Housing Returning Citizens: Be Part of the Solution
Housing Returning Citizens

Laura J. Schwartz, Esq.
Regional Housing Legal Services
Setting the stage

- United States—highest rate of incarceration and world’s largest prison population.
- At least 1 in 4 Americans has some form of criminal record.
- 95% of the people in prison today will be released.
- Affordable decent housing is the most critical factor to successful reentry.
Navigating New Rules PHFA QAP 2022

New set aside
Set aside for at least one project with an “innovative approach to engaging and serving populations re-entering society from correctional settings” (p.30)

Compliance
“Developments must remain in compliance with the Fair Housing Act. The resident screening policy must not violate the Fair Housing Act, including reasonable and non-discriminatory policies around criminal background checks.” (p. 13)
What is reasonable and Non-Discriminatory?

What does the Fair Housing Act have to do with this?
Disparate Impact

• A policy that is neutral on its face but disproportionately affects a protected class such as race, religion, national origin, sex, disability, familial status
African Americans and Latinx

- are arrested, convicted and incarcerated at rates disproportionate to their respective share of the population
Lifetime likelihood of imprisonment (from Bureau of Justice Statistics)

- For all Men: 1 in 9
- For White Men: 1 in 17
- For African American Men: 1 in 3
- For Latinx Men: 1 in 6

- For all Women: 1 in 56
- For White Women: 1 in 111
- For African American Women: 1 in 18
- For Latinx Women: 1 in 45
Criminal records-based barriers to housing

- disproportionately affect these minorities and can be shown to violate Fair Housing law.
What are reasonable and non-discriminatory policies around criminal background checks?

- Office of General Counsel Guidance on Application of Fair Housing Standards to the Use of Criminal Records by Providers of Housing and Real-Estate Related Transactions (April 4, 2016)
  - [https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF)
New HUD Guidance: May 2022

https://www.hud.gov/sites/dfiles/Housing/documents/Multifamily_Title_VI_Guidance%20Implementation_Sheet4522_FINAL.pdf

“Housing providers must not use arrest records and should consider the nature, severity and recency of conviction records, as well as extenuating circumstances”.

HUD Guidance 2022

- Don’t consider arrest records without conviction
- Limit “lookback period” to 3 years
- Eliminate convictions for minor offenses and those unrelated to safety
- Individualized review --looking at nature, severity and recency of conviction and other/mitigating circumstances.
Individualized Review: Facts and Circumstances Analysis:

- Age of individual at time of criminal conduct
- Evidence of subsequent good behavior
- History before/after criminal conviction or conduct
Navigating New Rules

Not the last word: Secretary of HUD has said that in the next 6 months her staff will propose updates to "make our policies as inclusive as possible." (model leases and guidance.)

Currently there is a ban on people convicted of certain crimes from living in HUD-assisted housing. We may see changes to that policy.
What makes a good tenant?

Evidence-based research

Growing body of research finds conviction history does not affect someone’s ability to be a good tenant and neighbor.
A study by Wilder Research in 2019 in Minnesota commissioned by 4 nonprofit landlords asked how much a criminal background really matters in terms of housing success.

The research shows that for the most part, a criminal background has little effect on housing success.

11 of 15 criminal offenses had no significant effect on housing outcomes, including:

- Marijuana possession
- Alcohol-related offenses
- Serious traffic offenses
- Minor public order offenses
- DUI/DWI or reckless driving
- Minor drug related offenses
- Disorderly conduct
- Prostitution
- Domestic Violence
4 categories of crimes *may* have an effect (but could be overstated because of data limitations):

- Fraud
- Assault
- Property offenses
- Major drug-related offenses
Effect of a prior criminal offense on a residential housing outcome declines over time.

- Misdemeanors—declines after 2 years
- Felonies—declines after 5 years

Criminal offenses that occur 5 years prior to move-in have no effect on housing outcomes.
Seattle Study

- Study of 347 formerly homeless individuals with behavior health issues, more than ½ of whom had criminal records
- No evidence that a criminal record predicts housing failure

“A Criminal Record is No Crystal Ball”
Certain households do better than others

- Households with 2+ adults, at least 1 child, higher income, larger subsidies
- 65 years and older have substantially lower re-incarceration rates
Recidivism Declines Over Time

- After 3-4 years living crime-free, individuals are no more likely to commit a crime than the general population
Dispelling Myths

- https://www.philadelphiareentrycoalition.org/_files/ugd/d6678c_aca323a1f5244cd9679eeed9a976ac3.pdf

- Dispelling 11 Myths Around Renting to Someone with a Criminal Record (including that criminal background checks are accurate!)
For more information:

- laura.schwartz@rhls.org
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Revising Resident Selection Criteria to Remove Barriers

PHFA Multifamily Housing Conference June 2022
We are trusted resident advocates, developers, property managers, community partners, and collaborators.

