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August 18, 2004

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT** Request for Release to Housing Authority of Criminal Records for  
Recertification of Households

**LOCATION AND COUNCIL DISTRICT:** Citywide

**RECOMMENDATION**

Staff recommends that the Council approve a resolution authorizing the Sacramento City Police Department to release to the Housing Authority state summary criminal history information about members of a household receiving housing assistance, either as public housing tenants or under the Housing Choice Voucher (HCV) Program, in accordance with Penal Code Section 11105(b)(10).

**CONTACT PERSONS**

La Shelle Dozier, Assistant Director, Housing Choice Voucher, 440-1385 x1210  
Mark Stephenson, Assistant Director, Housing Management, 440-1337

**FOR COUNCIL MEETING OF:** September 7, 2004

**SUMMARY**

The Sacramento City Police Department currently releases criminal conviction records to the Housing Authority for prospective public housing tenants and HCV applicants under Penal Code Section 11105.03, which specifically provides for release of such information to screen prospective participants in public housing assistance programs. In order to access the same information during annual recertifications, the Sacramento Police Department must be formally directed to release that information to the Housing Authority pursuant to Penal Code Section 11105(b)(10).

## **SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY**

City Council  
August 18, 2004  
Page 2

### **COMMISSION ACTION**

At its meeting of August 18, 2004, the Sacramento Housing and Redevelopment Commission adopted a motion recommending approval of the attached resolution. The votes were as follows:

**AYES:**Burruss, Coriano, Gore, Harland, Hoag, McCarty, Piatkowski, Simon

**NOES:** None

**NOT PRESENT TO VOTE:** Stivers

**ABSENT:** Burns, Farley

### **BACKGROUND**

Federally assisted housing is intended to provide low-income families with a safe place to live and raise a family. The Housing Authority screens applicants for conventional housing and Housing Choice Vouchers (HCV) to help create and maintain a safe and drug-free community and to keep our program participants free from threats to their safety. Applicants or members of the household with a conviction for the following types of felonies, referred to as "drug or violent criminal activity," are not admitted to the program pursuant to HUD's regulations:

1. Drugs (possession, sale or manufacture);
2. Violent criminal activity (assaults, domestic violence, rape)
3. Offenses that require registration as a sex offender.
4. "Other criminal activity" which is defined as activity which threatens the health, safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity, such as damage to property of others.

The Code of Federal Regulations and the Housing Authority's Administrative Plan and Annual Plan prohibit family members from engaging in drugs or violent criminal activity after admission to the program and allows for termination of participating families' assistance or lease if a member of the household is arrested for such activity. However, the Housing Authority usually only receives arrest information if the crime is committed on public housing property or the police or a landlord notify the Authority of the arrest of a participant.

The Housing Authority has been taking steps to actively enforce the HUD regulations and Plan provisions by working in partnership with local law enforcement to run criminal background checks on participating families when the Authority receives information that a household may not have complied with their obligation not to engage in drugs or violent criminal activity. The Housing Authority also needs to obtain current criminal records at the time of recertification to verify that families have met their obligation to

## SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

City Council  
August 18, 2004  
Page 3

comply with HUD's regulations and to maintain a safe and healthy environment for other residents and program participants.

When considering the age of the offense and whether it should cause the family to lose their housing assistance, the Administrative Plan says:

*"Engaged in or engaging in" violent criminal activity means any act within the past 5 years by an applicant or participant or household member which involved 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, which resulted in the arrest and/or conviction of the applicant, participant, or household member.*

The Housing Authority currently contracts with the City of Sacramento's Police Department to run criminal checks on program applicants. In order for the Department to be empowered to release criminal records of program participants, a resolution must first be approved that certifies that these criminal records are required to comply with HUD's regulations, which impose such recertification requirements to verify that specified criminal conduct has not occurred. Penal Code Section 11105(b)(10) allows a city to release such records to another public agency to assist that agency in fulfilling its duties for enforcement of regulations that prohibit specific criminal conduct.

