



Austin-Travis County Reentry Roundtable

*Building Successful Strategies for
Reentry and Reintegration in Austin/Travis County, Texas*

Deliverable #1 – Affordable Housing Funder Eligibility Scan & Recommendations

Description: Conduct a scan of criminal background eligibility criteria of funders of affordable housing in Travis County including the City of Austin, Travis County, the Housing Authority of the City of Austin and the Housing Authority of Travis County; analyze criteria and processes for system-impacted persons to access affordable housing including both vouchers and affordable housing development; and make policy recommendations for funders to decrease barriers for system-impacted individuals to access affordable housing.

Objective: Advocacy: Encourage local civic and community leaders to take action to reduce the negative impacts of unsuccessful reentry on the community.

Documentation: Report including an overview of findings and recommendations for next steps.



AFFORDABLE HOUSING FUNDER ELIGIBILITY SCAN & RECOMMENDATIONS

June 2024

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Introduction and Acknowledgements

This project was undertaken by Austin/Travis County Reentry Roundtable in 2024 as part of its funding deliverables to the City of Austin and Travis County. We would like to thank Khadijah Diaz, CONNECT Fellow 2024, and members of the workgroup for their contributions to this project.

Thank you to Rosie Turnipseed (Choice and Chance Center for Change), Jennifer Sowinski (Downtown Austin Community Court), Melissa Shearer (Travis County Public Defender Mental Health Division), Richard Gamboa (Goodwill Excel Center for Adults), Barbara Ornelas (RARE Academy), and Helen Gaebler (UT Austin School of Law) for participating in the workgroup and helping to shape the recommendations in this report.

Background

In 2016, the Roundtable released [*Locked Out: Addressing Criminal History Barriers to Affordable Rental Housing in Austin & Travis County, Texas*](#), which reviewed recent fair housing and criminal record screening guidance from the U.S. Department of Housing and Urban Development (“HUD”) and assessed the screening policies of publicly funded affordable housing projects in Austin through this lens.

In 2018, the Roundtable continued its housing policy work with the creation of the [*Texas Criminal Background Screening Guide for Rental Housing Providers*](#) which provides instruction for landlords and property managers on how to best comply with fair housing law and guidelines when implementing criminal background screenings for housing applicants. During the creation process, Reentry Roundtable engaged a broad workgroup, including both the Tenants Council and Apartment Association. The guidelines have since been adopted by the City of Austin, resulting in many lookback periods being shortened at significant providers of affordable housing, such as Foundation Communities.

The Roundtable has continued to develop goals and projects on housing barriers and other collateral consequences through the 2022-2026 Strategic Plan. Reentry Roundtable’s long-term outcome *is all persons with justice system involvement have what they need to survive and thrive including access to housing, a stable income, a support network to connect them to needed resources, and access to pathways to upward mobility.*

Project Purpose

The primary goal of this project was to analyze the criteria and processes for criminal legal system-impacted persons to access affordable housing in the Austin region. The project has two major deliverables:

1. An analysis of criteria and processes for criminal legal system-impacted persons to access affordable housing, including both Housing Choice Vouchers (HCV) and units within subsidized affordable housing developments; and
2. Policy recommendations for funders to decrease barriers for criminal legal system-impacted individuals to access affordable housing.

Methodology

The project began with an overview of current affordable housing selection policies regarding criminal background checks, lookback periods, and individualized reviews for criminal legal system-impacted persons. The project initially encompassed four local affordable housing funding entities: the City of Austin, the Housing Authority for the City of Austin (HACA), Travis County, and the Housing Authority of Travis County (HATC). During the project, stakeholders suggested additional entities to include in order to compare additional funding criteria, including the Texas Department of Housing and Community Affairs (TDHCA) Qualified Allocation Plan, the Ending Community Homelessness Coalition (ECHO)/Homeless Continuum of Care programs, the Downtown Austin Community Court permanent housing program, and the Veterans Affairs Supportive Housing (VASH) voucher program administered by the Veterans Administration (VA).

