

**HOUSING AUTHORITY OF NEW ORLEANS  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MARCH 26, 2013**

**RESOLUTION NO. 2013-06**

**WHEREAS**, the Housing Authority of New Orleans (HANO) is the city's major provider of affordable housing and a steward of safe and healthy communities, and has a responsibility to give men and women with criminal histories the opportunity to rejoin their families and communities as productive members; and

**WHEREAS**, HANO has proposed a new HANO Criminal Background Policy Statement that will provide all individuals, regardless of their criminal history, access to employment and housing opportunities at HANO; and

**WHEREAS**, HANO released its first draft of the HANO Criminal Background Policy Statement for public review and comment on January 8, 2013, and held a special public hearing on January 22, 2013 to receive comments and hear testimony on the proposed policy statement; and

**WHEREAS**, HANO received thoughtful written comments from local and national organizations such as the NAACP Legal Defense Fund and the Lawyers' Committee for Civil Rights Under Law, and heard important and constructive comments from the public at the hearing; and

**WHEREAS**, HANO met with the Resident Advisory Board, HANO's third party property managers, and other stakeholders to review the draft policy statement and receive feedback; and

**WHEREAS**, following the public hearing, the Vera Institute of Justice has been extraordinarily helpful to HANO in restructuring and revising the Criminal Background Policy Statement, and will assist HANO in implementing this groundbreaking policy; and

**WHEREAS**, On March 11, 2013, HANO released an updated Criminal Background Policy Statement for public comment;

**THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Housing Authority of New Orleans hereby adopts the attached HANO Criminal Background Policy Statement and authorizes the Administrative Receiver to implement the new policy and take any and all other necessary action relative to the policy.

Executed this 26<sup>th</sup> day of March, 2013

APPROVAL

  
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**DAVID GILMORE  
ADMINISTRATIVE RECEIVER  
CHAIRMAN, BOARD OF COMMISSIONERS**

## DRAFT HANO Criminal Background Policy Statement

### PREAMBLE

In mid-December 2012, columnist Michael Gerson of the Washington Post wrote about the ignored plight of black males in America. Among many social and economic issues that could fill a list of critical priorities, he wrote, "One issue in particular cries out for attention while receiving almost none. Our politics moves from budget showdown to cultural conflict to trivial controversy while carefully avoiding the greatest single threat to the unity of America: the vast increasing segregation of young, African American men and boys from the promise of their country."

Citing the increasing rates at which young inner city black males drop out of school (now more than 50%) and the disproportionately high rates of incarceration and disproportionately low rates of participation in the workforce, Gerson writes, "The problem has gotten worse for decades, in good economic times and bad. Others benefitted from the tight labor markets of the 1990s. African American men did not. By 2004, more than half of all black men in their 20s were unemployed. And the size of this problem gets consistently underestimated, since unemployment figures exclude the incarcerated. A problem that seems insoluble is thus rendered invisible."

The societal problems attendant to this phenomenon are obvious. What is also quite evident is that once black males enter the criminal justice system for whatever reason, they begin a journey on a treadmill that, for many, lasts a lifetime. Lacking the skills and education that are prerequisites for employment, they are now saddled for life with a label "felon"—an almost automatic bar to gainful work. In addition, their criminal history is also a likely bar to admission to most affordable housing opportunities, making post-incarceration reunification of families a near impossible dream. Research has shown that access to decent, stable, and affordable housing substantially increases the likelihood that a person returning home from prison or jail will be able to find and retain employment and refrain from committing additional crimes.<sup>1</sup>

The Housing Authority of New Orleans (HANO) recognizes that rather than perpetuate the problem, we can be part of the solution. As the city's major provider of affordable housing and a steward of safe and healthy communities, HANO has a responsibility to give men and women with criminal histories the opportunity to rejoin their families and communities as productive members.

