

Expanding Housing Access for People with Conviction Histories in Oklahoma

For people with a conviction history, stable housing is a fundamental pillar of reentry. Housing allows people to focus on employment, education, health care access, and building social support.¹ However, public and private sector policies actively prohibit many people with a history of conviction or arrest from accessing affordable housing. The Vera Institute of Justice (Vera) conducted extensive research to estimate the minimum number of Oklahomans unable to access affordable housing, making clear the far-reaching effects of these restrictions.² For public safety, justice, and the wellbeing of all Oklahomans, the state should explore ways to make safe and affordable housing available for everyone.

Restrictive policies in public housing authorities (PHAs) and in developments supported by low-income housing tax credits (LIHTC) are largely responsible for keeping Oklahomans with conviction histories out of affordable housing. The most restrictive of these policies concern **lookback periods**, the amount of time following a conviction, arrest, or other criminal legal system event (e.g., release from prison) during which providers can consider these records in determining admission into housing. These lookback periods can range from two years for certain types of convictions to lifetime bans.

Public Housing Authorities

Vera estimates that 233,000 adults who are otherwise eligible for public housing or housing vouchers are

unable to attain housing due to restrictive PHA policies, including lookback periods. If the state's PHAs reduce their lookbacks, Oklahoma will create immense opportunity for thousands of Oklahomans (see figure 1). For example, reducing lookbacks to six months could result in 4 percent of all Oklahomans gaining access to housing.³

Figure 1. Number of people excluded by PHA policies in Oklahoma



Low Income Housing Tax Credit housing

Vera estimates that at least 152,000 adults are potentially ineligible for residence in developments

supported by LIHTC due to developer policies.⁴ Reducing lookback periods could make tens of thousands of people eligible for LIHTC housing (see figure 2).

Figure 2. Number of people excluded by LIHTC policies in Oklahoma



Children and families of people with conviction histories also suffer from exclusionary housing barriers. Vera researchers estimate that 77,000 children who are otherwise eligible

for public housing or housing vouchers are unable to attain housing due to having at least one parent or guardian with a conviction history.⁵ For developments supported by LIHTC, approximately 50,000 children are potentially ineligible. Changing these policies could help keep families together and stable.

Oklahoma can improve public safety and increase economic mobility by building upon the important reforms it has already enacted. During the 2022 legislative session, legislators passed a slate of criminal justice reform bills that addressed occupational license changes, earned credit for people on parole, the Sarah Stitt Act, and the automatic expungement of records, commonly known as “Clean Slate.”⁶ While the Clean Slate Act provides a second chance for thousands of residents, many of them are still ineligible for affordable housing. Greater access to housing will help more people to find employment, while also helping employers attract and keep new talent.⁷

Recommendations

To expand housing access for people with conviction histories and enable more families to thrive and contribute to their communities, Oklahoma should:

- **Explore statewide policy to increase housing access in PHAs.** These policy changes could limit PHA lookback periods and introduce other reform strategies, such as eliminating misdemeanors as a reason for denial. New policies could also institute data collection mandates that track applicants’ demographics to uncover potential gaps in housing. All this would be in line with legislative changes across the country, including Illinois’s exemplary 2021 Public Housing Access Bill.⁸
- **Identify changes to LIHTC policies that would make affordable housing units more accessible.** Oklahoma should engage stakeholders—including formerly incarcerated people—in a review of its LIHTC policies to identify opportunities for reform. Many states are doing this work, and Louisiana might serve as a model. In 2021, the Louisiana Housing Corporation made changes to its tenant selection policy to prohibit the use of arrests and certain misdemeanors as the basis for admissions decisions; place time limits for when other types of convictions may be considered; and require admissions decisions to incorporate evidence of positive behavior—such as counseling, employment, and recommendations from the community.⁹

When people with a conviction history face housing instability, they can enter a cycle of incarceration and reentry that undermines efforts at reform and reintegration.¹⁰ By investing in stable, safe, and affordable housing access for all its residents, Oklahoma can invest in public safety and expand on its statewide innovations in criminal justice reform.

About this fact sheet

This fact sheet was written by Jacqueline Altamirano Marin, Niloufer Taber, and John Bae. For more information about this project, contact John Bae, program manager, at jbae@vera.org. Support for this fact sheet was provided by the Oklahoma Justice Fund at the Tulsa Community Foundation.

The Vera Institute of Justice is powered by hundreds of advocates, researchers, and community organizers working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org.

Notes

¹ National Academies of Sciences, Engineering, and Medicine, "Beyond recidivism: Toward a more comprehensive understanding of reentry challenges and successes," in *The Limits of Recidivism: Measuring Success After Prison*, edited by Richard Rosenfeld and Amanda Grigg, (Washington, D.C.: National Academies Press, 2022), 69–138, perma.cc/7EB2-JB97.

² For more information on Vera's data collection and estimations, please see the methodological appendix: Vera Institute of Justice, *Expanding Housing Access for People with Conviction Histories in Oklahoma: Methodology and Limitations* (New York: Vera, forthcoming 2023).

³ HUD has recommended that PHA executive directors use considerable discretion to permit those with certain convictions and arrest histories into public housing and Housing Choice Voucher programs. However, often PHAs create admission policies that inadvertently create housing barriers for people with conviction and arrest histories, jeopardizing successful reentry and family reunification. See Calvin Johnson, "Tenant Screening with Criminal Background Checks: Predictions and Perceptions Are Not Causality," *PD&R Edge*, May 17, 2022, perma.cc/55SU-MQY9.

⁴ These 152,000 likely overlap substantially with the 233,000 above, but Vera faced data constraints in calculating the size of this overlap.

⁵ Often PHAs have policies that require all adults living in a home to undergo background checks, with some PHAs screening tenants as young as 13. If it is determined that a parent or caregiver is ineligible, a whole family may be denied housing.

⁶ David Gateley, "The legislature made important steps forward on criminal justice this session. More remains to be done.," OK Policy Blog (Oklahoma Policy Institute), June 9, 2022, perma.cc/S6CM-KJMA; and "Senate Gives Unanimous Approval to Sarah Stitt Act," Oklahoma Senate, April 13, 2021, perma.cc/2SUC-FBSH.

⁷ Matthew Desmond and Carl Gershenson, "Housing and Employment Insecurity among the Working Poor," *Social Problems* 63, no. 1 (2016), 46–67, perma.cc/UMJ4-32SK.

⁸ The Housing Authorities Act, 101 General Assembly, H.B. 5574, 2019 Reg. Sess. (Il. 2019), ilga.gov/legislation/fulltext.asp?DocName=10100HB5574&GA=101&SessionId=108&DocTypeId=HB&LegID=126252&DocNum=5574&GAID=15&SpecSess=&Session=. For more information see, State of Illinois, "Gov. Pritzker Signs Equity-Centric Legislation Expanding Economic Access and Opportunity Across Illinois," Press release, March 23, 2021, perma.cc/B4WB-V623.

⁹ Louisiana Housing Corporation, "Memo: Fair Housing and Tenant Selection with Regard to Criminal Record Screening 7/14/21," August 14, 2021, perma.cc/2K9F-6EYU. For more information, see Malcolm Phillips, "Advocates secure new inclusive criminal background screening policy at the LA Housing Corporation," Louisiana Fair Housing Action Center, July 16, 2021, perma.cc/8B8B-WVY6.

¹⁰ National Academies, "Beyond recidivism," 2022, 69–138.