The Roundtable contacted the appropriate affordable housing funding entities via email and reviewed existing available resources to understand each entity's existing policies for criminal legal system-impacted applicants. In some cases, follow-up conversations with staff members were conducted to clarify or add context to the information provided via email.

Initial findings from the affordable housing funder scan were shared in the March 13, 2024, Reentry Roundtable Member Meeting. Roundtable members were invited to participate in a workgroup to develop recommendations. During the workgroup meeting on April 9, 2024, participants voiced their concerns, shared real world experiences for their clients, and discussed recommendations for the future. The workgroup developed action steps for funders of affordable housing, for housing providers, and for community organizations, coalitions, and individuals.

Findings

The table below provides an overview of the criminal background policies of the entities included in this study.

- The Criminal Background Criteria column outlines the organization’s general eligibility criteria related to criminal background.
- The Lookback Period column includes information on the lookback period(s) defined by the policy, if applicable.¹
- The Individualized Review Policy column references any information in the policy related to the applicant’s recourse if the initial application is denied.

Information in italics means that the text included is quoted directly from the related policy. Information not in italics is summarized.

Entity	Criminal Background Criteria	Lookback Period	Individualized Review Policy	Source
City of Austin Housing Department - Rental Housing Development Assistance (RHDA) program	<p><i>Follow the Texas Criminal Background Screening Guide for Rental Housing Providers, published by the Austin/Travis County Reentry Roundtable to screen potential tenants:</i></p> <ul style="list-style-type: none"> • <i>Only criminal convictions shall be taken into consideration in the criminal background screening process.</i> • <i>Criminal convictions shall be screened from the date of conviction with lookback periods according to the Criminal Background Screening Template attached to the Loan.</i> 	<p>The suggested lookback periods range from 1-4 years depending on the nature of the offense (a list of specific offenses is included with the suggested lookback period, see Appendix 1 of this report for detail)</p>	<p><i>During the Individualized Further Review, Property Owner shall consider:</i></p> <ul style="list-style-type: none"> • <i>Applicant’s age at time of offense,</i> • <i>Length of time since the offense was committed,</i> • <i>Community ties and support,</i> • <i>References and other supporting recommendations,</i> • <i>Rehabilitation efforts,</i> 	<p>City of Austin Housing Department: Rental Housing Development Assistance (RHDA) program guidelines</p>

¹ “Federal law instructs housing providers to look back in an applicant’s history of criminal activity that occurred during a ‘reasonable time.’ However, neither the statute nor HUD has explicitly defined what constitutes a reasonable time... even though HUD has suggested reasonable lookback periods for certain crimes (e.g., five years for serious crimes), housing providers routinely look further back into a person’s criminal history, sometimes as long as 20 years.” [Housing Access for People with Criminal Records](#), Elayne Weiss, Senior Policy Analyst, National Low Income Housing Coalition.

	<ul style="list-style-type: none"> • Only those criminal convictions listed on the Criminal Background Screening Template (Appendix B) shall be considered for the criminal background screening process. • Where a development receives funding from the State of Texas or HUD and an offense has been identified for heightened scrutiny, including a lifetime ban, the higher level of scrutiny will apply. • The Criminal Background Screening Template shall be attached to each lease and signed by each prospective tenant upon application for housing. • Applicants shall be provided an opportunity for individualized review if the date of conviction is within the designated lookback period. 		<ul style="list-style-type: none"> • Further explanation of the offense, • Whether multiple convictions stemmed from a single incident or multiple incidents, and • Requests for reasonable accommodations. 	
Travis County Supportive Housing Division/ Supportive Housing Initiative Pipeline (SHIP)	<p>Follow the Texas Criminal Background Screening Guide for Rental Housing Providers, published by the Austin/Travis County Reentry Roundtable to screen potential tenants:</p> <ul style="list-style-type: none"> • Only criminal convictions shall be taken into consideration in the criminal background screening process. • Criminal convictions shall be screened from the date of conviction with lookback periods according to the Criminal Background Screening Template attached to the Loan. • Only those criminal convictions listed on the Criminal Background Screening 	<p>The suggested lookback periods range from 1-4 years depending on the nature of the offense (a list of specific offenses is included with the suggested lookback period, see Appendix 1 of this report for detail)</p>	<p>During the Individualized Further Review, Property Owner shall consider:</p> <ul style="list-style-type: none"> • Applicant's age at time of offense, • Length of time since the offense was committed, • Community ties and support, • References and other supporting recommendations, • Rehabilitation efforts, • Further explanation of the offense, 	<p>Research & Planning Division, Travis County Health & Human Services (confirmed that the Supportive Housing Division contracts adhere to the</p>

