy, then the final determination of qualification for housing will be made pursuant to 760 CMR 5.08. Such determination shall be made based upon the factors listed in section 15, above, and according to the standards set forth in 760 CMR 5.08.

- 18 The HA will notify the applicant of the decision and the basis of the decision in a timely manner.
- 19 Applicants who are determined to be disqualified shall thereafter be entitled to such further review as is provided pursuant to DHCD regulations.
20. In order to assure that the CORI received relates to the individual for whom the request has been made, the Housing Authority shall obtain the information required by the CHSB on the CORI request form, including but not limited to full name, date of birth, mother's maiden name, place of birth, sex, former addresses, height, weight, eye color and may request the applicant's social security number.
21. Prior to requesting a CORI check on an applicant, the Housing Authority shall:
 - (a) confirm that it is currently certified to perform a CORI check on the applicant under its grant of certification from the CHSB;
 - (b) use the form prescribed by the CHSB;
 - (c) obtain the signature of the individual upon whom the CORI check is being performed, except as otherwise authorized by law;
 - (d) verify the identity of the applicant upon whom the CORI check is being requested with at least one form of government issued photographic identification, a copy of which shall be made and kept with the application;
 - (e) maintain a copy of the CORI request form.

In order to properly verify the identity of the applicant, the Housing Authority shall require that each applicant for whom CORI is to be obtained appear personally before one of the persons identified in section 5, above, provide to that person such photographic identification and sign the CORI request form in their presence.

22. The failure of any applicant to comply with the requirements of this Policy shall render their application incomplete.
23. Any applicants currently on the Housing Authority's waiting list for whom CORI had not been requested as of June 30, 2005 shall comply with this Policy. Therefore, such applicants must comply with Section 20, above. If they fail to comply upon request, they may be disqualified pursuant to 760 CMR 5.08.

ADOPTED: September 15, 2005