

LHAND CRIMINAL OFFENDER RECORD INQUIRY (CORI) / Sexual offender record inquiry (SORI) POLICY

This policy is adopted pursuant to the Criminal History Systems Board (CHSB) regulations governing requests for and use of Criminal Offender Record Information (CORI) by local housing authorities. The policy is designed to ensure compliance with all federal, state, and local laws governing the use of CORI, and specifically those laws found at Code of Massachusetts Regulations, 803 CMR 2.00 and following.

Lynn Housing Authority and Neighborhood Development employees may be designated to request and use CORI only for purposes of evaluating applicants for Federal or State subsidized housing. Dissemination of CORI for any other purpose or to individuals not involved in the tenant selection process is expressly prohibited. To ensure that CORI is handled in lawful fashion, the Lynn Housing Authority and Neighborhood Development has adopted the following guidelines for handling CORI:

1. CORI checks will only be conducted as authorized by CHSB. All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy.
2. 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 CHSB.
3. 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.
4. If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicants, to ensure the record relates to the applicant.
5. If the LHAND is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the organization's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the program and given an opportunity to dispute the accuracy and relevance of the CORI record.
6. Applicants challenging the accuracy of the policy shall be provided a copy of CHSB's *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the applicant, LHAND will make a determination based on a comparison of the CORI record and documents provided by the applicant. The LHAND may contact CHSB and request a detailed search consistent with CHSB policy.
7. If the LHAND reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section 4 above, then the determination of suitability for the program will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:
 - Relevance of the crime to the program sought;
 - The nature of the work to be performed;
 - Time since conviction;
 - Age of the candidate at the time of the offense;
 - Seriousness and specific circumstances of the offense;
 - The number of offenses;
 - Whether the applicant has pending charges;
 - Any relevant evidence of rehabilitation or lack thereof; and
 - Any other relevant information, including information submitted by the candidate or requested by the housing authority.

8. LHAND will notify the applicant of the decision and the basis of the decision in a timely manner.

Furthermore, the LHAND has adopted these specific policies:

1. CORI will be obtained for all applicants for Federal or State subsidized housing who are age 14 or older, including all applicant household members and other persons to be listed on the lease as "Authorized Occupants", as well as any other persons to be added to this list at a later time;
2. Requests for CORI shall not be made prior to the final application screening process;
3. Requests for and use of CORI 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.
4. Only the Lynn Housing Authority and Neighborhood Development employees in the following position are authorized to submit a written request for CORI to the CHSB on behalf of the Authority:
 - a. Executive Director
 - b. General Counsel
 - c. Asst Managers/Program Administrators
 - d. Tenant Selection Supervisors
 - e. Case Representative
5. Only the Lynn Housing Authority and Neighborhood Development employees in the following positions are directly involved in the decisions as to whether an applicant is eligible for Federal or State subsidized housing and are authorized to handle CORI in the course of their duties:
 - a. Executive Director
 - b. General Counsel
 - c. Program Representatives
 - d. Tenant Selection Supervisors
 - e. Tenant Selection/Case Representatives
 - f. Asst. Director for Management

Employees in those positions shall sign an "Agreement of Non-Disclosure" provided by CHSB.

6. Only one (1) copy of an individual's CORI shall be kept in the LHAND's files at any time.
7. CORI shall be kept in a separate, locked file cabinet when not being used.
8. CORI shall be destroyed when the applicant to whom it pertains has been housed.
9. If an applicant is determined ineligible for housing, the applicant's CORI shall be destroyed three (3) years from the date of the applicant's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.
10. No provision of these guidelines shall be construed to prohibit dissemination of CORI by the LHAND in the course of tenant selection, appeal, or other administrative or judicial proceedings in which such CORI is relevant, brought by an applicant/tenant against the Authority.

Information Concerning the Process in Correcting a Criminal Record

1. If you have undergone a background check by an agency that has received a criminal record from the CHSB, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling 617-660-4640 or go to: www.mass.gov/cori/cori_forms.html#pers.
2. The CHSB charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that CHSB waive the fee.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a BOP" on the CHSB's website www.mass.gov/chsb/cori/cori_bop.html. The CHSB does not offer "walk-in" service but you may call our Legal Division at 617-660-4760 for assistance or CARI Unit of the Office of the Commissioner of Probation at 617-727-5300.
4. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation CARI Unit at 617-727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.
5. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CORI unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.
6. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CORI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/chsb/cori/cori_codes_court.html.
7. In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.
8. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.
9. If you believe that an employer, volunteer agency, housing agency, or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at 617-660-4640.

This policy is adopted pursuant to the Sexual Offender Registry Board (SORB) regulations governing requests for and use of Sexual Offender Record Information (SORI) by local housing authorities. The policy is designed to ensure compliance with all federal, state, and local laws governing the use of SORI, and specifically those laws found at Code of Massachusetts Regulations, 803 CMR 1.00 and following.

In accordance with 24 CFR part 5.905, a PHA that administers a Section 8 or public housing program under an Annual Contributions Contract with HUD must carry out background checks necessary to determine whether a member of a household applying for admission to any Federally assisted housing program is subject to a lifetime sex offender registration program. It is mandatory that the PHA deny assistance to a person who is subject to a lifetime registration requirement. This check must be carried out with respect to the State in which the housing is located and with respect to States where members of the applicant household are known to have resided.

NOTE: Any information provided by either the police or the Sexual Offender Registry Board will be limited only to offenders who have been finally classified by the Board as [Level 2](#) or [Level 3](#) offenders. The law prohibits the Board and police departments from disseminating any information on a sex offender who has not been finally classified by the Board or who has been finally classified as a [Level 1](#) offender.

1. SORI will be obtained for all applicants for Federal or State subsidized housing who are age 14 or older, including all applicant household members and other persons to be listed on the lease as "Authorized Occupants", as well as any other persons to be added to this list at a later time;
2. Requests for SORI shall not be made prior to the final application screening process;
3. Requests for and use of SORI 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.
4. Only the Lynn Housing Authority and Neighborhood Development employees in the following position are authorized to submit a written request for SORI to the SORB on behalf of the Authority:
 - a. Executive Director
 - b. General Counsel
 - c. Asst Managers/Program Administrators
 - d. Tenant Selection Supervisors
 - e. Case Representative
5. Only the Lynn Housing Authority and Neighborhood Development employees in the following positions are directly involved in the decisions as to whether an applicant is eligible for Federal or State subsidized housing and are authorized to handle SORI in the course of their duties:
 - a. Executive Director
 - b. General Counsel
 - c. Program Representatives
 - d. Tenant Selection Supervisors
 - e. Tenant Selection/Case Representatives
 - f. Asst. Director for Management
6. Only one (1) copy of an individual's SORI shall be kept in the LHAND's files at any time.

7. SORI shall be kept in a separate, locked file cabinet when not being used.
8. SORI shall be destroyed when the applicant to whom it pertains has been housed.
9. If an applicant is determined ineligible for housing, the applicant's SORI shall be destroyed three (3) years from the date of the applicant's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.
10. No provision of these guidelines shall be construed to prohibit dissemination of SORI by the LHAND in the course of tenant selection, appeal, or other administrative or judicial proceedings in which such SORI is relevant, brought by an applicant/tenant against the Authority.

This policy is adopted by the Board of Commissioners of the Lynn Housing Authority and Neighborhood Development this 12th day of June, 2007.