

**Public Housing Policies Affecting Ex-Offenders in Iowa:
Linn, Black Hawk, Johnson, and Polk Counties
February 2001**

I. Introduction

The following memorandum summarizes the housing policies that affect individuals with criminal records in Linn, Black Hawk, Johnson, and Polk counties in Iowa. 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."

Iowa has 72 active housing authorities throughout the state. Five housing authorities, located in Linn, Black Hawk, Johnson, and two in Polk counties, were contacted for purposes of this memorandum. The policies of these five housing authorities are relatively uniform with respect to their screening of ex-offenders and persons with substance abuse histories.

II. Statutory Authority

The State of Iowa confers authority upon the Iowa Finance Authority to undertake programs which assist in the attainment of adequate housing for low income families in IOWA CODE ANN. § 16.2.¹ The Finance Authority is designed to work in concert with local housing agencies to implement housing assistance programs.² While it is clear from the statutory authority that the Finance Authority is required to participate in housing assistance payment programs pursuant to the relevant federal housing laws (Section 8 of the United States Housing Act of 1937 (as amended by section 201 of the Housing and Community Development Act of 1974)),³ the Iowa Code makes no mention of any restrictions imposed on ex-offenders or individuals with substance abuse problems with respect to being admitted or evicted from public housing.

The Housing Authorities in Iowa City, Des Moines, Waterloo, and Cedar Rapids all claim to adhere to their own administrative policies. These policies, however, are founded upon the federal public housing restrictions involving drug-related and violent criminal activity. The

¹ See also, IOWA CODE ANN. § 16.3 (discussing the legislative findings that prompted the foundation of the Finance Authority); IOWA CODE ANN. § 16.5 (enumerating the powers of the Authority).

² See IOWA CODE ANN. § 16.15(3).

³ See Section 8 of the United States Housing Act of 1937 (as amended by section 201 of the Housing and Community Development Act of 1974) and IOWA CODE ANN. § 16.15(1).

administrative policies are not readily available to the public.

III. Housing Authority Policy - City of Des Moines Municipal Housing Authority

A. Application for Public Housing⁴

All citizens of Polk County are eligible to apply for housing assistance. When an individual applies for assistance, his/her criminal record is screened for any drug-related and/or violent criminal convictions (including any violations, misdemeanors, and/or felonies). If an individual has been convicted of any of these types of offenses, his/her application for housing assistance is initially denied.

An applicant who has been denied housing can chose to have the Housing Authority's decision reviewed at a conference with the admissions supervisor. If an applicant can demonstrate that he/she has successfully completed rehabilitation or behavioral modification classes (whatever is relevant to an individual's particular criminal history), the initial denial may be reversed. Each situation is considered on a case-by-case basis.

Individuals who are granted housing assistance are informed of the rules and regulations that apply to residents of public housing, including the fact that their lease is conditioned upon remaining crime-free.

B. Eviction from Public Housing

Every individual admitted to public housing in Polk County is required to sign a lease that contains a provision agreeing not to be arrested or convicted while being a participant in the housing assistance program. If a resident is arrested or convicted of a drug offense or a violent crime, he/she may be evicted from the housing assistance program and his/her lease may be terminated. This condition also extends to all members of the household or any visiting friends or guests of the residence. Consequently, if any person, guest, friend, or family member is arrested for a drug offense or violent crime while in the public housing residence, all persons who reside in the public housing unit may be evicted, even if they had nothing to do with the crime.

Individuals have an opportunity to appeal the eviction decision in a forum much like the one available to individuals who are initially denied housing assistance. An outside attorney presides over the hearing, and the individual making the appeal is permitted to introduce evidence on his/her behalf to explain the circumstances surrounding the arrest or conviction or plead that he/she was falsely accused. If the evicted individual loses at the initial hearing, he/she can

⁴ All the information regarding application for and eviction from public housing with respect to the City of Des Moines Municipal Housing Authority was obtained through an interview with Cheryl Campos, Public Housing Application Specialist (October, 2000).

appeal the decision at a second hearing.

IV. Housing Authority Policy - Central Iowa Regional Housing Authority

A. Application for Public Housing⁵

Individuals who apply for housing assistance through the Central Iowa Regional Housing Authority are screened for any drug-related and/or violent criminal convictions, including violations, misdemeanors, and/or felonies. If an individual has been convicted of any of these offenses within the last three years, his/her application for housing assistance is denied and he/she is prohibited from reapplying for assistance for a three-year period. Additionally, an individual found to have been convicted of a methamphetamine offense is banned from housing assistance for his/her lifetime.

An applicant who has been denied housing can choose to have the Housing Authority's decision reviewed at a conference with one of the Authority's housing specialists. If an applicant can demonstrate that he/she has successfully completed a rehabilitation program, the initial denial may be reversed. Individuals who are granted housing assistance are informed of the rules and regulations of living in public housing, including the fact that their lease is conditioned upon remaining crime-free.

B. Eviction from Public Housing

Individuals who receive housing assistance are screened annually to determine whether they have engaged in any criminal activities throughout the past year. If a participant in the public housing program is arrested or convicted of a crime, he/she may be evicted from the housing assistance program and his/her lease may be terminated. This condition extends to all members of the household or any visiting friends or guests of the residence. Consequently, if any person, guest, friend, or family member is arrested for a crime while in the public housing residence, all persons who reside in the public housing unit may be evicted, even if they had nothing to do with the crime.

Individuals have the opportunity to appeal eviction decisions through a judicial proceeding.

