

YUROK INDIAN HOUSING AUTHORITY



BACKGROUND POLICY

Purpose

The purpose of the Yurok Indian Housing Authority (YIHA) Background Policy is to screen applicants who are eligible for Rental or Mutual Help services and ensure safe housing communities.

Receiving Background Information on Adult Applicants or Tenants

As required by Section 208 (Availability of Records) of NAHASDA, the National Crime Information Center, police departments, and other law enforcement agencies shall provide criminal conviction information to Indian Tribes and TDHE's upon request. Information regarding juveniles shall only be released to the extent such release is authorized by the Federal law or Indian Tribe. For purposes of this section, the term "tenants" includes homebuyers who are purchasing a home pursuant to a lease agreement.

Using the Background Information

YIHA has an obligation to ensure safe and healthy communities and deems any felony convictions will result in a denial of services and may prevent admittance to housing for a period of not less than five (5) years from the date of conviction. The information shall be disclosed only to those authorized officers, employees, or representatives of YIHA. The applicant will have the right to present their circumstances before the board of commissioners.

Three (3) or more misdemeanor convictions within five (5) years of the date of application will result in denial of services. The applicant will have the right to present their circumstances before the board of commissioners.

State Lifetime Sex Offender Registration

As cited in HUD PIH 2009-35 (HA) the Board of Commissioners of YIHA have adopted a zero tolerance approach to prevent lifetime sex offenders from receiving YIHA housing assistance.

YIHA will utilize the following methods to achieve this goal:

- Ask households at each recertification/reexamination whether any member is subject to a lifetime registration requirement under a state sex offender registration program.
- Use the Dru Sjodin National Sex Offender Website to confirm that applicants and federal housing assistance recipients are not lifetime registered sex offenders.
- Aggressively pursue termination of tenancy or assistance, as appropriate, for tenants subject to a state lifetime sex offender registration requirement to the extent currently allowed by law.

Megan's Law

- High risk offenders – sex offenders, who have been convicted of multiple violent crimes or have been declared or have been declared a sexually violent predator pursuant to welfare and institutions code, section 6600.
- Serious offender is a registrant whose underlying offense is either certain felony sex offense or misdemeanor child molestation. These offenses will include all felony sex offenses for which registration is required, with the exception of spousal rape,

YUROK INDIAN HOUSING AUTHORITY



BACKGROUND POLICY

pornography, and related offenses, and indecent exposure. For a complete list of a register able offenses and classifications, refer to **California Penal Code Section 290**.

- Other sex offenders who are not subject to public disclosure or Megan's Law, fall into the 'other' category. These offenders include offenders convicted of pornography, spousal rape, indecent exposure, misdemeanor sexual battery, or juveniles adjudicated in juvenile court.

Annual Recertification

Annual recertification/reexamination documents include a question asking whether the tenant or any member of the tenant's household is subject to lifetime state sex offender registration program or has been convicted of any felony in any state. If the recertification/reexamination screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, has had a felony conviction, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification/reexamination form. YIHA shall pursue eviction or termination of tenancy to the extent allowed by their lease and state or local law.

Notwithstanding the above, if the tenant or a member of the tenant's household, regardless of when they were admitted, commits criminal activity while living in federally assisted housing, the YIHA shall pursue eviction or termination of tenancy to the extent allowed by their lease and state or local law. The information shall be disclosed only those authorized officers, employees, or representatives of YIHA.

Confidentiality

Information received by YIHA under this policy may be used only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the tribe, entity, or the owner of housing assisted under this act, and who has a job related need to have access to the information for the purposes under this section. For judicial eviction proceedings, disclosures may be made to the extent necessary.

1. YIHA will keep all the criminal conviction record information it receives from the official law enforcement agencies listed in paragraph 'A' in files separate from all other housing records.
2. All Background information will be kept under lock and key and under the custody and control of the YIHA Executive Director or designee.
3. All background information conducted in relation to the Yurok Tribe land assignment process shall be released only to the Executive Director of the Yurok Tribe in a sealed envelope, with a signed acknowledgement of receipt, and guarantee to adhere to federal and tribal privacy regulations.
4. All background information shall only be accessed with the written permission of YIHA's housing Executive Director or his/her designee and is only to be used for the purposes stated in section 208 of NAHASDA and these regulations.
5. Applicants may submit a written request for a copy of their personal background report with a signed release of information, in person, or with a notarized statement. Spouses may not request a copy of any other family members.

YUROK INDIAN HOUSING AUTHORITY



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C*E*R*T*F*I*C*A*T*I*O*N

This is to certify the Background Policy of the Yurok Indian Housing Authority was approved at a duly called meeting of the Board of Commissioners on April 7th, 2015, at which a quorum was present and the Background Policy was adopted by a vote of 5 For, ~~4~~ Opposed, and ~~0~~ Abstentions, 1 Not Present.

Lori Hodge, Chairperson
Yurok Indian Housing Authority Board of Commissioner

ATTEST:

Jami McCovey, Secretary
Yurok Indian Housing Authority Board of Commissioner