Protecting the Fair Housing Rights of People with Criminal Records

A National Reentry Week Event with HUD and DOJ | April 28, 2016

Lourdes Castro Ramírez, Principal Deputy Assistant Secretary, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development

Amy Solomon, Director of Policy, Office of Justice Programs, U.S. Department of Justice

Dan Hafetz, Senior Advisor to the General Counsel, New York City Housing Authority

Marie Claire Tran-Leung, Staff Attorney, Housing Justice, Sargent Shriver National Center on Poverty Law

Margaret diZerega, Project Director, Center for Sentencing and Corrections, Vera Institute of Justice
Thank you for joining us today.

#ReentryHousing

Tweet, comment, share.

@HUDgov @TheJusticeDept @NYCHA @ShriverCenter @VeraInstitute
The **Sargent Shriver National Center on Poverty Law** provides national leadership in advancing laws and policies that secure justice to improve the lives and opportunities of people living in poverty.

We specialize in practical solutions. We advocate and serve clients directly, while also building the capacity of the nation’s legal aid providers to advance justice and opportunity for their clients.
About the Vera Institute of Justice

The **Vera Institute of Justice** works with others who share our vision to tackle the most pressing injustices of our day: from the causes and consequences of mass incarceration, racial disparities, and the loss of public trust in law enforcement, to the unmet needs of the vulnerable, the marginalized, and those harmed by crime and violence.

We study the problems that impede human dignity and justice and pilot solutions that are both transformative and achievable. We engage diverse communities in informed public debate and help policymakers and practitioners harness the power of evidence to drive effective policy and practice.

After more than a half-century working on the frontlines of justice, we remain committed to sharing our experience and expertise with leaders in government and civil society to inspire and guide change.
## Webinar Overview

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## Webinar Overview: Question & Answer Panelists

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<td><strong>Ron Ashford</strong>  &lt;br&gt;Director of Public Housing Supportive Services  &lt;br&gt;Office of Public Housing Investments</td>
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<td><strong>Melissa Quirk</strong>, Special Assistant for Federal Policy &amp; Legislative Affairs</td>
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“If we can reduce recidivism by helping motivated individuals successfully reenter society, we can reduce crime across the country—and make our neighborhoods better places to live, work and raise our children.”

—Attorney General Loretta E. Lynch

Justice.gov/reentry #ReentryWeek
National #ReentryWeek

USAO-DC Girls Mentoring Session
Valerie Jarrett (White House) and Karol Mason (DOJ)
National #ReentryWeek

Philadelphia
April 25, 2016
National #ReentryWeek

DAG Sally Yates
Texas - April 26, 2016
National #ReentryWeek

Philadelphia
April 25, 2016
National #ReentryWeek

Court Services and Offender Supervision
Agency
Washington, DC
National #ReentryWeek
National #ReentryWeek

Birmingham

SHRIVER CENTER
Sargent Shriver National Center on Poverty Law

VERA
INSTITUTE OF JUSTICE
National #ReentryWeek

Philadelphia
April 25, 2016
National #ReentryWeek

Dorsey Nunn
Champion of Change
National #ReentryWeek

Roundtable w/ Secretary John King
Washington, DC
National #ReentryWeek

Secretary John King and AAG Karol Mason
Washington, DC
National #ReentryWeek

Los Angeles
April 25, 2016
National #ReentryWeek

Philadelphia
April 25, 2016
National #ReentryWeek

Secretary John King
April 25, 2016
National #ReentryWeek

White House Champions of Change:
Expanding Fair Chance Opportunities
April 27, 2016
National #ReentryWeek

New Orleans
April 27, 2016
National #ReentryWeek

Pasadena
April 27, 2016
“We must ensure that our returning brothers and sisters, mothers and fathers—our fellow Americans—can truly return home.”

—Attorney General Loretta E. Lynch

Justice.gov/reentry #ReentryWeek
Some of HUD’s Recent Actions

- **Nov. 2015**: Guidance on Excluding Arrest Records from Housing Decisions
  - FAQs issued in March 2016
- **April 2016**: Guidance on Application of Fair Housing Act to Use of Criminal Records
- **April 2016**: 18 Juvenile Re-entry Assistance Program grantees announced across the country
- **Looking Ahead**: Practitioner’s guide on re-entry housing models
Guidance on Excluding Arrests

• The fact of an arrest cannot be treated as proof of disqualifying criminal activity

• Applies to all PHAs and other federally assisted housing providers
A criminal screening policy that has a disparate impact on people of color violates the Fair Housing Act if:

- There’s no substantial, legitimate, nondiscriminatory purpose justifying the particular policy,
  OR
- Where the policy has such a justification, there's a less discriminatory alternative that would achieve the same purpose

Applies to all assisted housing providers, including both PHAs and private housing providers
Local Initiatives to Improve Access to Public Housing for People with Convictions
Modifying Standards of Admission

Reworking screening processes to be more holistic in evaluating applicants with conviction histories

- Revisions to the Admissions and Continued Occupancy Policy of the Housing Authority of New Orleans

- “There is absolutely no presumption that an applicant with a criminal conviction should be denied housing assistance. Before making a decision to admit or deny applicants with criminal convictions, they shall be given an individualized review based on accurate information, including notice and opportunity to be heard. Individual circumstances and the potential impact on safety of other residents should be taken into account in the decision as outlined below.”
Modifying Standards of Admission

