

Rebuilding Lives on the Foundation of a Stable Home: Best Practices for Expanding Housing Options for People with Criminal Records

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Introduction

To many Americans, people with criminal histories are “other.” Yet, the facts contradict this perception. More than a third of the U. S. population has a criminal history.¹ This figure rises to 43% when excluding children under fifteen. These individuals are neighbors, businesspeople, and family members. The way we, as a society, treat people with criminal histories has significant consequences for our community safety, economic prosperity, and societal well-being.

Until recently, policy makers insisted on excluding people with criminal records from social programs, including housing assistance. The arguments were often: Why spend taxpayer dollars on people who committed crimes? Why let formerly incarcerated people receive housing subsidies when so many law-abiding people were on waiting lists? Besides, excluding people who were involved with the justice system would make the community safer.

Contrary to these views, supporting people as they reintegrate into society after leaving prison keeps us all safer. Individuals with secure housing are less likely to recidivate, i.e., less likely to commit new crimes. Employment provides income needed for a stable life, including the ability to pay rent. Having a place to live and a job promotes family reunification. Thankfully, the criminal justice world has turned its attention to helping former inmate reintegrate into society.² In fact, in recent years, the U. S. Department of Housing and Urban Development (HUD),³

¹ According to the Bureau of Justice Statistics, U. S. Department of Justice, [Survey of State Criminal History Information Systems, 2020](#), the number of people with criminal histories in 2020 was 114,376,500. The population of the United States that year was 326,569,308 and the population 15 years of age and older was 265,832,167 per the American Community Survey, [Report S010, Age and Sex](#).

² See, e. g., The National Reentry Resource Center (NRRC), Bureau of Justice Assistance, U. S. Department of Justice, [“At the Intersection of Reentry and Public Safety”](#) and NRRC and Justice Center, The Council of State Governments, [“Making People’s Transition from Prison and Jail to the Community Safe and Successful”](#).

³ Dept. of Housing and Urban Development [Memorandum June 10, 2022](#) and [Guidance April 4, 2016](#).

Federal Trade Commission, and Consumer Financial Protection Bureau⁴ have all taken steps to ease the way for people with criminal histories to find decent homes.

Despite this progress, people with criminal histories are still challenged to find a decent place to live. Even years after their release, many people with criminal records are turned away from employment and housing. Consequently, homelessness is high among formerly incarcerated individuals⁵ at almost ten times the rate for the population as a whole.⁶ Among the formerly incarcerated population, homelessness is significantly higher for individuals who are Black or Hispanic and for those who are over 35 years of age.⁷ The risk of homelessness increases with repeated incarceration but decreases over time following release from prison⁸. People released from prison without a stable place to live are two and a half times more likely to recidivate than those who are well housed.⁹ Recidivism and homelessness are tightly linked, and stable housing is the key to solving both problems.

Both recidivism and homelessness are costly to society. Pennsylvania spends almost \$3 billion annually on corrections.¹⁰ In 2019, 62% of admissions to state correctional institutions were recidivists (both parole violators and new arrests/convictions) and recidivists accounted for almost 45% of the total prison population.¹¹ Reducing recidivism would save taxpayers a significant amount of money.

Homelessness, in addition to its negative impacts on the individuals involved, is also costly to society. Providing safe, stable, affordable housing in conjunction with supportive services saves money spent on hospitalization, emergency room care, substance abuse rehabilitation, and criminal justice involvement.¹² Providing appropriate homes and supportive services for people

⁴ Federal Trade Commission and Consumer Financial Protection Bureau [Request for Information](#), February 28, 2023.

⁵ Lutze, Faith; Rosky, Jeffrey; and Hamilton, Zachary. [“Homelessness and Reentry: A Multisite Outcome Evaluation of Washington State’s Reentry Housing Program for High Risk Offenders,”](#) Washington State University. 2013.

⁶ Couloute, Lucius. [“Nowhere to Go, Homelessness among formerly incarcerated people,”](#) Prison Policy Initiative. 2018.

⁷ Ibid.

⁸ Ibid.

⁹ Bender, D.; “No Home To Return To”.

¹⁰ Pennsylvania Department of Corrections, [Budget Request for Fiscal Year 2022-23 and FY 23-24 Budget Testimony](#).

¹¹ Ibid.

¹² See, e. g., Massachusetts Housing and Shelter Alliance, [“Home and Healthy for Good”, 2021](#); Thomas, M. L., et al, [“Moore Place Permanent Supportive Housing Evaluation Study Final Report”](#); National Alliance to End Homelessness, [“Study Data Show that Housing Chronically Homeless People Saves Money, Lives”](#).

leaving incarceration gives those individuals stability and a path forward and makes economic sense for the Commonwealth.