V. Housing Authority Policy - Iowa City Housing Authority

⁵ All the information regarding application for and eviction from public housing with respect to the Central Iowa Regional Housing Authority was obtained through an interview with Tammy Wolford, Housing Specialist (November, 2000).

A. Application for Public Housing⁶

All individuals living in Johnson County who submit an application for housing assistance with the Iowa City Housing Authority are subject to a police record check. Those individuals who have been convicted of drug-related or violent offenses, including misdemeanors and/or felonies, are denied housing assistance.

Individuals who are denied assistance have an opportunity to appeal the Authority's decision at a hearing that is presided over by the Housing Authority's attorney. The Authority is represented by the City Manager. Applicants who have been denied housing are permitted to be represented.⁷ Certificates of rehabilitation or other similar documents are considered in determining whether the Authority's decision should be overturned. Determinations are made on a case-by-case basis.

B. Eviction from Public Housing

Individuals approved for housing assistance in Johnson County are required to sign a conditional lease and are instructed that, as tenants, they are responsible for the activities that go on inside their homes. If an individual (or anyone in the individual's home) is arrested for a crime involving weapons, drugs or violence, the Housing Authority has discretion to evict the entire family from the public housing unit. The Iowa City Housing Authority purports to adhere to the federal "One Strike" regulations in determining the guidelines they use to govern eviction procedures.

The appellate process available to individuals who are denied housing assistance is also available to individuals who are being evicted from public housing in Johnson County. According to a representative at the Iowa City Housing Authority, the Authority is not "in the business of making people homeless." Thus, despite the strict instructions given out to tenants upon admission, the Housing Authority will allow the family to remain in public housing if they can show that the person who was arrested will not be allowed in the housing unit in the future.

⁶ All the information regarding application for and eviction from public housing with respect to the Iowa City Housing Authority was obtained through an interview with Deb Briggs, Public Housing Coordinator (October, 2000).

⁷ According to the Housing Authority, there is no organization that regularly represents individuals in these hearings.

VI. Housing Authority Policy - Cedar Rapids Housing Authority

A. Application for Public Housing⁸

Section 8 housing is the only type of housing assistance available in Linn County through the Cedar Rapids Housing Authority. When an individual applies for housing assistance, his/her record is screened for criminal convictions that took place in the past twelve months. If an individual is found to have been convicted of any felony or misdemeanor within the previous twelve months, s/he is denied housing assistance.

Individuals who wish to appeal the Housing Authority's decision are granted an informal review hearing before the Assistant Housing Manager. If an individual is able to demonstrate rehabilitation, the Assistant Housing Manager determines whether the Housing Authority's denial of assistance should be reversed. Attorneys are not usually involved in this informal review process.

B. Eviction from Public Housing

The eviction process in Linn County is slightly different than the above counties because individuals in the Section 8 housing program sign leases with individual landlords, and each landlord has the ability to establish his/her own set of eviction criteria. If a landlord decides to evict an individual receiving Section 8 housing assistance, the individual is determined ineligible to receive housing assistance for a maximum of five years.

An individual who is evicted from Section 8 financed housing may appeal the decision to a landlord-tenant court or similar judicial body. The Cedar Rapids Housing Authority does not handle appeals for eviction from Section 8 housing units.

VII. Housing Authority Policy - Waterloo City Housing Authority

A. Application for Public Housing⁹

The criminal records of all applicants for both public and Section 8 housing are screened upon application for housing assistance. Individuals who have been convicted of misdemeanor or

⁸ All the information regarding application for and eviction from section 8 housing with respect to the Cedar Rapids Housing Authority was obtained through an interview with Jane Cox, Assistant Housing Manager (October, 2000).

⁹ All the information regarding application for and eviction from housing assistance with respect to the Waterloo City Housing Authority was obtained through an interview with Evelyn Washington, Executive Director of Housing (October, 2000).

felony drug, violent, or sex offenses are initially denied assistance.¹⁰

Individuals who have been denied admission into public housing can appeal the Housing Authority's decision within ten working days. An outside attorney presides over the appellate hearing to determine whether the Housing Authority's denial of assistance should be reversed. The decision to deny housing assistance is often reversed in cases in which an individual is able to demonstrate successful completion of rehabilitation, with the exception of those convicted of sex offenses.¹¹

B. Eviction from Public Housing

Participants in the public housing program in Black Hawk County may be evicted if they are convicted of any crime while a participant of the program. An individual of the Waterloo City Housing Authority carefully reads the local county newspaper each day to determine whether any of the Housing Authority's residents have been involved with the criminal justice system.

The appellate process identified above for applicants to the housing assistance program is also available for individuals who are evicted from their public housing units.

IV. Opinions of Local Advocates

According to a legal services organization that was referenced by nearly every housing authority in Iowa, the housing authorities in Iowa are very "fair."¹² The local advocate believes the housing authorities implement their policies fairly and consistently. She pointed out that the housing authorities are bound by federal law to institute the policies to which they adhere.¹³ This local source believes that if anything is to change locally it has to come from the federal level.

¹⁰ Individuals who are required to register as sex offenders are banned for life from housing assistance in Black Hawk County.

¹¹ See id.

¹² Interview with Elizabeth Norris, attorney at the Legal Services Corps of Iowa (October, 2000).

¹³ Ms. Norris cited 24 C.F.R. § 982.553, Crime by Family Members, as an example of the local housing authorities adhering to the federal regulations. This regulation requires housing authorities to deny assistance to individuals involved in drug-related criminal activity.