Creating clarity around eligibility for people with convictions

- Richmond Redevelopment and Housing Authority
  - Available appendix in the Shriver Center’s report *When Discretion Means Denial*

Types of revisions

- Consistency across third party property managers
- Shorten look-back periods
- Review convictions to see what contributes to public safety
- Individualized review of all applicants with records rather than automatic denial
- Quality checks of criminal background reports received
Family Reunification Programs

- Section 8 Pilot Reentry Program launched by the Housing Authority of the City of Los Angeles with nonprofit partners including A New Way of Life

- Family Reunification Pilot launched by Chicago Housing Authority and Cook County Housing Authority in partnership with the Chicago Coalition for the Homelessness

Photo credit: Stephanie Dowell
“Ban the Box” for Housing

Modeled after “Ban the Box” efforts to remove the question on job applications about criminal convictions; designed to prevent discrimination of formerly incarcerated people applying for housing

- San Francisco’s Fair Chance Ordinance
- Newark’s Second Chance Ordinance
Partners to engage

- Public Housing Authorities
- Probation and Parole
- Families
- Prisons and Jails
- Juvenile Justice Agency
- Nonprofit Services
- Homeless Services
Dan Hafetz
Senior Advisor to the General Counsel
Public Housing Authority Perspective
Value of the Family Reentry Pilot to the New York City Housing Authority (NYCHA)

- Reunify families
- Promote stable housing
- Reduce homelessness, reduce recidivism
- Align NYCHA with broader NYC criminal justice reform
Origins & Context

HUD guidance:
• 2012 letter from HUD Secretary Shaun Donovan calling PHAs to assist in reentry of ex-offenders.

NYCHA policy context:
• Admissions policy already provided for reentry based on:
  • analysis of crime committed,
  • how recent the crime was,
  • and mitigating evidence.
• NYCHA making other administrative changes around this time.
• Pilot structure addressing NYCHA safety concerns.
NYCHA Family Re-entry Program

Development:

- Designed as a two year pilot (extended an additional year) for individuals 16 or older leaving prison and/or jail to reunite with their families who live in NYCHA public housing.
- Collaborative effort of NYCHA and the NYC Department of Homeless Services (DHS).
- The Vera Institute of Justice and CSH worked closely with NYCHA in planning, developing, running and assessing the pilot.
- Partners who provide case management were identified.

Operationalizing:

- Providers: 1) identify eligible participants before or after release from incarceration, and 2) assess participants for strong motivation to change and goals.
- NYCHA: 1) screens the referred individual, 2) reviews the tenants to ensure they are in good standing, 3) makes an individualized assessment re acceptance into the program.
- Pilot participants: 1) receive temporary permission to reside with their family in the public housing unit and 2) are linked with re-entry services, 3) are eligible to become permanent household members after successful program completion (family member must request)
Community Partnership

Experienced community partners are the key ingredient to the pilot.

- Provided expertise and support beyond PHA resources:
  - Case management experience,
  - Research knowledge on reentry issues,
  - Trust generated by a private partner for residents.

- Structured involvement of social service agencies provided participants with support they needed to successfully complete the program.

Some NYCHA partners:

- Community: Vera Institute of Justice, Corporation for Supportive Housing, numerous Re-Entry Service Providers

- NY City: Mayor’s Office, Department of Corrections, Department of Homeless Services, Department of Probation

- NY State: Department of Corrections and Community Supervision
Significance

• **Housing**- Importance of the role that housing plays in reentry and the impact of the role that a PHA can play.

• **Safety**- Focus on safety of tenants—not punishment, not “moral policing” or focus on crime that poses no danger to residents.

• **Alignment**- Importance of “systems integration”—coordination between PHA and other government agencies, and alignment of policy.

• **Public Policy**- Aligning with recent HUD Guidance stressing the importance of looking at the seriousness of the crime, recency of offense, and evidence of mitigated risk.

• **New Direction**- Importance of conversation in other PHA considerations and piloting other work (juvenile program)
Success Stories

- 33 have been employed and/or maintained employment
- 11 have attended employment trainings and workshops
- 11 have are attending trainings towards certifications
- 11 are attending school
- 9 have attended substance abuse programming
- Many are giving back as mentors, speakers, and social service providers.
# Question & Answer

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## Resources to get started

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<td><strong>Shriver Center report:</strong> <em>When Discretion Means Denial: National Perspective on Criminal Records Barriers to Federally Subsidized Housing</em>, <a href="http://povertylaw.org/wdmd">http://povertylaw.org/wdmd</a></td>
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<td><strong>HUD webcast about the Shriver Center report:</strong> <a href="https://www.youtube.com/watch?v=kW-DzXOYjLU">https://www.youtube.com/watch?v=kW-DzXOYjLU</a></td>
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 Advocacy Strategies for Protecting the Fair Housing Rights of People with Criminal Records

Wednesday, May 25, 2016 | 11-12:30 PST / 2-3:30 EST

This webinar will explore how legal aid attorneys and tenant advocates can use recent HUD guidance to obtain and maintain housing for people with criminal records.

To register, visit https://attendee.gotowebinar.com/register/8072244209883560194
## For further information

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<th>Marie Claire Tran-Leung</th>
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