	<p><i>Template (Appendix B) shall be considered for the criminal background screening process.</i></p> <ul style="list-style-type: none"> <i>Where a development receives funding from the State of Texas or HUD and an offense has been identified for heightened scrutiny, including a lifetime ban, the higher level of scrutiny will apply.</i> <i>The Criminal Background Screening Template shall be attached to each lease and signed by each prospective tenant upon application for housing. Applicants shall be provided an opportunity for individualized review if the date of conviction is within the designated lookback period.</i> 		<ul style="list-style-type: none"> <i>Whether multiple convictions stemmed from a single incident or multiple incidents, and</i> <i>Requests for reasonable accommodations.</i> <p>Travis County recommends property owners give prospective tenants a statement of denial and allow them to provide additional documentation during an appeal process.</p>	<p>City of Austin RHDA Tenant Selection and Criminal Background Screening Policy)</p>
<p>Housing Authority of the City of Austin - Housing Choice Voucher Program</p>	<p><i>If any household member has been convicted of the following criminal activities, during the designated review (look back) period, the family will be denied admission:</i></p> <ul style="list-style-type: none"> <i>Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HACA may consider admitting the applicant if the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HACA or the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).</i> 	<p>None listed</p>	<p><i>In making its decision to deny assistance, HACA will consider the criminal background discussed in Sections 3-III.E and 3-III.F, on an individual and case-by-case basis taking into consideration the nature and gravity of the offense and any other mitigating factors known and available. Upon consideration of such factors, HACA may, on a case-by-case basis,</i></p>	<p>Housing Choice Voucher Annual Administrative Plan</p>

	<ul style="list-style-type: none"> • <i>HACA determines that a household member is currently engaging in illegal use of a drug (currently engaged in the illegal use of a drug includes recent behavior within 12 months).</i> • <i>HACA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.</i> • <i>Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing or any location.</i> • <i>Any member of the household is subject to a lifetime sex offender registration requirement under a state sex offender registration program or as required under federal law. HACA will perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the state where the housing is located and in other states where the household members are known to have resided.</i> 		<p><i>decide not to deny assistance.</i></p> <p><i>If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible; HACA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 15 calendar days to dispute the accuracy and relevance of the information. If the family does not contact HACA to dispute the information within that 15-day period, HACA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.</i></p>	
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<p>Housing Authority of Travis County - Housing Choice Voucher Program</p>	<p>MANDATORY DENIAL OF ASSISTANCE</p> <ul style="list-style-type: none"> • <i>The PHA will admit an otherwise-eligible family who was evicted from federally assisted housing within the past three years for drug-related criminal activity if the PHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the PHA, or the person who committed the crime, is no longer living in the household. Currently engaged in is defined as any use of illegal drugs during the previous six (6) months.</i> • <i>In determining reasonable cause, the PHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A record or records of arrest will not be used as the sole basis of determining reasonable cause. The PHA will also consider evidence from treatment providers or community-based organizations providing services to household members.</i> • <i>The PHA will deny assistance if any household member has ever been convicted of drug related criminal activity for the production or manufacture of methamphetamine regardless of whether or not the action took place on the premises of federally assisted housing.</i> 	<p>None listed</p>	<p><i>The family will be notified of a decision to deny assistance in writing within 10 business days of the determination. If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible the PHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact the PHA to dispute the information within that 10-day period, the PHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity</i></p>	<p>Housing Choice Voucher Annual Administrative Plan</p>
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	<ul style="list-style-type: none"> • <i>The PHA will deny assistance if any household member is currently subject to sex offender registration requirements in any state, regardless of whether it is a lifetime registration requirement.</i> <p><i>OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE</i></p> <p><i>The family will <u>not</u> be denied assistance for any other permitted reasons discussed in this section (Other Permitted Reasons for Denial of Assistance): including:</i></p> <ul style="list-style-type: none"> • <i>Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].</i> • <i>Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].</i> • <i>Illegal possession/discharge/display/carrying of a firearm or illegal weapon/deadly weapon.</i> • <i>Assault, aggravated assault, assault by threat, and/or stalking.</i> • <i>Criminal activity that may threaten the health, safety, or right to peaceful</i> 		<p><i>to do so as part of the informal review process.</i></p>	
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	<p><i>enjoyment of the premises by other residents or persons residing in the immediate vicinity; (immediate vicinity means within a three-block radius of the premises) or</i></p> <ul style="list-style-type: none"> • <i>Criminal activity that may threaten the health or safety of property owners, management staff, and persons performing contract administration functions or other responsibilities on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor, or agent).</i> 			
City of Austin Downtown Austin Community Court - Permanent Housing Program	<p>There are no criminal background eligibility restrictions to access this program.</p>	N/A	N/A	<p>Downtown Austin Community Court</p>
Texas Department of Housing and Community Affairs (TDHCA) - Qualified Allocation Plan (state Low-Income	<p><i>Supportive Housing--A residential rental Development and Target Population must:</i></p> <p><i>Have Tenant Selection Criteria that fully comply with §10.802 of this title (regarding Written Policies and Procedures), which require a process for evaluation of prospective residents against a clear set of credit, criminal conviction, and prior eviction history that may disqualify a</i></p>	<p><i>Temporary denial for a minimum of seven years from the date of conviction based on criminal history at application or recertification of any felony conviction for murder related offense, sexual</i></p>	<p><i>Disqualifications in a property's Tenant Selection Criteria cannot be a total prohibition, unless such a prohibition is required by federal statute or regulation (i.e. the Development must have an appeal process for other required criteria). As part of the appeal process the</i></p>	<p>Texas Department of Housing and Community Affairs 2024 Qualified Allocation Plan</p>

