

PART #3: Barriers to Subsidized Housing

There are a number of reasons why a housing authority, a non-profit housing provider or a private, affordable housing provider might deny someone access to housing. In working with a client as they apply for housing and face a screening process, keep in mind where the housing provider is ‘coming from.’ In general, they, like any landlord, want to know that your client will be a good tenant and participant in their program. Program regulations will likely require the property owner or housing manager to do some type of screening, such as for certain criminal history exclusions or immigration status. Other types of screening are voluntary but make sense in the effort to insure that your client will be a decent tenant.

TIP: Remember, all that the housing provider knows about your client is the minimal information from the application and from these checks. It will be important for you and your client to try and take control of the picture and the life-story that the client presents to the provider.

In Part #4, we will talk about how to *appeal denials*. This section will comment on some of the common reasons for denial.

Brainstorm: Barriers to Subsidized Housing

Homelessness status: Some programs serving very-low income, homeless and special needs persons are funded using McKinney-Vento money (see ‘Major Housing Program’ list). These programs require that applicants have a current housing situation that meets certain definitions of ‘homeless.’

“Homeless” means:

- sleeping in an emergency shelter;
- sleeping in places not meant for human habitation, such as cars, parks, sidewalks, or abandoned or condemned buildings;
- spending a short time (30 consecutive days or less) in a hospital or other institution, but ordinarily sleeping in the types of places mentioned above;
- living in transitional/supportive housing but having come from streets or emergency shelters; or
- being evicted within a week from a private dwelling unit and having no subsequent residence identified and lacking the resources and support networks needed to obtain access to housing.

Tip: Since MA has a policy requiring housing as part of a discharge plan from an institution, HUD does not consider persons leaving an institution without housing in place to be homeless, since (theoretically) they will be placed in housing arranged by the state or a state-funded entity. These criteria are standard, even if they are not consistently applied by providers. You will need to provide adequate documentation of homelessness for these programs.

Criminal record: This topic deserves its own training. Here are some basic facts.

Criminal record information comes from 2 sources. The Criminal History Systems Board (a state run board) electronically compiles a wide variety of Massachusetts records from courts and police departments. Specifically, it includes “records and data in any communicable form compiled by a

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criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pretrial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release.” This information is gathered into individualized CORI reports. Access to this information is restricted but nonetheless widespread. There are about 10,000 organizations in MA certified for access to CORI. Current estimates are that the CORI board processes between 1.4 and 1.5 million CORI requests per year!!

The other source is private companies that gather and sell data. These companies buy or manually gather public information about persons, such as court records and can sell it to anyone.

Common problems associated with use of CORI reports by housing authorities and others:

- ◆ *Reports are often inaccurate.* Court officers can enter incorrect information. Identities can easily be mistaken between 2 persons in system. Information in system may not be up to date (e.g. reflect closed cases).
- ◆ *Reports are often misunderstood.* Most ‘gatekeepers’ who review CORI reports have no training *on the CORI system or within the legal realm*. Therefore, they have no knowledge on what the codes used in CORI reports actually mean. What looks like a long criminal history in a CORI report, for example, may just be a number of actions and records related to a single incident.
- ◆ *Housing ‘gatekeepers’ often apply incorrect criminal history standards to applicants.* Every state and federal housing program has different standards that apply for barring applicants due to this or that criminal conviction. Some housing programs have NO mandated criminal history exclusions. Housing gatekeepers often apply their own standards without any basis in program regulations.
- ◆ *Denial/appeal process can be very slow.* Many housing gatekeepers will routinely deny applicants at the mere whiff of any criminal history, leaving it up to the applicant to start the appeal process. All this adds is time and delay to the process of becoming eligible for assistance.

What can you do? We will cover appealing denials based on criminal history in the next part. But here are some things you can do to help your client with CORI reports:

- ◆ Have your client get their own CORI report. Review it for errors, to see what trouble spots they will have with applications and to see if any records can be cleared up. This will help them and you take control of the information by getting a head start on knowing what the issues are. **WARNING!** Personal criminal records contain both conviction *and non-conviction* data. The criminal records that Housing Authorities receive *only contain conviction data*. **DO NOT** share your client’s personal criminal record with the housing authority.
- ◆ Seal any eligible records (15 years for felony, 10 years for misdemeanor cases that ended in a conviction).
- ◆ Prepare to demonstrate rehabilitation and unlikelihood to re-offend. Gather documentation regarding substance use rehab, personal and work references, etc.
- ◆ Read The CORI Reader, published by the Mass Law Reform Institute:
http://www.masslegalservices.org/docs/3d_Ed-2d_Rev.pdf

Review: Personal CORI Request Form + CORI Code List

Immigration Status: This topic also deserves its own training. Appealing denials based on status will be covered in the next part.

