

Housing Toolkit for Those with a Criminal Background

Finding and keeping housing is critical to successful reentry. This toolkit is designed to answer questions you might have regarding access to private and public housing, your rights and responsibilities as a tenant and things your landlord can or cannot do to you.

BARRIERS TO HOUSING

Q. Can my criminal record affect where I can live?

A. Yes, a criminal record can make it hard to find housing. Landlord's may be able to deny you housing based on your criminal background and you may not be eligible for certain housing programs based on your criminal background. Also, where you can live will depend on exactly what is on your record.

Q. What convictions could prevent a person from HUD assisted housing (Section 8, Project based Section 8, and Low Income Public Housing):

- A.** There are two types of convictions that bar a person from HUD assisted housing for life
1. Convicted of a crime that requires a person to register as a lifetime sex offender
 2. Production of methamphetamine of the premises of public housing

Locally, the Allegheny County Housing Authority (ACHA) and the Housing Authority of the City of Pittsburgh (HACP) have their own rules.

- The ACHA will deny an applicant housing or admission to the section 8 program if they have a conviction within the past 10 years for: Voluntary Manslaughter, Aggravated Assault, Involuntary Manslaughter, Robbery, "Rocco's Law", Possession with the Intent to Deliver a Controlled Substance, and/or the Manufacturing of any Controlled Substance or New Drug.
- The ACHA will also deny an applicant housing or admission to the section 8 program if they have a conviction within the past 5 years for: Possession of a Controlled Substance, Causing or Risking a Catastrophe, Criminal Mischief (when amount exceeds \$5,000), Burglary, Theft by Unlawful Taking or Disposition (felonies only), Theft by Deception (felonies only), Theft by Extortion (felonies only), Theft of Services (felonies only), Theft of Leased Property (felonies only), Theft by Failure to Make Required Disposition of Funds Received (felonies only), Forgery (felonies only), Access Device Fraud (felonies only), Identity Theft, Disarming a Law Enforcement Officer, Endangering the welfare of a child, Reckless Endangerment of Another Person.
- The ACHA will deny an applicant housing or admission to the section 8 program for life if he or she has been convicted of Murder, Kidnapping and Arson.

- The HACP will also deny an applicant housing or admission to the section 8 program if they have a conviction within the past 5 years for: Voluntary Manslaughter, Simple or Aggravated Assault, Involuntary Manslaughter, Endangering the welfare of a child, Reckless Endangerment of another person, Stalking, Felony or misdemeanor harassment, False imprisonment, Riot, Terroristic threats, Unlawful restraint, Possession or Delivery of a Controlled Substance, Possession with the Intent to Deliver a Controlled Substance, Manufacturing of any Controlled Substance or New Drug, Any controlled substance possession or use, Solicitation of a Minor to Traffic Drugs, Causing or Risking a Catastrophe, Criminal Mischief (when amount exceeds \$5,000.00), Felony criminal trespass, Burglary, Robbery, Theft by Unlawful Taking or Disposition (felonies only), Theft by Deception (felonies only), Theft by Extortion (felonies only), Theft of Services (felonies only), Theft of Leased Property (felonies only), Theft by Failure to Make Required Disposition of Funds Received (felonies only), Forgery (felonies only), Access Device Fraud (felonies only), Identity Theft (felonies only), Disarming a Law Enforcement Officer, Prostitution/promoting prostitution, Corruption of minors, any violation of the Uniform Firearms Act, Endangering the welfare of children, Open lewdness, Resisting arrest, and Ethnic intimidation or any crime designated a hate crime.
- The HACP will deny an applicant housing or admission to the section 8 program for life if he or she has been convicted of Murder, Rape, Kidnapping, Involuntary Deviate Sexual Intercourse, and Arson.

Even if you have a conviction that would prohibit you from obtaining housing or admission to the Section 8 program, the local housing authority must consider any evidence you have of rehabilitation. The Housing Authority may provide you housing or admission to the Section 8 program if it determines that you have sufficiently rehabilitated yourself.