<p>Housing Tax Credit guidelines specific to Supportive Housing)</p>	<p><i>potential resident. This process must also follow §1.204 of this title (regarding Reasonable Accommodations)</i></p> <p><i>The criminal screening criteria must not allow residents to reside in the Development who are subject to a lifetime sex offender registration requirement</i></p> <p><i>The criminal screening criteria must include provisions for approving applications and recertification despite the tenant's criminal history on the basis of mitigation evidence. Applicants/tenants must be provided written notice of their ability to provide materials that support mitigation. Mitigation may be provided during initial tenant application or upon appeal after denial. Mitigation may include personal statements/certifications, documented drug/alcohol treatment, participation in case management, letters of recommendation from mental health professionals, employers, case managers, or others with personal knowledge of the tenant. In addition, the criteria must include provision for individual review of permanent or temporary denials if the conviction is more than 7 years old, or if the applicant/resident is over 50 years of age,</i></p>	<p><i>assault, kidnapping, arson, or manufacture of a controlled substance as defined in §102 of the Controlled Substances Act;</i></p> <p><i>Temporary denial for a minimum of three years from the date of conviction based on criminal history at application or recertification of any felony conviction for aggravated assault, robbery, drug possession, or drug distribution</i></p>	<p><i>prospective resident must be allowed to demonstrate that information in a third party database is incorrect</i></p>	
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	<p><i>and the prospective resident has no additional felony convictions in the last 7 years. The criteria must prohibit consideration of any previously accepted criminal history or mitigation at recertification, unless new information becomes available.</i></p>			
<p>Homeless Continuum of Care programs (administered by the Ending Community Homelessness Coalition)</p>	<p><i>The ESG and CoC Program Interim Rules do not require recipients to disqualify individuals or families based on criminal history, including sex offenders. HUD requires only that all program participants meet the minimum eligibility criteria and that recipients comply with all local and federal requirements. Further, HUD strongly encourages recipients to adopt Housing First practices and remove unnecessary barriers to receiving assistance, including criminal histories. Only site-based projects may take exception to the criminal background of program participants. For site-based projects (e.g., emergency shelters), it is possible that an individual or family may be screened out based on a background check (e.g., if the individual is a registered sex offender and cannot live near children and the site has a household with children residing in it). However, HUD encourages recipients or subrecipients to</i></p>	N/A	N/A	<p>CoC and ESG Additional Requirements: Criminal History</p>

