Marblehead Housing Authority

CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY

Pursuant to 803 CMR 5.05, a subsection of the regulations governing the request for and use of criminal offender record information (CORI) by local housing authorities and agencies to ensure that CORI is handled in a lawful fashion, the Marblehead Housing Authority (MHA) hereby adopts the following policy:

1. Marblehead Housing Authority employees may be designated to request and use CORI only for purposes of evaluating applicants for public and subsidized housing and employment. All CORI obtained from the DCJIS is confidential and access to the information must be limited to those individuals who have a "need to know". Dissemination of CORI for any other purpose or to individuals not involved in the tenant selection or employee hiring processes is expressly prohibited.

2. Employees/Applicants will be informed in writing that CORI will be obtained from the Massachusetts Department of Criminal Justice Information Services (DCJIS) by applicant's completion of the CORI Request Form. The MHA shall verify the identity of the applicant with at least one form of government issued photographic identification.

3. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

   CORI will be obtained for all employees hired on or after April 25, 1995. CORI used for employment purposes shall only be accessed for candidates who are otherwise qualified for the position for which they have applied.

   CORI will be obtained for all applicants for State Elderly/Elderly Handicapped, State Family/Family Handicapped Public Housing who are age 17 or older, including all applicant household members and other persons to be listed on the lease as "authorized occupants" as well as any other person to be added to this list at a later time. If any household member age 17 or older has not signed the application (which explains in writing that CORI will be obtained), he/she will be required to sign the CORI request form in person at the MHA office.

   With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI

Acknowledgement Form, the subject shall be given seventy-two hours notice that a new CORI check will be conducted.

If the MHA is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

4. The Executive Director will establish a standard for determining when a request for an applicant's CORI will be made, provided that:

    a. a request for CORI shall not be made prior to the final application screening process, and

    b. the standards adopted shall not have the purpose or effect of discrimination on the basis of race, religion, color, national or ethnic origin, ancestry, age, sex, handicap, sexual orientation, marital status, military status, or receipt of public assistance.

5. Employees in the following positions are authorized to submit a written request for CORI to the DCJIS on behalf of the MHA:

    Executive Director
    Director of Public Housing
    Assistant Director of Public Housing

6. Employees in the following positions are directly involved in the decision as to whether an applicant is eligible for public housing and are authorized to handle CORI in the course of their duties:

    Executive Director
    Director of Public Housing
    Assistant Director of Public Housing

7. Employees in these the above-mentioned positions shall sign an "Agreement of Non-Disclosure" provided by the DCJIS. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by DCJIS and upon initial and renewal of CORI certification shall attend CORI training as a condition of certification as notified by the DCJIS.

8. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.

9. All CORI shall be kept in a separate locked file cabinet when not being used.
10. Only one copy of CORI is to be kept in the files at any time.

11. CORI shall be destroyed when the applicant to whom it pertains has been housed or hired. If the applicant has been determined ineligible for housing or employment, the applicant's CORI shall be destroyed one year from the date of the applicant's rejection or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.

12. No provision of this policy shall be construed to prohibit the dissemination of CORI by the MHA in the course of a tenant selection appeal or other administrative or judicial proceeding in which such CORI is relevant and brought by an applicant.

13. If a criminal record is received from DCJIS, the authorized individual will closely compare the record provided by DCJIS with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

14. In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

    If the MHA is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately in writing by the the Director of Public Housing or the Executive Director. The applicant shall be provided with copies of the following:

    - the CORI
    - the MHA's CORI Policy
    - the DCJIS's "Information Concerning the Process in Correcting a Criminal Record"

    The applicant will be advised of the part(s) of the record that make the individual unsuitable for public housing, housing subsidy, or employment, and will be given an opportunity to dispute the accuracy and relevance of the CORI record.

    For employment purposes the MHA will review an applicant's CORI using standard access as authorized by DCJIS.

    If a government issued form of identification with a photograph is not available at the time of verification, then the agency shall verify the information on the CORI request form with either a birth certificate or social security card.

    All steps will be documented by the CORI certified user.

15. If the CORI record provided does not exactly match the identification information provided by the applicant, the MHA will make a determination based on a comparison of

the CORI record and documents provided by the applicant. The MHA may contact DCJIS and request a detailed search consistent with DCJIS policy.

16. If the MHA reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section 13 of this policy, then the determination of suitability of the applicant will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

    a.) Relevance of the record to the position sought;
    b.) The nature of the housing or work to be performed;
    c.) Time since the conviction;
    d.) Age of the candidate at the time of the offense,
    e.) Seriousness and specific circumstances of the offense;
    f.) The number of offenses;
    g.) Whether the applicant has pending charges;
    h.) Any relevant evidence of rehabilitation or lack thereof;
    i.) Any other relevant information, including information submitted by the candidate or requested by the MHA.

17. The MHA will notify the applicant of the decision and the basis of the decision in a timely manner.

18. The Executive Director and the Director of Operations are designated as the persons to hear any appeal submitted by an applicant who has been denied public housing or housing subsidy or employment.

19. If the MHA denies an applicant's eligibility on the basis of CORI, the MHA shall keep the record open for ninety days if the applicant indicates that modification of such CORI will be sought.

Adopted by the MHA Board of Directors: June 29, 2023