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<sup>1</sup> Christopher Uggen and Jeremy Staff, "Work as a turning point for criminal offenders." *Corrections Management Quarterly* 5 (2001):1-16; Nancy LaVigne, Vera Kachnowski, Jeremy Travis, Rebecca Naser, and Christy Visher, *A Portrait of Prisoner Reentry in Maryland* (Washington, DC: The Urban Institute, 2003); Jocelyn Fontaine and Jennifer Biess, *Housing as a Platform for Formerly Incarcerated Persons*, (Washington DC: Urban Institute, 2012) 3.

## **STATEMENT of POLICY**

It will be the policy of HANO that all individuals, regardless of their criminal history, shall have access to employment and housing opportunities at HANO.

### **Employment**

No applicant for employment will be automatically barred from employment at HANO because of his or her criminal background.

There will be no inquiry into an applicant's criminal background at the time of application or during the interview process. HANO will conduct a criminal record check only after an applicant has received a conditional offer of employment. A final offer of employment shall be subject to the results of a full background check, which includes a criminal record check. In determining whether an applicant's criminal conviction(s) will be a bar to employment, HANO will only consider a conviction when the conviction is for conduct directly related to the particular position sought, or indicates a danger to fellow employees or residents. The conviction will be reviewed as part of an individualized assessment, which will include a consideration of the nature and gravity of the conviction, the amount of time that has elapsed since the conviction, and the nature of the job sought, among other factors; or when Louisiana or federal law specifically prohibits hiring a person with a particular conviction for a particular kind of work.

### **Housing**

No applicant for HANO-assisted housing will be automatically barred from receiving housing because of his or her criminal background, except as mandated by federal law.

HANO will conduct a criminal record check for all applicants before admission into HANO-assisted housing. For applicants not barred by federal law, the applicant's criminal conviction(s) will be assessed to determine the risk the applicant poses to the safety and well being of the community using an objective set of valid criteria. Applicants whose conviction(s) do not suggest a significant level of risk will be deemed admissible to housing if otherwise eligible. Applicants whose conviction(s) suggest a significant level of risk will be reviewed by a panel of senior HANO officials to assess, based on the totality of the circumstances including any information the applicant wishes to provide, whether the applicant should be admitted to housing or denied. If the panel recommends denial of an applicant, the HANO chief executive officer will review the recommendation and make the final decision on admission. HANO will make public the risk assessment criteria it uses and details of the review process.

To implement this policy, HANO will revise its housing and employment procedures, including procedures that will apply to those who do business with HANO.



**March 26, 2013**

**MEMORANDUM**

**To: David Gilmore  
Administrative Receiver  
Chairman, Board of Commissioners**

**From: Maggie Merrill  
Senior Advisor to the Administrative Receiver**

**Re: Adoption of HANO Criminal Background Policy Statement**

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As the city's major provider of affordable housing and a steward of safe and healthy communities, the Housing Authority of New Orleans (HANO) has a responsibility to give men and women with criminal histories the opportunity to rejoin their families and communities as productive members. To that end, HANO has proposed a new HANO Criminal Background Policy Statement that will provide all individuals, regardless of their criminal history, access to employment and housing opportunities at HANO.

On January 8, 2013, HANO released its first draft of the HANO Criminal Background Policy Statement for public review and comment, and held a special public hearing on January 22, 2013 to receive comments and hear testimony on the proposed Draft. HANO received thoughtful written comments from local and national organizations such as the NAACP Legal Defense Fund and the Lawyers' Committee for Civil Rights Under Law, and heard important and constructive comments from the public at the hearing. In addition, HANO met with the Resident Advisory Board, HANO's third party property managers, and other stakeholders to review the draft policy statement and receive feedback.

Since that public hearing, HANO has been working with the Vera Institute of Justice to think through the written comments and the issues raised at the hearing, and to refine our policy statement. The Vera Institute of Justice has been extraordinarily helpful to HANO in restructuring and revising our Criminal Background Policy Statement, and we look forward to working with them as they assist HANO in implementing this groundbreaking policy. On March 11, 2013, HANO released an updated Criminal Background Policy Statement for public comment.

The Board of Commissioners is hereby requested to adopt the attached HANO Criminal Background Policy Statement and to authorize the Administrative Receiver to implement the new policy and take any and all other necessary action relative to the policy.