	<i>work with the individual or family presenting for assistance to identify another appropriate housing placement.</i>			
Veterans Affairs Supportive Housing (VASH) voucher program administered by the Veterans Administration (VA)	<p><i>When the PHA receives a referral from the VA, the PHA may only screen the family for the criteria below:</i></p> <ul style="list-style-type: none"> • <i>Income eligibility;</i> • <i>Citizenship; and</i> • <i>Subjectivity to a lifetime registration requirement under a state sex offender registration program.</i> <p><i>For example, a PHA may not screen for criminal background other than to determine if a household member is subject to a lifetime registration requirement under a state sex offender registration program.</i></p>	N/A	N/A	HUD VASH Voucher Guidebook

We can make several conclusions based on the information in the table above:

- Given that the Travis County supportive housing policy aligns with the existing City of Austin policy, we can conclude that the Austin/Travis County community has a general standard relating to criminal background criteria based largely on the community consensus offered in the Roundtable's Texas Criminal Background Screening Guide for Rental Housing Providers.
- Furthermore, we find that our two local housing authorities have made demonstrated progress in decreasing criminal background barriers to housing in recent years. HACA's HCV program guidelines have become less stringent in recent years, in large part due to the agency's experience in lowering criminal background criteria with emergency housing vouchers during COVID. HACA could continue to lower barriers by specifically stating, as HATC does in their policy, that the agency will not consider additional criteria to be part of their application process (even though HUD allows them to do so). In addition, it is not currently clear what policies either housing authority uses for their other housing developments (non-voucher) that they administer – we would like to see these criminal background policies more clearly articulated and shared.
- We also see that state-level policies (TDHCA) are instituting longer lookback periods than our local consensus requires. For example, TDHCA's tax credit guidelines for supportive housing requires lookback periods of up to 7 years for felony convictions for murder related offense, sexual assault, kidnapping, arson, or manufacture of a controlled substance.
- We also have good examples of programs with lower (or no) barriers to entry. Locally, the Downtown Community Court operates a permanent housing program with no criminal background criteria, one of the very few programs that housing seekers with any charge can access. On the federal level, CoC and ESG requirements and VASH Vouchers are programs with more flexible requirements. Recipients of VASH vouchers are only allowed to be screened for income, citizenship, and whether they are registered sex offenders. The COC/ESG guidelines suggests a "housing first" model with very lenient criteria for applicants. The housing first model prioritizes individualized reviews for applicants that take into account the nature of any offense, how long it has been since the offense occurred, and other character referrals that the applicant is able to provide.

Recommendations

The table below displays recommended action steps developed by the Reentry Roundtable Housing Research Workgroup for the following entities and stakeholders:

- Funders of Affordable Housing: City of Austin, Travis County, Housing Authority of Travis County, Housing Authority of City of Austin
- Housing Providers: Landlords and Property Managers
- Reentry Roundtable Network: Reentry Roundtable Workgroups, Member Organizations, and Allies

Lead Entities	Strategy	Activities
<p style="text-align: center;">Funders of Affordable Housing</p>	<p>Lead advocacy efforts at the local and state-level to lower barriers and increase access to affordable housing for persons who are criminal legal system-impacted</p>	<ul style="list-style-type: none"> • Ensure that all local housing capital and voucher programs are adhering to the Roundtable's guidelines as outlined in the Texas Criminal Background Screening Guide for Rental Housing Providers. • Engage the Strategic Housing Finance Corporation (SHFC) to advocate for County-wide criminal background eligibility policies. • Create "blue-ribbon" recognitions for landlords and programs with low-barrier housing policies. Connect awardees to additional incentives and funding. • Advocate for shorter lookback periods in state-level policies (TDHCA). • Continue to advocate for local and state level reentry policies that will prevent incarceration and support successful reentry. These include local advocacy in support of Counsel at First Appearance and state-level advocacy in support of the 1115 Reentry Medicaid Waiver.
	<p>Develop education and training modules for housing providers, housing-seekers, and service providers</p>	<ul style="list-style-type: none"> • Provide research, training, or certificates that will aid in prospective tenants' approval for housing opportunities. • Coordinate with City of Austin Office of Civil Rights on education efforts.