Q. Can a subsidized housing provider deny my application for housing if I have a criminal record?

A. Privately owned HUD assisted housing providers may deny housing to a person with a criminal background if the crime is considered to be drug related, violent, or interfering with the health and safety of other tenants and was committed within a “reasonable” period of time from the date of application. Each site that has HUD assisted housing can set its own screening rules. While the site cannot impose a blanket ban on applicants with criminal backgrounds, often the site’s screening rules are very strict.

Q. Can a private landlord of non-subsidized housing refuse to rent to me because of my record?

A. Yes. In many cases, it is legal for a private landlord to not rent to you because you have a record. The landlord may think that you would not be a good tenant because of your record. Recently HUD has said that a landlord may be violating Federal Fair Housing Law if they have a blanket policy that bans tenants with criminal records resulting in a racially bias

screening policy. For more information on this contact the Fair Housing Partnership, 412.391.2535

EVICTION

Q. Can I be evicted by a private landlord of non-subsidized housing because I have an old criminal record?

A. If the crime occurred prior to you entering a lease the landlord most likely cannot evict just because you have a criminal record. However, if you lied about your record on your application, the landlord may be able to evict you. In any event, the landlord can always decide to not renew your lease if it finds out that you have a criminal record.

Q. Can I be evicted by a private landlord of non-subsidized housing if I am arrested for or convicted of a new crime?

A. Depending on your lease, it could be possible. You will need to read your lease. Most leases say that the landlord can evict you for any criminal activity that happens on their property. If your lease says that it is a breach of the lease to be arrested or convicted of a new crime, then your landlord likely may evict you.

Q. Can someone with a record move in with me?

A. In HUD assisted housing, the landlord looks at the entire household when it comes to criminal records, so each tenant must pass the criminal background screening. If a tenant is living in subsidized housing without the approval of the landlord, the tenant is considered an unauthorized occupant, which may result in the entire household being evicted.

For private housing, it may depend on the type of conviction. This question would need to be discussed with the landlord. If someone moves in with you and they are not on your lease that may also be a lease violation. Look over the terms of the lease.

Q. When can I be evicted from subsidized housing for a new crime?

A. It depends on your type of housing. Many of the crimes that could prevent you from getting into subsidized housing can also result in your landlord evicting you. Generally, you can be evicted for criminal activity that is considered violent or threatening the health or safety of other residents if it occurs on or near the property and you can be evicted for drug related criminal activity wherever it may have happened.

Q. Can I be evicted in subsidized housing even though I haven't been arrested or convicted?

A. Yes. Subsidized housing can evict you even if you have not been arrested or convicted. If there is not a conviction, the housing providers **must** be able to show evidence that you were involved in criminal activity. Also, anything you say in your eviction case can and may be used against you during your criminal case.

Q. Can I be evicted from private or subsidized housing even though it was not the head of the household who committed the crime?

A. Yes. You can be evicted if someone in your household, or your guest, commits a crime on the property. Your whole household could face an eviction. Sometimes you will be able to stay if the person accused of the crime moves out but only if the landlord agrees (discusses with landlord).

Q. Can I fight my eviction from subsidized housing?

A. Yes, seek help from your local legal aid office right away. The rules about eviction from subsidized housing can be complicated.

You may be able to contact:

Neighborhood Legal Services
928 Penn Ave, Pittsburgh, PA 15222
(412) 255-6700

APPEALS

Q. Can I appeal if I am denied admission to subsidized housing because of my record?

A. If the housing provider could have admitted you, but decided to not, because of your criminal history, you can ask to appeal. The appeal rules depend on the type of housing. For public housing and the section 8 program, you are entitled to a formal grievance process, which the court may review. For privately owned housing with a HUD subsidy, you are only entitled to an informal meeting.

Q. What is a landlord looking for in an appeal?

A. If you dispute the accuracy of your criminal record, then the landlord will want to see proof that the criminal record is inaccurate. If you admit to your criminal background, then a landlord is looking for evidence of rehabilitation and of the likelihood that previous criminal activity will not re-occur (especially on their property) and that the applicant will not pose a threat to the property, other tenants, or the neighborhood.

