



**Public Housing Policies Affecting Individuals
with Criminal Records in Colorado:
El Paso County
February 2001**

I. Introduction

The following memorandum summarizes the housing policies that affect individuals with criminal records in El Paso County, Colorado. The federal housing laws give local housing authorities some discretion to establish local policies regarding the admission and eviction of people with criminal convictions. 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."

El Paso County lies in the east central portion of Colorado. It is home to the city of Colorado Springs, where the majority of the citizens of El Paso County reside. While El Paso County does have a housing authority, it does not provide housing assistance. Individuals in need of assistance are referred to the Colorado Springs Housing Authority, which administers all the housing assistance programs for El Paso County.

The Colorado Springs Housing Authority policy imposes restrictions on individuals applying for public and Section 8 housing who have criminal justice histories. They are virtually the same restrictions as those outlined in the applicable federal laws. The policy does not impose restrictions based on histories of alcohol or drug problems.

The greatest problem residents in need of housing assistance face in El Paso County is the short supply of housing stock. This problem exists for both individuals with criminal justice histories and those without.¹

II. Statutory Authority

The relevant state statutes conferring authority upon the El Paso County/Colorado Springs Housing Authority are contained in Title 29, Article 4, Part 5 of Colorado's Revised Statutes Annotated.² While the statutes do not set out any admission or tenancy standards to which the

¹ For example, nearly 10-12% of persons in need of public housing in El Paso County, or roughly 15,000 people, are disabled, but appropriate facilities exist for less than half of those who desire it. See, Interview with Lynda Plummer, Associate, Center for Independence in Grand Junction, CO (August 1, 2000). The Center for Independence is a non-profit organization whose mission is to assist persons with disabilities.

² See COLO. REV. STAT. ANN. § 29-4-501 (West 1999)(Legislative Declaration); see also, id. at § 29-4-502 (Definitions); § 29-4-503 (Creation of Housing Authority); § 29-4-504 (Appointment of Commissioners); § 29-4-

local housing authority must adhere, the Colorado Springs Housing Authority restricts certain individuals from public housing. These standards are set out and made available to the public on the Housing Authority's website³ and were confirmed by a telephone conversation with the Assistant Executive Director of the Colorado Springs Housing Authority.⁴

III. Housing Authority Policy

Application for Public Housing

The Housing Authority reserves the right to refuse assistance to those with poor rental histories and/or criminal records. "Good rental" history is defined as having been a "considerate neighbor" and a "conscientious tenant," and demonstrated a pattern of regular rent payments.⁵ Upon application for public or Section 8 housing, the Housing Authority conducts a credit bureau check and prior landlord references check.⁶ The Housing Authority also conducts a police record check, and it withholds discretion to determine whether a tenant is suitable.⁷

The housing policy does not have separate standards for individuals with drug and alcohol problems who do not have criminal records. A representative of the Housing Authority stated that applicants are not questioned about their substance abuse histories, only criminal convictions.

Upon an individual's application for public or Section 8 housing in El Paso County, his/her record is "screened" through the police department. If an individual criminal record, the Housing Authority sends a letter to the individual explaining that the Housing Authority is aware of the criminal record, and urges the individual to go to the police department to obtain a copy of the record if he/she wants to contest the accuracy of the record. All individuals with felony convictions⁸, regardless of when the conviction took place, and the families with whom they seek to live, are initially "denied" housing assistance. However, such individuals are given an opportunity to appeal the Housing Authority's decision.

505 (Powers of Authority); § 29-4-506 (Policy of Authority); § 29-4-508 (Boundaries of Authority); § 29-4-509 (Conformity with Building Laws).

³ See City of Colorado Springs, Neighborhood Services, Housing Assistance Programs, www.colorado-springs.com/neighsrv/houass.htm, (visited August 2, 2000).

⁴ Interview with Gary Huppert, Assistant Executive Director, Colorado Springs Housing Authority in Colorado Springs, CO. (July 31, 2000).

⁵ See City of Colorado Springs, Neighborhood Services, Housing Assistance Programs, www.colorado-springs.com/neighsrv/houass.htm.

⁶ Id.

⁷ Id.

⁸ It is not clear from the standards set out by the Housing Authority or from any of the individuals we contacted whether people with misdemeanor convictions are subject to the initial denial of housing assistance.

According to the Housing Authority, there are two ways for individuals with criminal histories to successfully appeal a denial: (1) demonstrate that s/he successfully completed a rehabilitation program; and/or (2) demonstrate that the conviction took place a “long-time ago” and that s/he no longer engages in such conduct.⁹ The review board of the Housing Authority has discretion to determine what constitutes “successful rehabilitation” and the amount of time that constitutes a “long-time ago.” The Housing Authority stated there are a “good number” of people who appeal their original “denial” and eventually receive housing assistance.¹⁰ The representative of the Housing Authority cited an example of an individual who had successfully appealed his original denial of assistance by demonstrating that his theft conviction occurred when he was a teenager.

2. Evictions from Public Housing

It is not clear whether any standards exist for the eviction of individuals in public or Section 8 housing. (Screening for criminal records takes place only upon application for housing assistance.) There is no mention of eviction procedures in any of the Housing Authority materials. It appears, however, that the local police departments share information with the Housing Authority about tenants involvement with the Criminal Justice System.¹¹ It is uncertain whether the Authority would evict a single individual from a housing assistance program or his/her entire family in this situation.

IV. Opinions of Local Advocates

There is a general housing shortage for those in need of housing assistance in El Paso County, and individuals with criminal records are just one of many groups that have problems finding a place to live. Other populations who are having difficulties obtaining housing include persons with poor credit histories, unfavorable landlord references, and disabilities who need special accommodations in their homes.

Affordable housing in El Paso County is so scarce that people linger on the waiting list for housing assistance for several years, with an average waiting period of at least two years.¹² While the Colorado Springs Housing Authority claims that they have alternatives to subsidized housing,¹³ community advocates believe otherwise. This contradiction suggests that even if alternative programs do exist, they are not being widely utilized.

⁹ The representative of the Housing Authority did not indicate that there was any particular standard suggesting how many years equated to a “long-time ago” or what type of “rehabilitation” was required to meet the necessary standard.

¹⁰ Interview with Gary Huppert.

¹¹ Interview with Steve Flynn, Attorney, Pikes Peak/Arkansas Valley Legal Aid Bureau in Colorado Springs, CO (August 2, 2000). Mr. Flynn indicated that one of his clients was pressured out of public housing because the police believed that she was involved in a criminal matter.

¹² See supra, note 2; see also, supra note 4.

¹³ The Housing Authority purports to have programs such as T.E.A.M Teen (a program designed to provide low rent housing and encourage and assist young mothers to complete their education to become self-sufficient), Plaza on Platte (affordable housing for homeless single people), and Senior Housing (special wait list for

According to a local Legal Aid attorney, individuals with criminal records often go without receiving housing assistance because they face obstacles in obtaining copies of their criminal records from the police department and finding representation for their appellate hearings.¹⁴

No one was able to comment on where individuals who are being denied housing are living. One community advocate seemed to think that they were living with friends and family as an alternative to public housing.¹⁵

senior citizens in need of housing assistance). See City of Colorado Springs, Neighborhood Services, Housing Assistance Programs, www.colorado-springs.com/neighsrv/houass.htm, (visited August 2, 2000).

¹⁴ Id.

¹⁵ Interview with Lynda Plummer.