	<p>Develop clear and transparent data protocol that the public can utilize in housing navigation</p>	<ul style="list-style-type: none"> • Provide understandable and easily accessed tenant screening criteria. Publicly available for anyone considering applying for housing. • Create searchable lists of funding recipients and their respective tenant screening written guidance. Include a resource for reporting properties that are not complying with the posted policies. • Coordinate with the City of Austin’s Housing Department to utilize existing tools such as the Affordable Housing Online Search Tool to publicize tenant screening criteria within specific affordable housing developments.
	<p>Implement required enforcement and monitoring procedures for all grantees of affordable housing funding</p>	<ul style="list-style-type: none"> • Require annual auditing of any denials based in whole or part on criminal records and the resulting individualized reviews. <p>Monitor recipients of local/county funding to ensure full compliance with criminal record screening criteria. Include clear enforcement and monitoring expectations for grantees.</p>
<p>Housing Providers</p>	<p>Train all property managers and staff to ensure proper implementation of eligibility criteria. Conduct fair housing testing regularly.</p>	<ul style="list-style-type: none"> • Educate property managers on background screening limits and how to do a robust individualized review. Ensure that all staff are trained and knowledgeable about the policy requirements. • Partner with BASTA, the Austin Tenant's Council, Grassroots Leadership, and other partners to conduct fair housing testing.
	<p>Gather feedback to identify concerns, ongoing barriers, and feedback for improving funding opportunities</p>	<ul style="list-style-type: none"> • Focus groups with city/county funding recipients to identify concerns and possible ways to incentivize low-barrier housing

Reentry Roundtable Network	Lead advocacy efforts at the local and state-level to lower barriers and increase access to affordable housing for persons who are criminal legal system-impacted	<ul style="list-style-type: none"> • Present to the city and county the actual lived experience of community members trying to access the affordable housing • Advocating for a living wage and reasonable caseload for housing provider staff. The turnover in homeless services agencies is significant and has a great effect on outcomes. • Continue to advocate for local and state level reentry policies that will prevent incarceration and support successful reentry. These include local advocacy in support of Counsel at First Appearance and state-level advocacy in support of the 1115 Reentry Medicaid Waiver.
	Develop education and training modules for housing providers, housing-seekers, and service providers	<ul style="list-style-type: none"> • Develop community-based trainings about preparing to find housing & preparing for an individualized review. Share best practice tips for where to look for housing and how to build a housing "resume." • Educate second chance employers on the barriers their employees face in securing and maintaining housing • Educate defense attorneys and prosecutors about the housing barriers for certain convictions. Provide training through the Texas Criminal Defense Lawyers Association.
	Facilitate peer-learning opportunities for housing providers	<ul style="list-style-type: none"> • Form a housing provider working group to talk about criminal background eligibility criteria and enforcement. Include participants across organizational lines to include recovery / unhoused / system-involved / supportive housing.
	Focus on creating and sharing resources for housing seekers who are impacted by collateral consequences	<ul style="list-style-type: none"> • Publish a “know your rights guide” for apartment seekers. • Create professional portfolios for criminal legal system-involved individuals to showcase achievements and positive backgrounds, aiding in self-advocacy.