Our **mission** is to build hope and opportunity for all residents to reach their full potential by creating, preserving, and strengthening affordable housing communities.

Our **vision** is for a world where a safe, welcoming affordable place to call home is open to everyone.

We believe that **housing is a human right** and the cornerstone of growth and stability for individuals and families.
Resident Selection Criteria Revised January 2021
Why?

Aligns with HDC’s new strategic direction, 5-Year Strategic Plan, 2020-25

ADVANCE EQUITY
Apply the lens of racial equity, diversity and inclusion to organizational policies and procedures

PERSON-CENTERED SERVICE
Implementing trauma-informed strategies that create a welcoming and engaging culture for all residents.
Why?

Helps to reduce barriers for people in need of housing and advance HDC mission

Revisions

Offers opportunity for applicants to share history for HDC to better understand circumstances and path to re-entry

Obtaining stable housing is a critical need for individuals returning from incarceration to the community.
Revision Process

Collaborative process between Property Management, Compliance and Resident Services
The health, safety and security of HDC residents, employees and community members remain our #1 priority.

Critical Components

- Look-back time for most convictions was reduced
- With the exception of federally-mandated denials, all other charges are eligible for further review
- Many minor misdemeanors were removed
- Created “Further Review” process instead of “Rejection and Appeal” for applicants with convictions that are outlined in criminal screening process
Review Process

Applicants are given the opportunity to explain details of circumstance and are invited to submit the following:

- Letter or comments from a probation/parole officer
- Proof of payment for fines/costs
- Letter or comments from a case worker, counselor, or therapist
- Certificates of treatment completion as relevant to the conduct underlying the conviction(s)
- Letter or comments from family members or others who know the applicant well
- Document from a community organization with which the applicant has been engaged
- Letter or comments from employers or teachers
- Certificate of completion of a training program
- Statement from the applicant of mitigating circumstances

Further Review Committee

3 Member Committee: Property Management, Compliance and Resident Services

Reviews applicants that may suggest a significant level of risk to the community.

Conducts an individualized assessment of applicant.
LESIONS LEARNED

A culture shift within the organization, staff and board members

Training delivered to staff who manage the application process and to board members

- Shifting from the historical practice within housing which excluded individuals with criminal records on the premise of providing safety
- Providing the facts about the impact of mass incarceration and the disparate impact on individuals of color
- Applying trauma-informed and racial equity lenses
- Increasing understanding of the importance of removing barriers to housing for returning individuals
• Many applicants will not come to Further Review due to the revised screening process
• 2020 – old criteria/process
  • 33 criminal appeals
    • 27 approved
    • 6 denied
• 2021 – revised criteria/process
  • 19 applications sent to further review committee
    • 19 approved
• As of May 31, 2022
  • 2 applications reviews
    • 2 approved
• 47% females; 47% felony charges
Questions?

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Learn more at
www.hdcweb.org
Dollars and Sense Justice Reentry Housing

How Housing Authority led tenant-based rental assistance provides reduced costs and better outcomes
Session Objectives

“How Justice Bridge Works”
Bruce Quigley, Union County Housing Authority

“Why Justice Bridge Works”
Ed Bowman, Lockhaven University

Union County Housing Authority  b.quigley@unioncountyhousingauthority.org
Criminal Justice Advisory Board Membership and the (existing) culture in Union County’s:

- government and
- Justice Community
- Public

Union County Housing Authority  b.quigley@unioncountyhousingauthority.org
Justice Bridge Housing Program

The Problem - Justice Involved individuals:
• remaining incarcerated beyond minimum sentence and/or
• Being released despite (recidivism) risk inducing home plan

The Solution - Partnership between the housing authority, criminal justice, and human services systems.