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The most important fact about immigration status in relation to housing is that, like criminal history exclusions, different subsidized programs have different standards for this. This is important because *many housing providers incorrectly apply citizenship/immigration requirements to the programs they manage*.

There are NO citizenship or immigration requirements for MA state-funded programs, including:

- ◆ State public housing for families, elderly and persons with disabilities
- ◆ MA Rental Voucher Program (MRVP)
- ◆ Alternative Housing Voucher Program (AHVP) for single, disabled adults
- ◆ State-funded multifamily housing

There are NO citizenship or immigration requirements for these federal programs:

- ◆ Section 811 housing for disabled adults
- ◆ Section 202 housing for seniors
- ◆ Section 236 and 221(d) family housing
- ◆ HOPWA (Housing Opportunities for Persons With AIDS)
- ◆ McKinney Programs: Shelter Plus Care, Supportive Housing Program, Emergency Shelter Grant
- ◆ HOME Rental Assistance
- ◆ Low Income Housing Tax Credit properties (unless other subsidies with restrictions are attached)

There ARE citizenship-immigration status requirements for these federal programs:

- ◆ Federal public housing for families, elders and persons with disabilities
- ◆ Section 8 Housing Choice Vouchers
- ◆ Section 8 Mod-Rehab units
- ◆ Most federal multi-family buildings

Other key facts:

- ◆ Your client may be able to qualify for a degree of housing assistance even if they have no status. If there is at least one person in a household who does have citizenship or eligible immigration status (such as a U.S. born child), then the household can get “pro-rated” or proportional assistance.
- ◆ Receiving housing assistance does not make someone a ‘public charge.’
- ◆ Housing authorities are not required to report households or persons without status to the INS. The only time they are required to do so is if fraud is involved—if the applicant claimed eligible status that they do not have.
- ◆ Housing providers can ask for Social Security numbers in order to verify information on applications. If an undocumented applicant is eligible for the program and *does not* have an SSN, however, the housing program should NOT insist getting a number from the applicant. Unfortunately many do. The strategy for applying without an SSN depends on whether the program is state or federal. In general, *the applicant should never provide a false SSN* or any government issued identification number that substitutes for an SSN (such as a tax or cash assistance identification number). If a household member does not have an SSN, federal regulations for most programs allow the household to provide a *written statement*

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certifying that no SSN has been assigned to the person(s) by the Social Security Administration.

Review: Immigration Categories Handout

Credit history & Income: Housing authorities and other housing providers are not required to run credit checks on applicants but many do. Credit checks can give them information about income and housing history, especially any evictions on record.

Credit reports contain: personal ID information (SSN, date of birth, etc), former addresses and employers, credit owed, credit repaid, history of delinquent accounts and collection agency history.

As with CORI reports, these reports can contain inaccuracies. Your client should request a free report from a credit report agency (see 'Internet Resources' handout).

Clients with no income: Some federal housing programs can require a minimum rent payment from your client. A very few programs can require participation in a self-sufficiency work program. Minimum rent payments can be set from \$0 to \$50, but exceptions must be made for 'hardship' conditions. All housing programs are required to verify income, since they have income eligibility requirements. However, applicants can not be required to have income as a condition of eligibility. If a housing provider requests income verification and the client currently receives no form of income, then a dated statement signed by the client that states this should be adequate documentation of income.

Property owner references and housing history: Almost every housing provider asks for housing history and property owner contact information. As with all information that goes on a signed application, the client should be as thorough and up-front as possible. Failure to disclose information or the falsification of information can lead directly to a denial that would be hard to beat.

With this information, it will be important for the client to control or shape the life-story being presented. Long gaps in housing history will always raise red flags for providers; work with your client to make their information as complete as possible. If they spent time in transient situations, whether the street, shelters, transitional housing or treatment, try to gather documentation. Remember, the big question for providers is 'will this person be a good tenant?' Gather personal references that can help answer that question for the provider *before* they get too worried about your client.

Prior termination or eviction from subsidized housing: Like criminal history, previous eviction or termination from subsidized housing can follow your client around. Some programs, especially state and federal public housing, have requirements that restrict access to housing based on prior termination. As with criminal history, it will help you and your client if you know that this problem exists in advance of applying for housing.

This will be a problem especially if the client was terminated or evicted for drug-related issues and/or if they own any rent or damages to a public housing authority. Have the client try to clear up these issues and get a 'clean bill' from the housing authority.

TIP: for both state and federal programs, prior termination is only relevant in connection with termination from the same type of housing (state or federal). For example, termination from state public housing should NOT be raised automatically as a barrier to federal public housing. Housing authorities commonly make this basic mistake and incorrectly apply standards from one to the other.