

**HOUSING AUTHORITY OF NEW ORLEANS  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MAY 21, 2013**

**RESOLUTION NO. 2013-21**

**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 adopted a new Criminal Background Policy Statement on March 26, 2013 that provides all individuals, regardless of their criminal history, access to employment and housing opportunities at HANO; and

**WHEREAS**, in order to implement this new Criminal Background Policy Statement, HANO must amend and revise several of its operating policies and procedures to ensure that they are in compliance with and follow the letter and the spirit of the new policy statement; and

**WHEREAS**, one such document is HANO's Procurement Policy which establishes a set of policies and guidelines for the procurement of supplies, equipment, services, and construction that promote administrative flexibility and efficiency, while at the same time maintaining prudent internal controls and compliance with applicable statutes and regulations; and

**WHEREAS**, in consultation with the Vera Institute of Justice, HANO has proposed amendments and revisions to the Procurement Policy related to HANO's Criminal Background Policy Statement as referenced in Exhibit A; and

**WHEREAS**, these proposed amendments and revisions will ensure that HANO's procurement and contracting procedures and practices are in compliance with its new Criminal Background Policy Statement;

**THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Housing Authority of New Orleans adopts the amendments and revisions to the Procurement Policy related to HANO's new Criminal Background Policy Statement summarized in Exhibit A, and authorizes the Administrative Receiver to take any and all other action necessary to ensure that the Procurement Policy is implemented in accordance with HANO's Criminal Background Policy Statement.

**Executed this 21<sup>st</sup> day of May, 2013**

**APPROVAL:**



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

**HOUSING AUTHORITY OF NEW ORLEANS**  
**Procurement Policy**  
**Section 7: Contracts**

Summary of Proposed Changes by the Vera Institute of Justice  
 May 14, 2013

The following table includes the: (1) proposed changes, (2) new proposed policy language, and (3) reasoning for each change.

Item No.	Section	Subsection	Proposed Change	New Proposed Policy	Rationale
<b>Introduction</b>					
2.	7 : Contracts	New Section 7.4: Use of Criminal Background Checks in Employment Screening	Insert a new Section 7.4 pertaining to the limited use of criminal background checks in contractor hiring for employment on HANO-funded projects.	<p><b>7.4.1. Statement of Policy</b>                      Consistent with the Equal Employment Opportunity Commission's Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, the Fair Credit Reporting Act (FCRA), and HANO Board Resolution Number 2013-06, HANO reaffirms its commitment to offering employment opportunities on HANO-funded projects to qualified applicants with criminal convictions.</p> <p>All contractors that hire employees to fulfill contractual obligations to HANO and to work at HANO job sites or on HANO premises must adhere to HANO's Criminal Background Policy Statement. Contractors may not apply hiring standards that are more exclusionary than those outlined in the Policy Statement.</p> <p>No applicant for employment will be automatically barred from employment on a HANO-funded project because of his or her criminal background. Instead, any criminal conviction must be evaluated in its full context, including 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,</p>	<p>The revised policy sets forth the procedures for the use of criminal background checks and guidelines for evaluating criminal records and convictions. The purpose of this policy is to provide access to employment opportunities on HANO-funded projects on HANO premises or at HANO job sites for qualified applicants with criminal convictions.</p> <p>These practices and procedures are consistent with the Equal Employment Opportunity Commission's Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment</p>

			<p>unless Louisiana or federal law specifically prohibits hiring a person with that particular conviction for that particular kind of work. Arrests that did not lead to a conviction must not be considered unless the case is still pending.</p> <p><b>7.4.2. Best Practices</b></p> <p>In order to comply with the Policy, HANO recommends that contractors subject to the Policy adopt the following Best Practices:</p> <ol style="list-style-type: none"> <li>1. Develop a tailored written policy and procedure for screening applicants for criminal conduct. This policy should not exclude applicants based on a criminal record alone, but should consider: <ul style="list-style-type: none"> <li>• The relevance of the conviction(s) to the position sought;</li> <li>• The nature of the work to be performed;</li> <li>• The time since the conviction(s);</li> <li>• The age of the applicant at the time of the offense(s);</li> <li>• The seriousness and specific circumstances of the offense(s);</li> <li>• The number of convictions;</li> <li>• Evidence that the applicant performed the same type of work, post-conviction, with no known incidents of criminal conduct; and</li> <li>• Any relevant evidence submitted by the applicant regarding his or her conduct post-conviction.</li> </ul> </li> <li>2. Remove questions about criminal histories from your job applications and do not inquire into an applicant's criminal history until you have determined that he or she is a finalist for the position.</li> <li>3. Run criminal background checks only from FCRA-compliant credit reporting agencies.</li> </ol>	<p>Decisions under Title VII of the Civil Rights Act of 1964, the Fair Credit Reporting Act (FCRA), and HANO's Criminal Background Policy Statement, adopted at the March 26, 2013 Board meeting.</p>
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**May 21, 2013**

**MEMORANDUM**

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

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

**Re: Amendments to HANO's Procurement Policy related to HANO's New  
Criminal Background Policy**

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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 adopted a new Criminal Background Policy Statement on March 26, 2013 that provides all individuals, regardless of their criminal history, access to employment and housing opportunities at HANO. Since that time, HANO has been working with the Vera Institute of Justice ("Vera") to implement the new policy statement.

In order to implement this new Criminal Background Policy Statement, HANO must amend and revise several of its operating policies and procedures to ensure that they are in compliance with the letter and the spirit of the new policy statement. One such document is HANO's Procurement Policy which establishes a set of policies and guidelines for the procurement of supplies, equipment, services, and construction that promote administrative flexibility and efficiency, while at the same time maintaining prudent internal controls and compliance with applicable statutes and regulations. In consultation with Vera, HANO has proposed changes to the Procurement Policy related to the new Criminal Background Policy Statement. All proposed amendments and revisions to the Procurement Policy have been summarized and are attached hereto as Exhibit A.

The Board of Commissioners is hereby requested to adopt the amendments and revisions to the Procurement Policy related to HANO's new Criminal Background Policy Statement summarized in Exhibit A, and to authorize the Administrative Receiver to take any and all other action necessary to ensure that the Procurement Policy is implemented in accordance with HANO's Criminal Background Policy Statement.