How to show this:

1. Connection to services/providers in the community
2. Classes taken while in jail or prison
3. Behavior since being released (no additional criminal activity)
4. Letters from Probation or Parole
5. Letters from social service providers

Q. When can a Reasonable Accommodation request be made?

A. Reasonable Accommodation request for housing could be made if previous conviction was related to a disability.

1. Was conviction a result of a medication error (wrong dose/medication, side effects, etc.)?
2. Was conviction a result of behavior now being treated by prescribed medication?
3. Was conviction a result of drug addiction?
4. Is counseling/treatment in place now that was not before?

HOUSING RESTRICTIONS

Q. Where can I live if I am on parole?

A. Depending on your parole conditions, you may have limitations on where you can live and whom you can live with. It is important to remember, if you violate the terms of your parole, you may be evicted. Be sure to consult your parole office about concerns.

Q. Where can I live if I have a sex offense?

A. Pennsylvania's Megan's Law does not restrict where a sexual offender or Sexually Violent Predator/Sexual Violent Delinquent Child may reside. However, an offender may be restricted from residing near a school, park, daycare center, etc. under one of the following circumstances:

- The offender is under the supervision of a federal, state, or county department of probation or parole and there are specific restrictions designating where the sexual offender or sexually violent predators may reside.
- The offender is under specific court ordered restrictions designating where the offender may reside or who the offender may have contact with.

Be sure to consult your probation/parole officer about your concerns as well. Remember, you must register whenever you move, or else you can be charged with failing to register.

Q. How can I register as a sex offender if I am homeless?

A. Even if you are homeless you must register. If you live in a shelter, you may be able to use that shelter's address. If you are street homeless, consult the police to help you register as homeless.

Q. What to consider when it comes to reunification?

A. Some people being released want to re-unite with parents, spouses, children or friends/significant others who live in HUD assisted housing. Tips for doing this include:

- How will the person with whom they are asking to live support their recovery/re-integration?
- How will applicant contribute to the household (take care of needs of current household members, bring in additional income/work, etc.)?
- Is applicant still being supervised by Probation or Parole and what are their recommendations?

Q. Can I get legal assistance with my appeal?

A. Yes. Call Neighborhood Legal Services Association.

CRIMINAL RECORDS

Q. Can I get into a shelter if I have a record?

A. It depends on the shelter type and the shelter's policy along with your conviction. Some shelters permit housing for people with records. Some shelters do not admit people with sex offense or other crimes.

Q. How long will my convictions show up on my criminal record?

A. Forever. In most cases, once you have a conviction on your record, it will stay on your record for the rest of your life. However, depending on the circumstances of the convictions, you may be able to get your record expunged (see below)

Q. Can I get rid of my criminal record?

A. Pennsylvania law allows the expungement of criminal charges with dispositions that are withdrawn, dismissed, nolle prossed, not guilty, no further action, disposition unreported, probation without verdict, and ARD or ASI. Your summary offense conviction may be expunged as long as you pled guilty, paid all court costs, and have no other arrests and criminal charges for a period of five (5) years from the disposition date for the summary conviction(s).

Your criminal history also qualifies you for expungement once you have reached 70 years of age and have not been arrested or prosecuted for 10 years following your release from incarceration and all of the conditions of the convictions have been met.

Misdemeanors convictions of the second degree and third degree under the new law in Pennsylvania may be sealed if they are more than ten (10) years from the date of completion for the conditions of the sentence and no other felony charges and misdemeanor convictions appear on the criminal record.

Misdemeanor convictions for sex with animals, impersonating a public official, intimidation or retaliation against a witness or victim, and any offense that requires registration as a sex offender will not qualify for sealing.

Q. What if there are mistakes on my criminal record?

A. If there are mistakes on your criminal record revealed from an ACT 34 report, contact the Pennsylvania state police Criminal Records & Identification Division in writing by following the directions to challenge the report given in the document within thirty (30) days from the date on the report.

