



CRIMINAL HISTORY RECORD CHECKS FOR FEDERALLY ASSISTED HOUSING APPLICATIONS

Annual Report



CRIMINAL HISTORY RECORD CHECKS FOR FEDERALLY ASSISTED HOUSING APPLICATIONS: ANNUAL REPORT

SUBMITTED TO THE ILLINOIS GOVERNOR
AND GENERAL ASSEMBLY

March 2023

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Suggested citation: Maranville, R., Greene, E., & Reichert, J. (2023). *Criminal history record checks for federally assisted housing applications: annual report*. Illinois Criminal Justice Information Authority.

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BACKGROUND

Millions are arrested annually in the U.S. (Office of Juvenile Justice and Delinquency Prevention, 2022) and as much as one-third of the population possess an arrest record (Bureau of Justice Statistics, 2014). While many Americans struggle obtaining affordable, safe, and stable housing, individuals with criminal records often face additional barriers, such as poor credit and employment deficits, as well as stigma associated with criminal involvement, contributing further to housing insecurity. Moreover, there are racial and ethnic disparities in arrests which can lead to communities of color experiencing more denial of, or expulsion from, public and private housing due to criminal records (Crowell, 2017).

Over 10 million Americans, and more than 440,000 Illinoisans, receive federal rental assistance (Center on Budget and Policy Priorities, 2022). However, the consideration of criminal histories when making public housing decisions can be illegal under the Fair Housing Act. Housing providers could violate the Act by using discriminatory language in housing listings, conducting unjust and inaccurate screening through online record checks, and evicting individuals or their families without just cause (McCain, 2022).

Per Section 8.10a of the Housing Authorities Act, all Illinois public housing authorities are to collect and report to the Illinois Criminal Justice Information Authority (ICJIA) the following on an annual basis:

- (1) The number of applications submitted for admission to federally assisted housing.
- (2) The number of applications submitted for admission to federally assisted housing of individuals with a criminal history record, if the authority is conducting criminal history records checks of applicants or other household members.
- (3) The number of applications for admission to federally assisted housing that were denied on the basis of a criminal history record, if the authority is conducting criminal history records checks of applicants or other household members.
- (4) The number of criminal records assessment hearings requested by applicants for housing who were denied federally assisted housing on the basis of a criminal history records check.
- (5) The number of denials for federally assisted housing that was overturned after a criminal records assessment hearing.

All of the reported information must be disaggregated by the race, ethnicity, and sex of housing applicants (310 ILCS 10/8.10a).

The Housing Authorities Act was signed into law and effective on March 23, 2021. In order to be in compliance, ICJIA is providing an annual report to the General Assembly, including this one, on or before March 31st of each calendar year. This annual report provides an update on ICJIA's progress in fulfillment of the Housing Authorities Act and outlines the agency's remaining work.

PROGRESS UPDATE

On January 31, 2023, ICJIA published its progress in fulfillment of Section 8.10a of the Housing Authorities Act (Maranville & Reichert, 2023). The progress report laid out ICJIA's full plan to fulfill the Act, highlighted ICJIA's completed work to date, and detailed the agency's need for additional engagement with public housing authorities to address logistical and methodological questions for accurate data collection, measurement, and interpretation. Per ICJIA's established timeline, the months of January, February, and March 2023 were to gather information from public housing stakeholders for logistics and survey refinement, as well as pilot a data collection tool with selected authorities to ensure readability, usability, and clarity. ICJIA is currently on-track to meet all deadlines identified in the January 2023 Progress Report.

Table 1

ICJIA's Established Timeline (Maranville & Reichert, 2023)

	Tasks	Completion Date
✓	Gather information from public housing stakeholders for logistics and survey refinement.	January - February 2023
✓	Pilot survey with selected public housing authorities to ensure readability, usability, and clarity.	February - March 2023
✓	Submit annual report to the Illinois Governor and General Assembly.	March 2023

In order to gather information from a diverse set of public housing authorities in the state, ICJIA's Research and Analysis (R&A) Unit created a list of all housing authorities and categorized them by geographic location across the state (Northern, Central, and Southern) and identified the authorities as municipal-wide or county-wide housing authorities. Then, ICJIA staff randomly selected nine authorities total and contacted their directors to schedule a meeting to review and discuss the drafted data collection tool. Of the nine selected, four authorities engaged with ICJIA staff via virtual meetings, phone calls, and/or written correspondence. These included two central Illinois housing authorities at the municipal level and two southern Illinois housing authorities at the county level. Notably, no northern authorities shared input with ICJIA, however three northern authorities were asked to participate. Additionally, ICJIA spoke directly with a central municipal level authority on the data collection tool and collection requirement, although the authority was not contacted for feedback via sampling. This brought the total number of authorities engaged with to five.

The next steps for ICJIA staff are to refine the data collection tool, including specific language such as distinguishing the point at which an application officially starts in the application process and clarifying which applications should be counted (i.e., partially completed applications).

By end of March 2023, ICJIA staff will distribute the online data collection tool to all housing voucher programs and public housing authorities organized under the Housing Authorities Act (310 ILCS 10/8.10a). Sampled authorities communicated to ICJIA that the allotted completion period of one month is sufficient, so ICJIA anticipates to complete data analysis, report formation, and final dissemination by July 2023.

Table 2 lists ICJIA data collection and reporting tasks to be completed.

Table 2*Tasks to Complete*

Tasks	Anticipated Completion Date
Distribute and administer online survey to all housing voucher programs and public housing authorities organized under statute 310 ILCS 10/8.10a.	March - April 2023
Begin data analysis and report formation.	May - June 2023
Provide an updated report to the General Assembly	June - July 2023
Continued annual reporting.	Annually, by March 31

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APPENDIX: 310 ILCS 10/8.10A

- (A) Every Authority organized under the provisions of this Act shall collect the following:
1. The number of applications submitted for admission to federally assisted housing;
 2. The number of applications submitted for admission to federally assisted housing by individuals with a criminal history record, if the Authority is conducting criminal history records checks of applicants or other household members;
 3. The number of applications for admission to federally assisted housing that were denied on the basis of a criminal history record, if the Authority is conducting criminal history records checks of applicants or other household members;
 4. The number of criminal records assessment hearings requested by applicants for housing who were denied federally assisted housing on the basis of a criminal history records check; and
 5. The number of denials for federally assisted housing that were overturned after a criminal records assessment hearing.
- (B) The information required in this Section shall be disaggregated by the race, ethnicity, and sex of applicants for housing. This information shall be reported to the Illinois Criminal Justice Information Authority and shall be compiled and reported to the General Assembly annually by the Illinois Criminal Justice Information Authority. The Illinois Criminal Justice Information Authority shall also make this report publicly available, including on its website, without fee.

Source: P.A. 101-659, eff. 3-23-21



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