

# OPENING DOORS, RETURNING HOME:

## How Public Housing Authorities Across the Country Are Expanding Access for People with Conviction Histories

### Introduction

Millions of people transition into the community from jails and prisons every year but face significant obstacles to securing safe, affordable housing.<sup>1</sup> These barriers contribute to the revolving door of homelessness and incarceration. People who were formerly incarcerated are 10 times more likely than the general public to be unhoused, with a rate of 203 people experiencing homelessness per 10,000 people.<sup>2</sup> The relationship between homelessness and incarceration is cyclical, as homelessness and housing instability increase the likelihood of future criminal legal system involvement: People who are unhoused are more likely to interact with police and are 11 times more likely to be arrested than people with stable housing.<sup>3</sup>

Viewed another way, access to stable and affordable housing substantially increases the likelihood that a person returning home from prison or jail will be able to receive support from their family, find and retain employment, rebuild supportive social networks, and avoid additional convictions.<sup>4</sup> These improved outcomes and living conditions are relevant and crucial to the whole community: When people who are reentering their communities are housed and supported, the community is strengthened and public safety is improved.

The United States has nearly 3,300 public housing authorities (PHAs) that serve approximately 1.2 million households, yet they are often inaccessible resources for people released from incarceration and in need of a safe place to live.<sup>5</sup> At present, exclusionary criteria govern much of the country's public housing that bar people who were formerly incarcerated from moving back in with their families—families who are often eager to reconnect and to help their loved ones reintegrate into society.<sup>6</sup> These admissions criteria affect local public housing developments as well as federal housing choice vouchers, commonly referred to as Section 8, which provide rental assistance to low- and moderate-income families. Following the U.S. Department of Housing and Urban Development (HUD) guidelines, all PHAs must place permanent residency exclusions on people who are required to register on the sex offender registry for life or who have been convicted of producing methamphetamine in federally assisted housing.<sup>7</sup> For other types of crimes, housing authorities exercise their individual discretion when developing their admissions criteria.

### The Federal Landscape

Given the number of people involved with the criminal legal system and the societal barriers they face, federal policymakers have encouraged PHAs to rethink the



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limitations on public housing for people with conviction histories. In 2011, HUD issued a letter to PHA executive directors emphasizing the broad discretion that PHAs hold in setting admission policies and the importance of granting second chances, including helping people with conviction histories “gain access to one of the most fundamental building blocks of a stable life—a place to live.”<sup>8</sup> In 2015, HUD released additional guidance limiting the extent to which authorities should consider people’s arrest records in decisions about admissions, assistance, or eviction. The same guidance clarified that HUD does not require PHAs to adopt “one strike” policies—policies that automatically deny admission to housing to anyone with a criminal record and automatically evict people if a member of their household engages in criminal activity.<sup>9</sup> Further, in 2016, HUD’s Office of the General Counsel issued a memo to housing providers on how the “disparate impact test” could be applied to people who were formerly incarcerated. A person can make a disparate impact claim if they are denied housing based on a policy that “results in a disparate impact on a group of persons because of their race or national origin.”<sup>10</sup> Although people who were formerly incarcerated are not a protected class under the Fair Housing Act, criminal legal system involvement disproportionately impacts people of color.

The Biden Administration continues to elevate the importance of housing for people with conviction histories. For example, the United States Interagency Council on Homelessness (USICH) is prioritizing “housing 100% of people exiting prison.”<sup>11</sup> HUD Secretary Marcia L. Fudge, who chairs USICH, also outlined HUD’s actions to increase public safety and access to housing for people with conviction histories. On June 23, 2021, Secretary Fudge provided guidance on the use of the emergency housing vouchers awarded to more than 600 PHAs, stating that people leaving incarceration are eligible for those vouchers.<sup>12</sup> Secretary Fudge outlined other actions HUD will take, including the creation of tools and resources to assist homeowners, landlords, and PHAs with applicant screening and tenant selection to limit the broad use of criminal records when making decisions. Additional actions include a review of HUD policies and regulations that limit access to housing and HUD assistance for people with conviction histories, as well as publishing research findings on best practices for housing people reentering their communities. Secretary Fudge noted, “The President and I believe that everyone deserves a second chance and a stable home from which to rebuild their lives. No person

should exit a prison or jail only to wind up on the streets.”<sup>13</sup> Recently, President Biden released the Build Back Better Framework that includes once-in-a-lifetime investments to expand public housing.<sup>14</sup> As the country accelerates its efforts to decrease housing insecurity and expand housing access, it is critical that people with conviction histories are included in these efforts.

