

Recommended Best Practices to Do and Not Do in Drafting and Implementing a Criminal Conviction Screening Policy

DO	DO NOT
Have a written and thoughtfully developed criminal screening policy	Inconsistently apply the screening policy or allow subjective considerations to be part of the decision
Narrowly tailor the screening policy to reflect legitimate concerns over convictions that directly relate to the legitimate interests of a housing provider	Ignore mitigating information and fail to review on a case-by-case basis accounting for the time passed since the conviction, the nature and severity of the conviction, and efforts to rehabilitate
Write down justifications in support of the legitimate interests for the policy	Automatically deny an applicant because of the mere existence of a prior arrest
Give greater weight to convictions that reflect the legitimate concerns	Automatically deny an applicant because of the mere existence of a prior conviction
Allow an individual the opportunity to explain mitigating circumstances and provide evidence of rehabilitation if he or she is declined for tenancy	Exempt certain people or classes of people from the screening policy
Provide detailed training to staff to consistently apply the screening policy and to understand the justifications for the policy	Use a criminal screening policy as a pretext to exclude certain individuals or classes of individuals