

# THE FEDERAL INTERAGENCY REENTRY COUNCIL

A Record of Progress and a Roadmap for the Future

## Housing



AUGUST 2016



To view the full report, visit:

<http://csgjusticecenter.org/wp-content/uploads/2016/08/FIRC-Reentry-Report.pdf>

## Improving housing stability for reentering individuals

**The Challenge.** A place to live is one of the most fundamental building blocks of a stable life. Stable housing is particularly critical for people returning from prison and jail, who face a myriad of challenges while reestablishing themselves in their communities. Yet significant barriers to stable housing for reentering individuals exist. Across the country, over 10 percent of persons released from prisons and jails face homelessness upon reentry – a percentage that could be as high as 50 percent in large, urban areas.<sup>87</sup> The lack of stable housing increases the likelihood of contact with the justice system.<sup>88</sup>

The challenges of reentry are compounded for returning citizens without housing, who may lack the resources to pay rent or are screened out of other housing options because of their criminal record. In addition, many parole departments require conditions of supervision (such as not associating with persons who have criminal records), which can further limit their housing options and push them towards shelters and other temporary housing options. Often, the best case scenario for individuals returning from prison or jail is to live – at least temporarily – with family members. However, even in instances where the family wants to open their doors to their returning relative, barriers may persist. For those with family members who live in buildings managed by public housing authorities, local PHA policies – or misconceptions about these policies – may prevent them from residing with family members, who fear eviction. Others may not have family members who are willing or able to provide a place to live. Too often, these individuals become homeless. Re-entering people with disabilities, including those with mobility-related challenges, may also face significant barriers to obtaining housing that is both accessible and affordable.

**The Path Forward.** The Reentry Council is committed to ensuring that all returning individuals have access to this most basic need: a safe place to sleep at night. With this goal in mind, the Council will work with PHAs and other housing providers to increase understanding of new guidance documents and provide appropriate training to help housing providers implement fair housing policies that take into account the nature of the crime, the length of time since it occurred, and whether or not it has any relation to tenancy.

The Council will help providers strike a balance to adopt policies that do not unfairly bar those who have a past criminal history, while continuing to ensure that residents have safe living environments. The Council will also continue to work with stakeholders to expand and cement innovations, such as partnerships between public housing authorities and legal aid providers and the Pay for Success approach to Permanent Supportive Housing, to ensure that – if proven effective – these innovations expand, not evaporate, after implementation in the initial pilot sites.

## Reentry Council Accomplishments:

### » **Developed and disseminated critical policy clarifications.**

From the earliest days of the Reentry Council, it was clear that there was a widespread misunderstanding of HUD's rules regarding screening and eviction policies when it came to people with a criminal record. In response, HUD developed a Myth Buster [factsheet](#) and sent [letters](#) to executive directors

of PHAs and multi-family homeowners across the country to clarify that there are only two categories of people that HUD permanently bars from its properties: individuals who were convicted of producing methamphetamines on PHA property, and individuals who are on the lifetime sex offender registry. The letters encourage the development of policies and procedures that allow formerly incarcerated individuals to rejoin their families in HUD-assisted housing, while maintaining safety for residents. HUD's new report, [It Starts with Housing](#), also highlights innovative practices from PHAs that are helping to provide people with second chances.



Housing and Urban Development Secretary Julián Castro speaks in Philadelphia during National Reentry Week, April 25, 2016. (Photo: Department of Housing and Urban Development)

» **Issued historic anti-discrimination guidance.** In April 2016, HUD issued historic [guidance](#) on the treatment of renters and buyers with criminal arrest records, and landlords' and sellers' obligations under the Fair Housing Act. This guidance makes clear that blanket bans on renting or selling to anyone with a criminal record may have an unjustified discriminatory effect or disparate impact in violation of the Fair Housing Act. The 2016 fair housing guidance builds on arrest guidance issued in 2015 to public housing authorities and owners of HUD-assisted housing, clarifying that arrest records may not be used to determine who can live in HUD-assisted properties. This [guidance](#) and subsequent [FAQs](#) also emphasize that the Department does not require the adoption of "one strike" policies and include best practices from local PHAs.