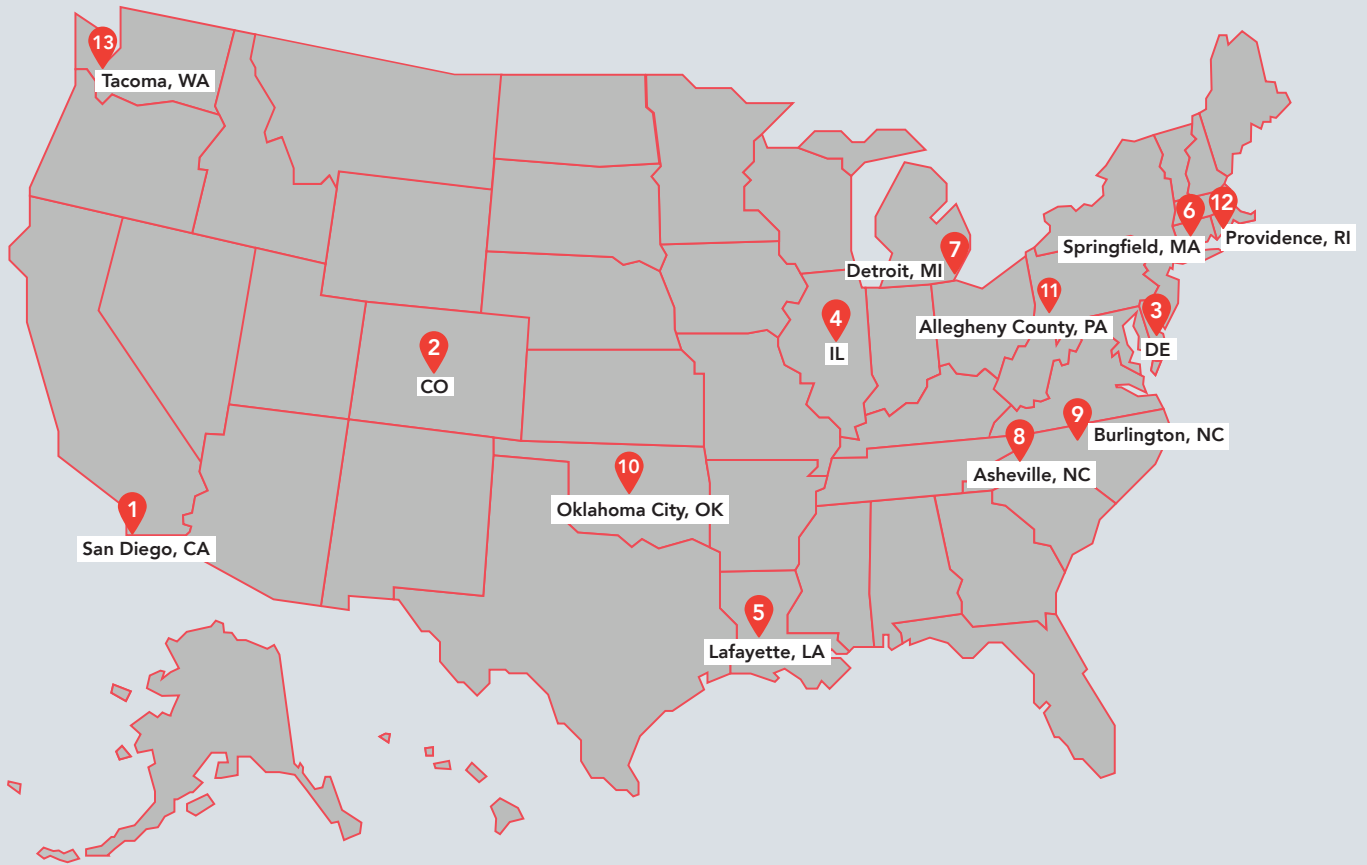
## Opening Doors to Public Housing

In 2017, the Vera Institute of Justice (Vera) launched a new initiative—Opening Doors: Safely Increasing Access to Public Housing for People with Conviction Histories—to remove barriers to housing for people with conviction histories. Through the initiative, Vera has worked with a wide range of partners, including PHAs, law enforcement agencies, county and state corrections departments, reentry service providers, homeless service providers, continuum of care organizations, and resident advocates. Community stakeholders shared their expertise on the barriers faced by people with criminal records and offered input on policy changes and program development. The Opening Doors initiative, which the U.S. Department of Justice’s Bureau of Justice Assistance has funded since 2017, has worked in 12 states with 22 housing authorities and their community partners to effect change in housing policy to improve reentry outcomes.

As a result of their partnership with Vera, some PHAs created reentry programs to increase access to public housing for people with conviction histories. Other PHAs revised their Admissions and Continued Occupancy Plan (ACOP) and administrative plan to increase access to housing. ACOPs and administrative plans are the policy documents that contain rules and procedures for public housing access, among many other topics. This brief shares examples and lessons gleaned from Vera’s varied and continued experience that can help other jurisdictions expand housing access for people in reentry.

### Allegheny County Housing Authority, Pennsylvania

In 2021, the Allegheny County Housing Authority (ACHA) partnered with the county jail, probation, public defenders, and reentry service providers to change policies in its ACOP and administrative plan, as well as practices to increase access to housing for Allegheny residents with criminal records.<sup>15</sup> The changes include revising the look-back periods—the timeframe during which criminal records



From 2017 to 2021, Vera collaborated with the following PHAs through the Opening Doors to Public Housing Initiative:

1. Housing Authority of the County of San Diego, in collaboration with five other housing authorities operating within the county (CA)
2. Colorado Department of Local Affairs, Division of Housing (CO)
3. State consortium of five agencies led by the Delaware State Housing Authority (DE)
4. Northern Illinois Regional Affordable Community Housing (IL)
5. Lafayette Housing Authority (LA)
6. Springfield Housing Authority (MA)
7. Detroit Housing Commission (MI)
8. Asheville Housing Authority (NC)
9. Burlington Housing Authority (NC)
10. Oklahoma City Housing Authority (OK)
11. Allegheny County Housing Authority (PA)
