



## Worksheet for Assessing an Applicant’s Criminal Legal System History for State-Funded Housing

1. Applicant’s Name	2. Date
3. Project Name and Address	4. Reviewer’s Name & Contact Information:

### INSTRUCTIONS

New York State Homes and Community Renewal does not require that housing providers conduct a background check on applicants to state-funded housing. If a housing provider elects to conduct a background check on applicants, it must do so in compliance with New York State’s Criminal Legal System Involvement policy. This worksheet must be used to determine an applicant’s eligibility for state-funded housing based on their involvement with the criminal legal system. Please fill out the worksheet completely.

Only crimes for which the applicant has been convicted may be considered. Pending arrests and arrests with adjournments in contemplation of dismissal may not be considered.

Only offenses that involved physical danger or violence to persons or property, or that adversely affected the health, safety, and welfare of other people may be considered.

Convictions that have been excused by pardon, overturned on appeal, sealed, or otherwise vacated may not be considered.

Pursuant to Section 296(16) of the [New York State Human Rights Law](#), it is unlawful to inquire about or deny housing to an applicant on the basis of: any prior arrests or criminal accusations that have been resolved in the applicant’s favor, youthful offender adjudications, pending arrests with adjournments in contemplation of dismissal and a variety of sealed convictions.

You may not reject someone for reasons other than those listed in Section 1 below without (a) providing 14 business days to provide extra information and (b) providing [Know Your Rights](#) information both when requesting information AND when rejecting the applicant. If rejecting an applicant, you must also provide an additional 14-day appeal period.

For more information on this policy, please visit: <https://hcr.ny.gov/marketing-plans-policies#credit-and-justice-involvement-assessment-policies>

**SECTION 1 – AUTOMATIC BARS TO ADMISSION**

1.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was the applicant convicted of producing methamphetamine in their home?
2.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the applicant legally required to be a <u>lifetime</u> registrant on the state sex offender registry?
If the answer to either of these questions is <b>YES</b> , you may <b>STOP</b> completing the worksheet and <b>DENY</b> the applicant. If the answer to both questions is <b>NO</b> , please <b>CONTINUE</b> to the next section.			

**SECTION 2 – NATURE OF CRIMINAL LEGAL SYSTEM-INVOLVEMENT**

1.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are the incidents (a) prior arrests or criminal accusations that have been resolved in the applicant’s favor, (b) youthful offender adjudications, (c) pending arrests with adjournments in contemplation of dismissal or (d) a sealed convictions as set forth in NYS Human Rights Law § 296(16)?	
<b>If YES</b> , please <b>STOP</b> : You may not inquire about these incidents and the applicant <u>may not</u> be rejected based on these incidents. <b>If NO</b> , continue to the following questions.				
2.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are the incidents pending arrests (recent arrests that have not yet been resolved through the judicial process)?	
<b>If YES</b> , please <b>STOP</b> : You may not inquire about these incidents and the applicant <u>may not</u> be rejected based on these incidents. <b>If NO</b> , continue to the following questions.				
3.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the applicant have a certificate of relief from disabilities or good conduct in relation to the specific offense that is permanent and covers housing?	
<b>If YES</b> , please <b>STOP</b> : The applicant <u>may not</u> be rejected on the basis of their history. <b>If NO</b> , continue to the following questions.				
4.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Did the crime[s] for which the applicant was convicted involve physical violence to persons or property, or adversely affect the health, safety, and welfare of other people?	
<b>If YES</b> , please use the space below to describe the offense, then continue to the next question. <b>If NO</b> , please <b>STOP</b> : The applicant <u>may not</u> be rejected on the basis of their history.				
5.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was the applicant under the age of 18 at the time of the offense[s]?	
<b>If YES</b> , please <b>STOP</b> : The applicant <u>may not</u> be rejected on the basis of their history. <b>If NO</b> , continue to the following questions.				
<b>6. Lookback Period - Misdemeanors</b>				
6a.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	If the applicant was convicted of a misdemeanor, was the applicant convicted more than 1 year ago?
<b>If YES</b> , continue to question 6b. <b>If NO or N/A</b> , please <b>SKIP</b> 6b and continue with the following questions.				
6b.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Has the applicant been under supervision (e.g., probation, incarceration) within the last year?
<b>If YES</b> , continue to the following questions. <b>If NO</b> , please <b>STOP</b> . The applicant <u>may not</u> be rejected on the basis of their history.				

7. Lookback Period - Felonies				
7a.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	If the applicant was convicted of a felony, was the applicant convicted more than 5 years ago?
<b>If YES</b> , continue to question 7b. <b>If NO or N/A</b> , please <b>SKIP</b> 7b and continue with the following questions.				
7b.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Has the applicant been under supervision (e.g., probation, parole, incarceration) within the last year?
<b>If YES</b> , continue to the following questions. <b>If NO</b> , please <b>STOP</b> . The applicant <u>may not</u> be rejected on the basis of their history.				
8.	How much time has the applicant spent in the community after release from incarceration, if they were incarcerated as a result of the conviction(s)?			
9.	What was the age of the applicant at the time of their conviction?			
10.	What was the seriousness of the applicant's offense?			
11.	Are there any other factors about the crime or circumstances that may be relevant?			

**SECTION 3 – EVIDENCE OF REHABILITATION AND GOOD CONDUCT**

Has the applicant shown evidence of rehabilitation and good conduct? Choose "Yes" for all of the following factors showing rehabilitation if they are applicable to the applicant and "No" if they are not. In either case, please provide an explanation for your choice.				
1.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Has the applicant participated in drug or alcohol rehab? (If rehab or treatment was not necessary, write N/A)	
Explain:				
2.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Has the applicant participated in and completed other types of rehabilitative programming? (If so, please indicate what type of programming.)	
Explain:				

3.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the applicant have a certificate of relief from disabilities or good conduct that is temporary or does not cover housing, or any other documentation of good conduct during their incarceration?
Explain:			
4.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Has the applicant sought and maintained employment after their conviction or release from incarceration?
Explain:			
5.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the applicant have a history of good tenancy? (The applicant may elect to provide positive references from past landlords or housing providers, but may not be penalized if they do not.)
Explain:			
6.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If the applicant has had difficulty finding employment, have they been productively spending their time? (If so, please include examples, including any community engagement or volunteer work.)
Explain:			
7.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the applicant have any letters of recommendation from members of the community? (If so, please identify how many and the relation of the writers to the applicant.)
Explain:			
8.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Has the applicant provided a narrative or information explaining the circumstances under which the offense was committed, and what has occurred since then, that may mitigate the severity of the conviction?
Explain:			
9.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are there any other factors that speak to the applicant's rehabilitative efforts and lifestyle that may be relevant?
Explain:			

**SECTION 4 – DETERMINATION**

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Based upon a consideration of all of the factors, and independent of any other factors that may affect tenancy, is the applicant eligible for housing? (Use the space below to provide a detailed explanation as to why.)
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