To the extent that a household has not met its obligations, they would be terminated from the program. Since the HCV program is at full utilization, we want to add a level of program integrity and to decrease the costs in administering housing assistance programs. These changes will result in a cost savings once this process is implemented.

At the time of annual recertification, the adults in participating families sign a document stating that they understand that their housing assistance may be terminated at any time if any family member commits or participates in illegal drug-related criminal activity or violent criminal activity. They also sign a document authorizing the Housing Authority to receive information about their criminal activity.

The Housing Authority has provided notification to existing program participants that they will conduct criminal conviction screenings during the recertification process in order to allow families which may have violated their program obligation to begin seeking other housing options. In addition, the Housing Authority is taking the following actions:

## **SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY**

City Council  
August 18, 2004  
Page 4

- 1) Communicate its commitment to crime-free housing to all program participants in the HCV Program and public housing by including this information in application and renewal packets sent to all prospective and current participants.
- 2) Communicate its commitment to crime-free housing to all participating HCV landlords by including this information on the web site and in marketing information.

This action does not change the Administrative Plan or Annual Plan; rather it will assist in implementation of these plans by preventing criminals from living in federally assisted housing when their crimes have been violent or drug-related.

### **FINANCIAL CONSIDERATIONS**

It is anticipated that implementation of this criminal background check program will result in the termination of participating families from the Housing Choice Voucher Program, which will reduce program costs.

There will be an increased cost associated with completing more background checks; however, the cost is not anticipated to be significant.

### **POLICY CONSIDERATIONS**

This action is consistent with the policies described in the Housing Authority's Administrative Plan and Annual Plan, and with HUD regulations.

### **ENVIRONMENTAL REVIEW**

This action does not constitute a project under CEQA per Guidelines Section 15378(b)(2) as an administrative function. This action is exempt from environmental review under NEPA regulations at 24 CFR Section 58.34(a)(3) as an administrative activity.

**SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY**

City Council  
August 18, 2004  
Page 5

**M/WBE CONSIDERATIONS**

The items discussed in this report have no M/WBE impact; therefore M/WBE considerations do not apply.

Respectfully submitted,

  
ANNE M. MOORE  
Executive Director

Transmittal Approved,

  
ROBERT P. THOMAS  
City Manager

Table of Contents:

- 1) Resolution – page 6

**RESOLUTION NO. \_\_\_\_\_**

**ADOPTED BY THE SACRAMENTO CITY COUNCIL**

ON DATE OF

**APPROVING THE RELEASE OF CRIMINAL RECORDS TO  
HOUSING AUTHORITY**

WHEREAS, the Housing Authority of the City Sacramento and the Housing Authority of the County of Sacramento (collectively "Housing Authority") are organized and existing under the laws of the State of California, and are required to administer federal assisted housing programs in compliance with the U.S. Department of Housing and Urban Development (HUD) regulations; and

WHEREAS, HUD regulations at 24 CFR Parts 966 and 982 prohibit both admission and continued occupancy in public housing by a tenant or receipt of Housing Choice Voucher benefits by a recipient if any member of the household has engaged in specified criminal activity that includes drug-related or violent crimes; and

WHEREAS, the Sacramento City Police Department currently releases to the Housing Authority criminal conviction records of applicants of federally assisted housing pursuant to Penal Code Section 11105.03; and

WHEREAS, the Sacramento City Police Department has the authority to release criminal conviction records to the Housing Authority for members of households receiving federal housing assistance in order to enforce HUD regulations if authorized by the City Council pursuant to Penal Code Section 11105(b)(10); and

WHEREAS, the Housing Authority needs to review criminal conviction records of households during annual recertifications to ensure compliance with HUD's regulations and to promote a safe community environment.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:**

The Sacramento City Police Department is hereby authorized to release to the Housing Authority state summary criminal history information for all members of a household receiving federal housing assistance, either as public housing tenants or

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_ (6)

DATE ADOPTED: \_\_\_\_\_

under the Housing Choice Voucher Program, pursuant to Penal Code Section 11105(b)(10) in order for the Housing Authority to implement HUD regulations.

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MAYOR

ATTEST:

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CITY CLERK

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_ (7)