



New England

U.S. Department of Housing and Urban Development

Office of Public Housing
Boston Hub
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, Massachusetts 02222-1092

AUG 13 2012

New England PIH Advisory Letter #12-2

SUBJECT: Massachusetts PHA Dissemination of Criminal Offender Records Information to Owners in the Section 8 voucher program

This advisory letter is to remind public housing agencies (PHAs) in Massachusetts that HUD regulations prohibit PHAs from disclosing household criminal records information to owners of units that receive Section 8 assistance (or of units for which an applicant or participant is applying to receive Section 8 assistance). Under HUD's Access to Criminal Records and Information regulations at 24 CFR 5.903 (d)(1)(iii), "the PHA must not disclose the household member's criminal conviction record or the content of that record to the owner." The only exception to this prohibition is for use in a judicial proceeding as described in 24 CFR 5.903(e)(2)(ii).

This spring, the Massachusetts Department of Criminal Justice Information Services (DCJIS) promulgated its revised Criminal Offender Records Information (CORI) regulations at 803 CMR 5.01-5.19. Section 5.12(3) now provides that "[a] public housing authority may disseminate CORI to the owner of the housing unit for which the housing applicant is applying unless the public housing authority is responsible for determining compliance with CORI requirements for renting and leasing such housing." To avoid any confusion about PHAs obligations under HUD's regulations, we are issuing this letter to reiterate that PHAs must not disclose CORI to the owners of Section 8 units, except within the specific circumstances described in 24 CFR 5.903(e)(2)(ii).

If an owner submits a request for criminal records concerning an adult applicant or participant for purposes of screening, eviction or lease enforcement, a PHA must make its own determination, using the CORI, as to whether the criminal conviction records meet the owner's specified standards, then inform the owner of its determination. A PHA must not disclose the contents of the CORI to the owner, except for use in a judicial proceeding as described in 24 CFR 5.903(e)(2)(ii).

If you have any questions, please call the Boston Office of Public Housing at 617-994-8400 or contact your Public Housing Revitalization Specialist.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn B. O'Sullivan".

Marilyn B. O'Sullivan
Director