



**Public Housing Policies Affecting Individuals
with Criminal Records in Baltimore, Maryland
February 2001**

I. Introduction

The following memorandum summarizes the housing policies that affect individuals with criminal records in Baltimore, Maryland. The federal housing laws give local housing authorities some discretion to establish local policies regarding the admission and eviction of people with histories of criminal activity. For a summary of the federal housing laws affecting individuals with criminal records, please refer to the Legal Action Center's summary entitled "Housing Laws Affecting Individuals with Criminal Convictions."

II. Statutory Authority

The Housing Authority of Baltimore City (HABC) is created by Md. Ann. Code of 1957 art. 44A § 3.

III. Housing Authority Policy

A. Application for Public Housing

The Housing Application Office of the HABC screens all new applicants to review their criminal history. HABC gathers this information for each adult family member in the household.

Admission is automatically denied to the following individuals:

- anyone required to register as a sex-offender;
- anyone convicted of the production of methamphetamine

Admission is initially denied, but may be offered if the individual submits appropriate proof of rehabilitation to the Housing Application Office, to the following individuals.

- current drug or alcohol abusers
- anyone who has been evicted from a federally-assisted housing program in the past three years
- violent criminal offenders
- criminal activity that would threaten the health or safety of the public housing unit

HABC has the discretion to consider evidence of rehabilitation. Rehabilitation is considered at the interview level and also in the review process. Rehabilitation consists of the following:

participation in or the successful completion of supervised drug or alcohol treatment program; successful participation in or completion of judicial system supervision; enrollment in training or being employed; return of custody of children; absence of recent record; and other evidence indicating that the applicant or household member has not participated in any criminal activity within a reasonable period of time.

The HABC must promptly notify all applicants who have been denied admission the reason(s) for the adverse decision. The HABC must also inform them that they have the opportunity to dispute the decision at an informal hearing before an impartial person. The applicant has 10 working days from receipt of the letter to request an informal review. Upon receiving the request, the informal review officer will schedule and conduct the review within 14 days, and a decision regarding review will be rendered in writing within 14 days of the review. Applicants may bring council advocates or other persons to speak on their behalf.

B. Evictions from Public Housing

The following crimes make a tenant subject to eviction from public or Section 8 housing:

- any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
- drug-related criminal activity, including the manufacture or production of methamphetamine.

The HABC adheres to the federal guidelines in terms of the length of the period of eviction. Tenants who have been evicted because of drug-related criminal activity must wait three years from the date of eviction before reapplying for public housing. The HABC has discretion to shorten this three-year period if the culpable household member has successfully completed a supervised and approved drug rehabilitation program or if the circumstances that led to the eviction no longer exist.

When an individual family member is evicted from an HABC unit because of criminal behavior, the HABC will exercise reasonable discretion to consider all of the circumstances of the case before making a determination to terminate the lease for the entire household. Among the factors the HABC will consider include the seriousness of the offense, the extent of the participation by family members (such as whether the resident has taken all reasonable steps to prevent the criminal activity), and the effects the eviction would have on family members not involved in the criminal activity. HABC will permit continued occupancy by remaining family members in certain circumstances. However, it may impose a condition that family members who engaged in the criminal activity not reside or visit the housing unit.

There is no grievance procedure available for people who are evicted from public or Section 8 housing because of criminal activity.

IV. Opinions of Local Advocates

We were unable to ascertain whether there are local advocates in Baltimore who assist individuals with criminal records in obtaining public housing.