12. Providence Housing Authority (RI)
13. Tacoma Housing Authority (WA)

are considered for admission—from 10 and 5 years to 5 and 3 years. In addition, close to a dozen convictions were removed from the exclusionary criteria list, including misdemeanor marijuana possession and several felony theft offenses. ACHA also made several changes to its

admission processes. ACHA is implementing a panel review process for ineligibility hearings that will use a screening rubric model developed by Housing Catalyst in Fort Collins, Colorado. Letters sent to denied applicants will now specify the types of evidence they can present at

their denial hearings, and they include contact information for a local legal aid organization that can help with representation.

## **Burlington Housing Authority, North Carolina**

The Burlington Housing Authority (BHA) made several changes to expand access and remove barriers to housing for people with conviction histories. In 2020, BHA created a process for individualized review, eliminating the automatic denial of applicants save for the two HUD-mandated exclusions—people who are required to register on the sex offender registry for life or who have been convicted of producing methamphetamine in federally assisted housing—and scaled back its look-back periods from 5 to 3 years for certain crimes. BHA now uses a grid to determine if further screening is needed and implemented a process for applicants to show evidence of rehabilitation if they are denied.<sup>16</sup> During this policy change process, BHA collaborated with community stakeholders to gain their insights and strengthen its partnerships with local reentry service organizations to better serve Burlington residents who have conviction histories. BHA plans to continue to build on its changes and is currently working in partnership with Benevolence Farm, a local reentry organization for women leaving prison, to create housing units for people in reentry.

## **Delaware State Housing Authority, Delaware**

A state consortium of five public housing agencies led by the Delaware State Housing Authority launched the Delaware Family Reentry Program (FRP) in 2020.<sup>17</sup> The program allows Delawareans with criminal legal system involvement to reunite with family members living in housing subsidized by one of Delaware's five PHAs. FRP aims to help people who were formerly incarcerated access stable and affordable housing and thereby reduce their risk of homelessness and incarceration. The Delaware State Housing Authority, Dover Housing Authority, New Castle County Housing Authority, Newark Housing Authority, Wilmington Housing Authority, Delaware Department of Correction, and Delaware Center for Justice partnered to administer FRP.