» **Launched cutting edge Pay for Success pilot to expand the permanent supportive housing model for the reentry population.** Building on research demonstrating that permanent supportive housing reduces homelessness and incarceration for target populations who consume high levels of crisis public services, including jails, emergency rooms, and shelters,<sup>89</sup> HUD and DOJ launched an \$8.7 million demonstration grant to address these challenges among the justice-involved population. The Pay for Success (PFS) Permanent Supportive Housing (PSH) Demonstration will test cost-effective ways to help persons cycling between the criminal justice and homeless service systems, while making new permanent supportive housing available for

the reentry population. PFS is an innovative form of performance contracting for the social sector through which government only pays if results are achieved. This grant will support the design and launch of PFS/PSH programs to reduce both homelessness and jail time, generating savings in criminal justice and safety net systems. And with an additional \$2.5 million in research and evaluation funds, the pilot will offer insight into how communities can most effectively deliver these evidence-based practices.

- » **Developed materials identifying strategies that keep the homeless population out of the criminal justice system.** The USICH and its partner agencies launched *Opening Doors: the Federal Strategic Plan to Prevent and End Homelessness*, the nation's first comprehensive strategy to prevent and end homelessness. The plan reflects agreements by Council member agencies on a set of priorities and strategies to end homelessness, including ways to advance health and housing stability for people experiencing homelessness who have frequent contact with the criminal justice system. Since the development of *Opening Doors*, USICH has developed a number of [resources](#) to guide the field and promote best practices in this area, including a [tip sheet](#) providing guidance on how corrections agencies, reentry service providers, state and local governments, and community partners can help break cycles of homeless and incarceration by helping people exiting the system connect to housing resources.

- » **Provided funding and technical assistance to existing grantees supporting successful reintegration of persons with criminal justice histories.** Grantees of the Choice Neighborhoods program, with support from BJA's Public Safety Enhancement grants, are implementing activities to support reentry, reduction and prevention of violent crimes, gang, and illegal drug activity through innovative police and citizen coalitions, reentry initiatives and HUD Section 3 program employment/economic development opportunities.

“The fact that you were arrested shouldn't keep you from getting a job, and it shouldn't keep you from renting a home. . . And HUD is fully committed to making sure that local housing providers can still set fair, non-discriminatory screening policies for returning citizens looking for housing. But right now, many landlords use the fact of a conviction – any conviction, regardless of what it was for or how long ago it happened – to indefinitely bar folks from housing opportunities. When someone has been convicted of a crime and has paid their debt to society, then they ought to have an effective second chance in life. The ability to find housing is an indispensable part of that second chance. Past mistakes shouldn't determine future opportunity, and HUD is doing everything in our power to make sure of that. . .”

**HUD Secretary Julian Castro,  
Speech in Washington, DC,  
April 4, 2016**

## Upcoming Actions:

- » **Providing training and technical assistance to HUD field staff.** To ensure local and regional housing officials know and understand the latest guidance regarding housing for justice-involved individuals, including the types of blanket bans that may violate the Fair Housing Act, HUD will establish a network of field office points of contact. Engaging this network will provide a consistent means of delivering information and responding to inquiries from PHAs and other stakeholders. In addition, HUD will establish quarterly calls with Field POCs by September 30, 2016.
- » **Providing housing assessment and discharge planning guidance for correctional institutions.** USICH and agency partners will release guidance detailing ways to assess the housing status of people involved with the criminal justice system, to identify people at risk of or experiencing homelessness, and providing best practices for ensuring that housing stability is a focus of discharge planning.
- » **Disseminating information and engaging stakeholders.** Reentry Council agencies will continue to dispel damaging myths regarding HUD policies, and disseminate best practices information to external stakeholders to encourage the implementation of fair housing policies at the local level.
- » **Learning from new innovative pilots to inform future direction.** Reentry Council agencies will pay close attention to innovative programs, including those that are federally funded such as the PFS/PSH Demonstration and the Juvenile Re-entry Assistance Program (JRAP),<sup>90</sup> to ensure that these pilots inform future policy and funding decisions.
- » **Promoting effective program models and technical assistance strategies.** HUD, USICH and DOJ will elevate effective program models and technical assistance strategies so that local jurisdictions can learn from their peers around the country and scale promising and best practices.