Q. Why is my juvenile record showing up on a background check?

A. Although juvenile offenses may show up on a criminal record, a juvenile offense is not legally the same as an adult conviction. These adjudication(s) of delinquency can be expunged if there has been five (5) years since the case was closed in Juvenile Court with all conditions of the sentence met and no adult felony or misdemeanor convictions appear on the record. Contact legal help.

Q. What if my record shows an arrest, but the case was dropped?

A. You should file a Petition for Expungement to get the charge and record expunged.

FINDING A PLACE TO LIVE

Q. What should I look for when locating new housing?

A. Look for transportation, proximity to resources such as employment, stores, bus stops, schools, and appointment. Consider the type of home you want and what you can afford. It is important to budget. Include items such as transportation, estimated utilities, monthly payments, daycare, and entertainment.

Q. What is subsidized housing?

A. Subsidized housing is rental housing that receives some type of government funding to cover part of the rent for individuals who qualify for this type of assistance. This makes housing affordable to those individuals with lower incomes.

Public Housing- is housing owned and operated by a local housing authority, when there are units available they are generally for families, elderly, and those who are disabled.

Housing Choice Vouchers (Section 8) - is a Rental Assistance Program operated by the local public housing authority. The tenant pays a portion of rent based upon their income and government funding pays the difference up to a predetermined amount based on location and size.

Privately Owned Subsidized Houses- This is housing that is owned and managed by groups other than government agencies. Many types of groups may own this and receive government grants, tax credits, and or other funding so they are able to charge tenants lower rents to those who qualify.

Q. What will be on the application?

A. Proof of income, previous landlord references, information about all potential tenants, and in some cases, social security card, and birth certificate will be necessary. Always be honest on an application. If you have a situation in your past that may stop your ability to rent, be sure to be up front about the situation and let the land lord know what you have done to improve from your previous situation.

Q. What are different lease types?

A. Month-to-Month- can be written or verbal. This type of lease needs to be renewed each month. At the end of the leasing term, rent can be increased and or lease terms may change. Also, a landlord may decide to not renew the lease back to the tenant.

Verbal or Oral Lease- in PA a lease can be a verbal contract. Having a verbal lease can make it difficult to have evidence of any formal agreement. The tenant should save all documentation and receipts for their own security.

Written Lease- Written leases should be read and completely understood by the tenant before signing it. The lease should not be signed if it is not completely understood by the tenant. Keep a signed copy of the lease for records.

Q. What about utilities?

A. Look at the lease for any information about who is responsible for payment and the utility company information. Usually, utility companies ask for:

- Photo ID, social security number, may ask for a copy of the lease, and date service needs to start
- If you are currently using the utility company for services, just request from them for a transfer of service
- Utility company may ask for a deposit and or a co-signer

Q. What are obligations as a tenant?

A.

- Know the lease is a binding legal agreement
- View the apartment, take notes on what needs repaired, view where your mail will be delivered, know where parking is, and where garbage needs disposed of.

Be sure to flush toilets, and turn on water. Check appliances and look for any damage (water, mold, rodents, and bugs)

- Make a deposit on the unit
- Change previous address to new place of residence
- Be a good neighbor
- Clean up inside and outside of unit
- Keep noise levels low
- Pay rent on time and get a receipt
- Follow lease guidelines
- Contact the landlord with any problems. Always follow up any request in writing and document communications with landlord.

Q. Should I get renters' insurance?

A. Many view renters' insurance as an optional cost, but it is strongly recommended. The landlord does not have insurance to cover your personal items in your unit. The land lord is not required to pay if anything happens to any of your belongings.

Renters insurance is a nominal fee and covers all your belonging. It will also cover things such as, if someone is injured in your home, theft, fire, can cover lost items, and renters' insurance can cover the costs to stay in a hotel if damage has made the home unlivable while the repairs are being made.

