

**Public Housing Policies Affecting Individuals with Criminal Records
in Spokane, Washington
February 2001**

I. Introduction

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

The Spokane Housing Authority serves four counties in western Washington – Spokane, Pend Oreille, Stevens and Whitman.

II. Statutory Authority

Pursuant to WASH. CODE ANN. § 35.82.300, the State of Washington utilizes a "joint city-county housing authority" program in which the cities and the counties are jointly authorized to operate a housing authority as a public corporation. The powers of Washington housing authorities are established in WASH. CODE ANN. § 35.82.070. The statutory language holds that housing authorities are obligated to participate in housing assistance payment programs pursuant to the United States Housing Act of 1937.¹

The Washington legislative code does not impose any particular restrictions on individuals with criminal records and/or substance abuse problems. The Spokane Housing Authority does, however, adhere to its own administrative policy which restricts individuals from receiving housing assistance based on criminal records. This policy is derived from federal public housing restrictions imposed on individuals with a history of violent criminal activity and/or drug-related convictions.

¹ See WASH. CODE ANN. § 35.82.070(14) (2000). See also, WASH. CODE ANN. § 35.82.010 (2000) (legislative findings and declaration of necessity for housing authorities); WASH. CODE ANN. § 35.82.020 (2000) (defining terms regarding housing authorities); WASH. CODE ANN. § 35.82.090 (2000) (discussing rentals and tenant selection).

III. Housing Authority Policy - Spokane Housing Authority

A. Application for Public Housing²

All residents who live within the jurisdiction of the Spokane Housing Authority are permitted to apply for public housing. The primary consideration in determining eligibility for public housing is income.³ When an individual applies for housing assistance, the SHA will run a criminal background check on all adult household members, including live-in aides, through the Washington State Patrol and the Federal Bureau of Investigation.⁴

The SHA has the discretion to deny housing assistance to the following individuals:

- (1) Applicants, including a household member, who have a history of criminal activity involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;⁵
- (2) Applicants who were evicted from public housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;⁶
- (3) Applicants who were evicted from public housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance;⁷
- (4) Applicants who include a household member who has ever been evicted from public housing;⁸

² All information regarding application for public housing with respect to the Spokane Housing Authority was obtained via email from Sharon Lord, Operations Director of the Spokane Housing Authority (February 2001) and from the Spokane Housing Authority's Admission and Continued Occupancy Plan (hereinafter "Policy").

³ See WASH. CODE ANN. § 35.82.090 (2000).

⁴ Policy, Eligibility for Admission, Suitability, p. 14.

⁵ Policy, Eligibility for Admission, Grounds for Denial, p. 15

⁶ Id.

⁷ Id.

⁸ Id. at p. 16.

(5) Applicants who are registered with the State's lifetime sex offender registration program. These applicants are barred from SHA public housing for life;⁹ and (6) Applicants who include a family member who has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property. These applicants are barred from SHA public housing for life.¹⁰

The SHA also has the discretion to bar from public housing applicants who are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. This bar may be waived if the individual can demonstrate that the person is (a) no longer engaging in drug-related criminal activity or abuse of alcohol; (b) has successfully completed a supervised drug or alcohol rehabilitation program; (c) has otherwise been rehabilitated successfully; or (d) is participating in a supervised drug or alcohol rehabilitation program.¹¹

When an individual has been denied housing assistance, s/he will receive written notice of the denial that includes a brief statement of the reason(s) for the decision and information about appealing the denial.¹² To dispute the denial, an individual may request an informal review within ten business days. Informal reviews are conducted by any person designated by the Executive Director of the SHA who was not involved in the initial decision to deny housing assistance. Applicants are given the opportunity to present written or oral arguments during the informal hearing. The SHA may reverse an individual's "denial notice" if s/he is able to demonstrate proof of rehabilitation.¹³ Decision by the SHA to overrule or uphold an individual's initial denial must be made within 14 business days of the informal hearing.

B. Eviction from Public Housing¹⁴

It is the policy of the Housing Authority to evict individuals who are convicted of felonies or misdemeanors for crimes of physical violence against persons or property or drug-related crimes from public housing. In addition, if a guest of a resident is convicted of any of these crimes, the resident's family is evicted as well. The duration of the bar is not a definite time period, but, as

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² Policy, Eligibility for Admission, Informal Review, p. 16.

¹³ It is unclear what the SHA considers as proof of rehabilitation.

¹⁴ All information regarding eviction from public housing with respect to the Spokane Housing Authority was obtained via email from Sharon Lord, Operations Director of the Spokane Housing Authority (February 2001).

noted above, will be taken into consideration should the individual reapply for housing assistance (with the exception regarding individuals convicted of manufacturing methamphetamine in a public housing development or registered under the State's sex offender registry who are permanently barred from housing).

Individuals who are evicted from public housing are afforded the same right to request an informal hearing described above. Proof of rehabilitation may warrant a reversal of the eviction proceedings.

IV. Opinions of Local Advocates

The Spokane Housing Authority identified the Northwest Justice Project, a non-profit organization that provides free civil legal services to low-income people throughout the state of Washington, as a resource for assisting individuals with their public housing needs. We were unable to speak with a representative from the Northwest Justice Project for purposes of this summary.