In 2017, Delaware convened the Committee on Criminal Justice Reform to make recommendations for the state to reduce homelessness among people leaving prison and expand housing for people who were formerly incarcerated. Those recommendations spurred the creation of FRP, which continues to be part of a broader statewide strategy to reduce recidivism. The housing component of this strategy now includes a focus on increasing the number of landlords who accept housing vouchers from people with conviction histories.<sup>18</sup>

## **Oklahoma Housing Authority, Oklahoma**

The Oklahoma City Housing Authority (OCHA) reduced its look-back period in 2019 from 5 to 3 years. This change does not include the two federally mandated HUD permanent residency exclusions of people who are required to register on the sex offender registry for life or who have been convicted of producing methamphetamine in federally assisted housing, which remain in effect regardless of how much time has passed. OCHA publicized the changes to residents, applicants, and community partners in a flyer using the following language:

If a conviction took place more than three years ago, it will not be factored into the review of an application for public housing or housing choice vouchers.

The time period is counted from the date of conviction to the date that the application is reviewed. Although applicants may be ineligible at the time they submit their applications, the conviction may be outside of the three-year look-back period when the application reaches the top of the waiting list.<sup>19</sup>

## **Tacoma Housing Authority, Washington**

The Tacoma Housing Authority (THA) removed barriers and increased access to public housing through changes to its admissions process. THA reviewed existing research, investigated its existing policies and outcomes, and consulted with tenants, its property management and service staff, landlord advisory group, and community partners.<sup>20</sup> Under the revised admissions policy, THA will only look at felony convictions for violent, drug-related, or threatening offenses. THA also reduced its look-back period from 5 years to 1 year. And housing applicants will no longer be automatically denied a housing voucher for criminal history beyond the two HUD exclusions. If an

applicant has felony convictions for violent, drug-related, or threatening offenses on their record within the last year, the applicant will undergo an individualized review.

## Other Examples of Innovation for People with Criminal Records

Other jurisdictions are exploring innovations in policies and practices that expand housing access for people with criminal records.

### Illinois State Policy Changes

On January 13, 2021, the Illinois legislature passed the Public Housing Access Bill. In so doing, Illinois became the first state in the country to remove key barriers to public housing for people with conviction histories and to apply a common set of admissions criteria statewide. With the change in law, PHAs are limiting the length of criminal background checks to only review 6 months back from the date when someone applies for housing.<sup>21</sup> The two required exclusions by HUD remain in place.

### Michigan State Housing Development Authority and the Michigan Department of Corrections

The Michigan State Housing Development Authority (MSHDA) and the Michigan Department of Corrections (MDOC) collaborated to provide housing opportunities for people who were formerly incarcerated. MSHDA provides a select number of housing choice vouchers for people on parole who meet MSHDA's requirements to receive housing assistance. And MDOC and MSHDA offer services to support people who were formerly incarcerated in having a successful tenancy and to address other needs they may face. Over a 3-year period, 93 percent of participants in the program successfully completed parole.<sup>22</sup> Additionally, upon completion of their community supervision requirements, participants may continue to receive voucher assistance as long as they meet the MSHDA requirements.

### New York City Housing Authority: Family Reentry Program

In 2013, the Corporation for Supportive Housing, New York City Department of Homeless Services, New York City

Housing Authority (NYCHA), Vera, and multiple nonprofit reentry service providers partnered to launch the Family Reentry Program. The program provides housing to people who have recently been released from incarceration and want to move in with their family members who are housed by NYCHA. Upon successful completion of the 2-year program, participants are eligible to be added to the family's lease.<sup>23</sup> Since the start of the program, 173 people were accepted, and only 5 program participants were convicted of another crime, none of which were violent.

## Conclusion

These examples illustrate the types of changes that are possible when housing providers, reentry stakeholders, and other partners come together to remove barriers to housing. As these strategies gain momentum in other jurisdictions, we as a country can start truly opening doors to safe and secure housing for people with criminal legal system involvement.

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