Q. What if I'm having trouble paying the rent?

A. First, call your landlord and let them know of the issue, and ask for arrangements. Then call the utilities and or internet providers, ask about programs or payment options. Finally, call any other monthly creditors, and as about extensions or other options. Help to reduce expenses by developing and sticking to a monthly spending budget. Also, look into income support programs like WIC, SNAP, CCIS etc. at <https://www.compass.state.pa.us/> or <https://healthcare.gov/>

GLOSSARY

HUD

The Department of Housing and Urban Development oversees federal programs that help Americans with their housing needs. HUD seeks to increase homeownership, support community development and increase access to affordable housing free from discrimination.

Public Housing

Public housing provides rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single family houses

to high-rise apartments for elderly families. HUD administers Federal funds to local housing agencies (HAs) that manage the housing for low-income residents. If you are eligible, the HA will check your references to make sure you and your family will be good tenants. If you are interested in applying for public housing, contact your local HA.

Housing Choice Voucher (Section 8)

A voucher is a kind of subsidy that allows a housing agency to pay a portion of your rent for an apartment that you must find in the private market. While the lease is between you and a private landlord, you also have a relationship with the housing authority that administers the voucher. This means that the administering agency must approve the contract rent for the apartment, determine how much your portion of the rent will be, inspect the apartment periodically to be sure it is safe, do a yearly review of your income and household composition, and monitor the voucher to make sure that both you and landlord are complying with the rules of the program. If you are interested in applying for public housing, contact your local HA.

Subsidized Housing

If you live in subsidized housing, the public housing agency is not your landlord. Subsidized housing is owned and operated by private owners who receive subsidies in exchange for renting to low- and moderate-income people. Subsidized housing can be obtained through vouchers, where the subsidy is used by a tenant to find rental housing in the private market and is paid to a private landlord. This subsidy stays with the tenant. Or it can be multifamily subsidized housing, where the subsidy is given to the owner who provides affordable housing. This subsidy stays with the property.

RESOURCES

There are several local resources that can assist you when you are looking for housing or when you encounter problems once you have housing.

Allegheny Link

The Allegheny Link assists people who are homeless or at risk of homelessness to reach the goals of stable housing.

These services include:

- Information and Referral
- Provides answers and direction related to needed services and supports
- Eligibility Screening
- Application Assistance
- Case Management
- Follow Up

To contact:

- The Allegheny Link accepts walk-ins, emails and phone calls for assistance.
- In person at One Smithfield Street, 2nd floor, Pittsburgh 15222
- By phone at 1-866-730-2368

Fair Housing Partnership

Fair Housing Partnership is fair housing advocate and enforcer of fair housing laws. It is illegal for a housing provider to discriminate based on race, religion, ethnicity, sexual orientation, gender, familial status, disability and age (over 40).

To Contact:

- 2840 Liberty Avenue, Suite #205
Pittsburgh PA, 15222
(412) 391-2535

Neighborhood Legal Services

Neighborhood Legal Services Association meets the civil legal needs of the poor and vulnerable in our community through legal representation and education. It provides free legal representation to eligible clients in Allegheny, Beaver, Butler, and Lawrence Counties.

To contact:

- 928 Penn Avenue
Pittsburgh, PA 15222
(412) 255-6700
Toll Free: 1-866-761-6572
Monday - Friday 9:00 a.m. - 4:00 p.m.

PAHousingSearch.com

PAHousingSearch.com is a free, online rental and homeownership service that links people who need housing with the housing they need.

This web resource provides:

- FREE searching and listing of rental housing and program-related homes for sale
- Search by rent, size, location, proximity to your work, and more
- Detailed, up-to-date listings with photos
- Listings of market-rate rentals, subsidized housing and special-needs housing (landlords indicate if they require criminal background check or not)
- Helpful tools, including an affordability calculator, rental checklist, and information about renters' rights and responsibilities

Public Housing Authorities

- Housing Authority of the City of Pittsburgh
200 Ross St, Pittsburgh, PA 15219

412-456-5000

<http://www.hacp.org/>

- Allegheny County Housing Authority
625 Stanwix St, Pittsburgh, PA 15222
(412) 355-8940
www.achsng.com/
- McKeesport Housing Authority
2901 Brownlee St, McKeesport, PA 15132
(412) 673-6942
<http://pahra.org/mckeesport-housing-authority/>

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