Union County Housing Authority  b.quigley@unioncountyhousingauthority.org
Justice Bridge Housing Program - Key Components

• Defined target population
• Public Housing Authority (PHA) operates the program
  • Tenant-based rental assistance provided in accordance with the procedures of the Housing Choice Voucher program
• Probation/Parole Supervision of participants.
• Community supportive services external to the Housing Authority
• Collaboration

Union County Housing Authority  b.quigley@unioncountyhousingauthority.org
Justice Bridge Housing Program

PHA Scope of Services (3 possible phases)

• (Co)Chair and Administer Justice Bridge Steering Committee (monthly meetings)
• Unit Search - including mitigation of risk factors & landlord negotiations & relations
• Coordination of support services.
• Requisition and disbursement of funds
• Financial and participant monitoring including data collection
• Tenant-based Rental Assistance Administration:
  • Income verification/participant eligibility
  • Administration of lease documents
  • Housing Quality Standards Unit inspection
  • Recertification
Without Union County Justice Bridge Housing Program

- Arrest
- Adjudication
- Eligible for Supervised Release

Max Sentence

(Often) Unstable Housing

Incarceration @ $72/day

The Union County recidivism rate is 53% for all convicted offenders. The JBHP serves only offenders at high-risk of recidivism.
The Union County Justice Bridge Housing Program is designed for high-risk offenders. The diagram illustrates the process from arrest to supervised release, highlighting the importance of stable housing which reduces the risk of recidivism. As of date, approximately 20% of Justice Bridge participants have recidivated.
Voices of Returning Citizens

Housing Instability:
• All the participants reported a period of housing instability prior to placement in the JBHP:
  – Financial Reason/Responsibility
  – Living with dysfunctional family/co-dependent others
  – Nowhere to go
Voices of Returning Citizens

Affective Change:

- The most frequently cited change was related to feelings, emotions and relationships.
- Relieved of fear and worry
- Warm, quiet, stable housing
- Improved relationship with family/significant others
- Able to care for my family

“The JBHP helps me feel a sense of independence. I’m able to have my own place and get help at the same time...It gives me a sense of completion – some validation that somebody trusted me enough to want to fund me and help with housing.”
Voices of Returning Citizens

Building (Pro) Social Capital:

- In addition to personal efficacy, the participants reported a change in social capital.
  - Feeling accepted by the community
  - Feeling of belongingness
  - Overcoming barriers with community support

“Without [JBHP] I wouldn’t be part of the community.”
Voices of Returning Citizens

Realistic Short- & Long-Term Goals:
- Participants stressed achievable short- and long-term goals.
- Learn to budget successfully
- Increased self-reliance
- Continue education
- Family Stability

“I am always constantly trying to feel more secure about my choices and about what I’m doing and I think the justice bridge programs gives me one less thing to worry about so I can focus on more things to better my life on a daily basis so it just kind of enables me to be you know, more sure about myself and like to just keep moving.”
Voices of Returning Citizens

Justice Involved Individuals – Housing Instability

Justice Bridge Housing Program

Supportive Housing  Sense of Belonging

Increasing Social Capital  Affective Change  Realistic Short – Long Term Goal Planning

Completion of Probation & Compliance with Treatment Court
Hassinger says he couldn’t have adhered to terms of his probation without the program. A violation would have meant re-sentencing, potentially, for all of his original charges (20-something, 12 of which were felonies) to a state prison term.

“That program saved my life, really. Wholeheartedly, genuinely believe that,” he says.
Funding

Our supposition is that this program model promises such significant net savings that monies should be redirected from the areas where the savings occurs - in the justice system - to support program replication and establish permanent funding.
Basic JBHP Process Map

ARREST
Eligible for bail/ can meet bail?

YES
Released on Bail

NO
Incarcerated until adjudication

NO
Adjudicated. Serves minimum sentence and eligible for release if suitable housing plan in place. Housing plan?

NO
No suitable housing plan, so stays in jail/prison until maximum sentence is served.

YES
With JBHP rental assistance and support services, able to be released and/or meet parole/probation obligations.

YES
Stabilizes in JBHP: obtains/retains employment; increases earnings; reunifies w/family; develops positive social networks. Transitions from JBHP rental assistance to federal housing voucher or market-rate housing.

NO
Adjudicated and placed on parole after agreeing to attend treatment court. Able to meet parole/probation obligations?

NO
Without JBHP, lack of supports. Unable to meet parole/probation obligations.

