



# Housing Application Tool and CORI

## 1. How does a criminal record affect my application for public or subsidized housing?

- Public housing authorities and landlords can check your criminal record (CORI) **with your permission**.
- Your application for housing may be denied on the basis of a criminal record. However, you can challenge a denial.

## 2. What is CORI?

- CORI stands for Criminal Offender Record Information.
- There is CORI on you if you have ever been **charged with a crime** in a Massachusetts court.
- If you give someone else, like a housing authority, **permission** to get a copy of your CORI, that copy will only list **convictions and open cases**, and not charges that were dismissed or resulted in no conviction.
- Public housing gets a copy with all of your convictions; private landlords get a copy with convictions in the past 5 (misdemeanors) to 10 (felonies) years, and any murder, manslaughter or sex offense convictions.

## 3. What are my CORI rights?

- It is important to know what is in your CORI report. You can get a copy of it from the Department of Criminal Justice Information Services (DCJIS). DCJIS is the state agency in charge of CORI.
- You have the right to fix mistakes on your CORI report.
- If you apply for housing or jobs, no one can send for a copy of your CORI report without your permission.
- It is against the law for anyone to ask you to give them a copy of **your own** CORI report.
- You have the right to know who asks for copies of your CORI.
- You have a right to say “I have no record” when your criminal records are sealed.

## 4. If a housing authority or landlord finds negative information on my report, will I be denied housing?

- A public or subsidized housing agency **must** deny you for some kinds of criminal history. It **may** deny you for other kinds of information.
- You should be prepared to provide positive information that explains the negative information and shows that you will be a good tenant.
- If you are denied housing or a voucher due to negative information, you can challenge (appeal) this denial.

## 5. Can I find out what information a housing agency or subsidized landlord has about me?

- Yes. If the housing agency or subsidized landlord intends to deny you housing based on your CORI, they must provide you with a copy of the CORI that they received and give you an opportunity to challenge the accuracy or relevance of the CORI **before they make a final decision.**

## 6. What kinds of criminal history can result in a denial?

- Public and subsidized housing agencies and voucher programs **must** deny anyone whose history gives them a reason to believe that a pattern of **drug-related** or **violent criminal activity, or drug or alcohol abuse** may threaten the safety, security or peaceful enjoyment of other tenants. (However they must also consider evidence of rehabilitation).
- Federal housing or voucher programs must deny anyone who is subject to a lifetime sex offender registration requirement.

## 7. What kinds of rental history can result in a denial?

- Federal housing and voucher programs **must deny** anyone who has been evicted for drug-related criminal activity in the last 3 years. State-aided programs will also screen for past evictions.
- Public and subsidized housing agencies and voucher programs have wide discretion over whom they allow into housing programs. In general, this means a housing authority will consider your rent-paying history (nonpayment of rent, failure to obey leases), and will look at whether you have a record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other tenants.

## 8. What happens if I am denied housing?

Before a housing authority or other landlord denies an application because of an applicant's CORI or criminal history information received from a Consumer Report they must first:

- Notify you that they plan to deny you housing,
- Give you a copy of the CORI or background report that **they** got,
- Tell you what part of your CORI or background report is a problem,
- Provide you with information about how to fix mistakes on your CORI,
- Give you the chance to dispute the accuracy of the CORI.

Landlords, property management companies, and real estate agents must also provide you with a copy of their CORI policy.

## 9. What steps can I take to turn a denial around?

- Generally, to challenge a denial of your application, you appeal the denial.
- The housing authority or landlord will then be required to hold a meeting called a hearing or conference or informal conference where the denial will be reconsidered. Note that even though the word "appeal" is used, you are entitled to only one hearing or conference, with different programs calling the meeting by different names. You are "appealing" the staff person's initial decision to deny you, and the one place that appeal will be heard is at the hearing or conference or informal conference.
- Consult MassLegalHelp or advocacy for help in preparing for an appeal.

## **10. In making an appeal, how can I show that my circumstances have changed?**

Prepare a presentation that shows that the behavior that led to the denial is in the past. For example, that you:

- Were abusing drugs or alcohol at the time of the crimes, but have since successfully completed an approved supervised drug or alcohol rehabilitation program or have otherwise been rehabilitated or are in recovery now.
- Have participated in counseling and social service programs.
- Have not engaged in such behavior for a reasonable period.
- Were not engaged in an offense that was serious or participated to only a minor extent in the offense.
- Met all probation requirements while on probation, and successfully completed probation.
- Have a letter from a previous landlord saying you were a good tenant.

## **11. How do I seal a criminal record?**

- Getting a record sealed means that the record is moved to a separate database and is not available to most requesters. The laws relating to sealing a criminal record can be quite complicated.
- For a quick reference, see ACC's **How to Seal CORI**.

All material taken from or based on the following sections of the MassLegalHelp website in June 2016:

'Criminal Offender Record Information (CORI)' (<http://www.masslegalhelp.org/cori>),

Housing and CORI (<http://www.masslegalhelp.org/cori/housing>)

Housing (<http://www.masslegalhelp.org/housing>).