Appendix 1: City of Austin Tenant Selection Policy for RHDA Funded Properties (also adhered to by the Travis County Supportive Housing Division)

Tenant Selection Policy and Criminal Background Screening

January 1, 2021

The following Criminal Background Screening will be applied when screening applicants for residency:

1. Only criminal **convictions** (not arrests) shall be considered in the criminal background screening process.
2. Convictions shall be determined by the identified offense described in the table below and the corresponding classification. Look-back periods shall be determined by the residency of the property (Family /Senior or Single Room Occupancy)
3. Look-back periods run from the date of conviction. Screening for any category of offense extends, therefore, only for as long as the number of years from the date of conviction specified below:

TYPE	DESCRIPTION	CLASSIFICATION	Family	SRO
Crimes Against Persons and Family	Murder	Felony: Capital, First, Second	Lifetime	5 Years
	Manslaughter	Felony: Second	Lifetime	5 Years
	Criminal Negligent Homicide	Felony: State Jail	5 Years	None
	Kidnapping, Abduction, Trafficking, Smuggling	Felony: First, Second, Third	Lifetime	5 Years
	Assault, Aggravated Assault, Injury to a Child, Elderly Individual, or Disabled Individual	Felony: First, Second, Third	5 Years	3 Years
	Assault, Injury to a Child, Elderly Individual, or Disabled Individual	Felony: State Jail; Misdemeanor: A, B	3 Years	1 Year
	Forcible Sex Offenses	Felony: First, Second, Third	Lifetime	5 Years
	Non-Forcible Sex Offenses	Felony: State Jail; Misdemeanor: A, B	5 Years	1 Year
	Deadly Conduct (with a Firearm), Terroristic Threat	Felony: Third, State Jail	5 Years	3 Years
	Deadly Conduct, Terroristic Threat	Misdemeanor: A, B	3 Years	1 Year
Crimes Against Property	Arson Related Offense	Felony: First, Second, Third, State Jail	Lifetime	5 Years
	Destruction/Damage/Vandalism of Property	Felony: First, Second, Third, State Jail	5 Years	1 Year
	Armed Robbery Offenses	Felony: First	5 Years	3 Years
	Robbery Offenses (no weapon involved)	Felony: Second	3 Years	1 Year
	Burglary (of habitation)	Felony: First, Second	5 Years	3 Years
	Burglary	Felony: Third, State Jail	3 Years	1 Year
	Criminal Trespass (of habitation)	Misdemeanor: A	1 Year	None
	Theft, Stolen Property, Fraud Related Offense	Felony: First, Second, Third, State Jail	3 Years	1 Year

Tenant Selection Policy for RHDA Funded Properties

TYPE	DESCRIPTION	CLASSIFICATION	Family	SRO
Crimes Against Society	Prostitution Related Offenses	Felony: First, Second, Third, State Jail	3 Years	1 Year
	Stalking	Felony: Second, Third	3 Years	1 Year
	Drug Manufacture, Distribution, Possession, Possession with Intent to Distribute	Felony: First, Second, Third	5 Years	3 Years
	Drug Manufacture, Distribution, Possession, Possession with Intent to Distribute	Felony: State Jail; Misdemeanor: A, B	1 Year	None
	DUI and/or DWI Related Offenses	Felony: Third, State Jail	1 Year	None

4. Where an applicant has multiple offenses, the look-back periods shall run concurrently.
5. Offenses not listed shall not constitute justification for denial of housing. Where a conviction occurred outside of the State of Texas, property owners/managers shall use their best judgement to interpret the conviction according one of the descriptions above.
6. Where an offense can be understood to fall under more than one category, the higher lookback period shall be used. Where a development receives funding from the State of Texas or HUD and an offense has been identified for heightened scrutiny, including a lifetime ban, the higher level of scrutiny will apply.
7. Where an applicant has been denied based upon an offense that occurred within the specified lookback period, the applicant shall be automatically afforded an opportunity for individualized review. With the statement of denial, the property owner shall instruct the applicant of the opportunity for appeal and individualized review. This notice shall include:
 - a. a description of the appeal process,
 - b. contact information for scheduling the individualized review,
 - c. instructions for providing supporting documentation, and
 - d. an approximate timeline for the completion of the appeal.
8. After the completion of the individualized review, the property owner shall inform the applicant of the result of the appeal.

Signing this acknowledgement indicates that you have had the opportunity to review the above Criminal Background Screening. If you do not meet the criteria set forth, or if you provide inaccurate or incomplete information, your application will be rejected. Signing this acknowledgement authorizes the property manager to run a Criminal Background Screening check as part of your rental application.

Signature _____

Date _____