

It Starts with Housing

Public Housing Agencies Are Making Second Chances Real



Reentry Myth Buster

Myth: Individuals that have been convicted of a crime are banned from public housing...

Fact: There are only two convictions for which a PHA MUST prohibit admission:

- If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; and
- If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

Partnerships Matter

- Housing agencies are a critical part of the solution for returning citizens – most of whom are low income and many of whom are at risk of homelessness.
- In many cases, partners provide a lead role in coordinating outreach, referral, and service delivery, freeing housing authorities to focus on providing core housing services.
- This is one reason why collaboration between public housing agencies and community stakeholders are essential.



Ways HUD Is Supporting PHA Efforts to House Returning Citizens

- Initiated the Pay for Success demonstration program to incubate innovative approaches for reducing recidivism and homelessness among returning citizens.
- Launched the Juvenile Reentry Assistance Program (JRAP) demonstration with legal aid providers in 18 pilot cities, to improve access to housing, education, and job opportunities for youth with criminal records.
- Issued guidance explaining that blanket bans against people with criminal records violate the Fair Housing Act when such policies disproportionately deny housing to people of a particular race, national origin, or with other protected characteristics.
- Reiterated that disqualification for public or assisted housing is mandatory in only limited instances for specific types of criminal activity.
- Clarified that an arrest cannot be used as proof of criminal activity to disqualify someone from HUD-assisted housing.



Things to Remember



HUD does not require PHAs and owners to adopt “One Strike Policies”

An Arrest is not evidence of Criminal Activity that Can Support an Adverse Admission, Termination or Eviction Decision

Federal law requires that PHAs provide applications with notification and the opportunity to dispute the accuracy and relevance of a criminal record before admission or assistance is denied on the basis of such records.

PHAs or owners should institute protocols that assure that its procedures and standards are consistently applied and that decisions are made based on accurate information.

Best Practices

- Having a criminal background screening policy that is applied equally to all persons.
- Ensuring that policies consider the nature, severity, and recency of criminal conduct.
- Limiting criminal records screening to the minimum statutory requirements.
- Avoid using third-party screening companies that utilize algorithms that may contain racial or other prohibited bias in their design.

Best Practices

- Not evicting an entire family because of the criminal activity of one person that had nothing to do with the rest of the household.
- Never evicting a person or family because they have been **victims** of criminal activity.
- Providing applicants with a copy of their criminal record, indicating what specific part of the record formed the basis of an adverse decision and allowing the applicant to correct inaccuracies or explain extenuating circumstances related to the record.

General Takeaways

- Formerly incarcerated persons have the right to stable and safe housing and have protections under the Fair Housing Act.
- Criminal history is not a sole predictor of housing success.
- Ability to pay rent, prior rental history, credit reports, and employer or personal references are better indicators of good tenants.
- Applicants/tenants should be provided the opportunity to dispute adverse determinations involving their criminal records.
- Our goal is to reunite families and provide housing to qualified and responsible individuals.
- Potential victims of housing discrimination based on criminal records should file a complaint with HUD at www.hud.gov/fairhousing

Resources

[Notice PIH 2015-19: Guidance for Public Housing Agencies and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions](#)

[Juvenile Reentry Assistance Program](#)

[HUD Exchange- Preventing Homelessness among People Leaving Prison and Jail](#)