NO
Sent to jail or state prison to serve remainder of sentence.
JBHP IS COST EFFECTIVE & IMPROVES OUTCOMES

CASE STUDY: JAMES

James
James assaults police officer, arrested April 2016.
James is 18 with a prior juvenile record.

ARREST
James

ADJUDICATION
After spending two months in jail, James is adjudicated June 2016.

JAIL
James eligible for release after minimum sentence of 75 days and approved for JBHP in July 2016. However, no funding is available for rental assistance. Lacking a housing plan, he stays 199 days past his minimum sentence.

75 DAY MIN SENTENCE

JAIL ADDITIONAL 199 DAYS

JBHP & HOUSING
JBHP staff help James apply for federal rental assistance voucher waiting list. A housing voucher becomes available and James moves into an apartment in January 2017. James receives JBHP services to support stability.

JBHP: REDUCED COSTS, BETTER OUTCOMES
The total cost of James's 274 days in jail at $72/day was $19,728.
The 199 days James spent in jail past the minimum cost $14,328.
At $25/day, JBHP rental assistance could have saved the county $9,353.
Susan is a mother of 2 children with prior offenses. Susan is arrested January 2016 on parole violation. Susan’s sentence is reinstated due to parole violation. With no women’s facility in Union County, Susan is sent to Snyder County jail. Susan serves seven months in jail, from January to July 2016, at a cost of $15,000. Susan is due to serve the remainder of her 5-year sentence in state prison. Instead, she is allowed to go to treatment court, but needs stable housing. Susan is referred and accepted into JBHP. County funds are used for rental assistance. Susan moves into an apartment in August 2016 and reunites with her 2 children. Susan receives JBHP services to support stability.

**JBHP: Reduced Costs, Better Outcomes**
At $25/day, JBHP rental assistance for one year costs $9,125 compared to $41,000 for one year in state prison. Susan’s 5-year state prison sentence could have cost up to $205,000. In addition to reducing prison costs, JBHP allowed family reunification to occur.
JBHP IS COST EFFECTIVE & IMPROVES OUTCOMES
CASE STUDY: TIM

At just 21, Tim has several arrests and convictions. Tim is arrested again in 2015. Tim makes a request to attend treatment court and is approved. Tim is released to family who do not live in Union County. Due to a suspended license, he has transportation issues and struggles to get to treatment court. A return to prison to serve out his one-year sentence would cost up to $41,000.

Knowing Tim’s housing instability is imperiling his progress, his probation officer refers him to JBHP. Tim is approved and funds are available for him to participate. Tim moves into an apartment, meets treatment court obligations, and gets a job. After 20 months of rental assistance at a cost of $15,000, Tim is able to afford a market-rate apartment with two roommates.

JBHP: REDUCED COSTS, BETTER OUTCOMES
Without JBHP, Tim may have recidivated and returned to prison at a cost of $112/day. Not only does JBHP rental assistance cost less at $25/day, participants have better outcomes, including employment and the development of positive social networks.
**JBHP HELPS REDUCE TIME SPENT IN JAIL & RELATED COSTS**

**TIM WITH & WITHOUT JBHP:**
Justice Bridge has made a difference in Tim’s life. Without the program, it is likely he would have returned to jail given his lack of stable housing and transportation. JBHP provided Tim with housing and services, enabling him to gain employment, connect to positive social networks, achieve self-sufficiency and avoid recidivating.

**ARREST**
At just 21, Tim has several arrests and convictions. He is arrested again in 2015.

**ADJUDICATION**
Tim makes request to attend treatment court and is approved.

**RELEASE**
Tim is released to family who do not live in Union County. Due to a suspended license, he has transportation issues and struggles to get to treatment court.

**JBHP AVAILABLE?**

**YES**

**JBHP & HOUSING**
Tim moves into an apartment, meets treatment court obligations, and gets a job. After 20 months, he is able to afford a market-rate apartment with two roommates.

**NO**

**VIOLATES PROBATION**
Tim cannot attend treatment court and violates probation obligations.

**JAIL**
Tim returns to jail to serve out the remainder of his one-year jail sentence.

**JBHP: REDUCED COSTS, BETTER OUTCOMES**
Without JBHP, Tim may have recidivated and returned to jail at a cost of $72/day or prison at a cost of $112/day. Not only does JBHP rental assistance cost less at $25/day, participants have better outcomes, including employment and the development of positive social networks.
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