Justice is Not Always Just

Pennsylvania, like many states in the nation, has an overrepresentation of people of color in the justice system. Individuals from marginalized communities – particularly Black, Indigenous, and Latinx communities – find themselves disproportionately entrapped in a system that less often leads to justice. In fact, 55% of people in jail and 57% of those in prison are non-white.¹³ The reasons stem from a complex relationship of social, economic, and historical factors. Systemic racism, implicit biases, and socioeconomic disparities are not only linked to inequitable treatment in the criminal justice system but also to disparities in education, health, and economic opportunity, which are connected to criminal activity.¹⁴

When people of color are released from incarceration, they face a particularly difficult rental market. While most low-income renters struggle to pay the rent, more Black, Latinx, and Asian renters are cost burdened (paying more than 30% of their income for rent) than white renters.¹⁵ For Pennsylvania renters at the poverty level,¹⁶ 83% of white renters are cost burdened while the figure for Black renters is 86%, for Latinx 89%, and for Asians 91%.¹⁷ Perhaps as a result of the high cost burden, Black people across the country are four times as likely as white people to become homeless.¹⁸ Combining the hardships faced by low income people of color generally with the disproportionate incarceration of non-white individuals– in 2021, over 37% of people admitted to Pennsylvania state correctional institutions were Black¹⁹ even though Black people

¹³ The Vera Institute, "[Incarceration Trends in Pennsylvania](#)".

¹⁴ See, e. g., The Sentencing Project, "[The Color of Justice](#)"; Alexander, M., *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, The New Press, 2010; Flores, N. E., "[Contributing Factors to Mass Incarceration and Recidivism](#)", Themis: Research Journal of Justice Studies and Forensic Science.

¹⁵ Joint Center for Housing Studies of Harvard University, "[Renter Cost Burdens by Race and Ethnicity \(1B\)](#)".

¹⁶ The Federal Poverty Income Guideline (FPIG) is \$30,000 a year for a family of four. The FPIG is adjusted by family size. [U. S. Department of Health and Human Services FPIG](#).

¹⁷ National Equity Atlas, "[Housing burden: All residents should have access to quality, affordable homes](#)".

¹⁸ Willison, C., "[Persistent Disparities: Trends in Rates of Sheltered Homelessness Across Demographic Subgroups in the USA](#)".

¹⁹ Pennsylvania Department of Corrections, <https://pa-doc-prs.maps.arcgis.com/apps/MapSeries/index.html?appid=82023e1381dc4f9e9c202b2ed608d44a>.

made up less than 13% of the state’s total population²⁰ - former inmates of color have a particularly difficult time finding housing.

Moving Forward

To help people with criminal histories re-establish themselves outside of prison, many communities have created programs to make housing opportunities more available. Some programs provide housing, either directly or via rental assistance, coupled with supportive services to help formerly incarcerated individuals learn life skills without the overwhelming worry of finding an affordable home. Other programs, geared to both newly released individuals and those who left prison many years ago, focus on educating landlords and providing incentives for them to accept applicants with criminal histories. This paper provides examples of both approaches, noting that the programs that follow are only a few of the many good models that exist around the country.

❖ Housing with Supportive Services

For many people newly released from incarceration rejoining society is not easy. The unemployment rate for formerly incarcerated people is over 25%.²¹ In addition, over a third of Pennsylvania’s prison population has been diagnosed with a mental illness.²² While the Pennsylvania Dept. of Corrections is working hard to address employment training, mental health care, and substance abuse disorder needs while individuals are incarcerated, it is vital that appropriate services continue once the individual is released. Having an employment coach, a mental health provider, or a drug counselor, in addition to a stable place to live, can make all the difference between successful reintegration and a return to prison.

There are many ways to provide housing and supportive services. Many programs are based on the Frequent Users System Engagement (FUSE) model developed by the Corporation for Supportive Housing (CSH).²³ The FUSE model recognizes that billions of dollars in public funds are spent on crisis services for people experiencing homelessness, such as emergency rooms, health clinics, correctional facilities, and emergency shelters, often with no targeted coordination. FUSE programs attempt to reduce multiple crisis service use by ensuring stable housing and coordinating supportive services. The result is a more stable and productive individual and more effective use of public funds. FUSE is not designed specifically for people

²⁰ American Community Survey, DP05 ACS Demographic and Housing Estimates, 2021, <https://data.census.gov/table/ACSDP1Y2021.DP05?g=040XX00US42>.

²¹ Couloute, L. and Kopf, D., “[Out of Prison & Out of Work: Unemployment among formerly incarcerated people](#)”.

²² PA Department of Corrections Acting Secretary Dr. Laurel R. Harry, “[FY 23-24 Budget Testimony](#)”.

²³ <https://www.csh.org/fuse/>.

leaving incarceration, but the model works for this population given the overlap of incarceration, mental illness, substance abuse, and economic instability.

The programs described below aim to provide a supportive and structured environment for people leaving incarceration that both help individuals overcome the challenges they face in finding and securing housing and reduce the likelihood of recidivism. These programs recognize that successful reintegration requires the foundation of housing, but also involves comprehensive wrap-around services to address multiple needs of this population.

The housing component of these programs is approached in a variety of ways. Some build relationships with private landlords who then agree to rent to returning citizens knowing that case managers will provide support. Others provide rental assistance or work with local housing providers to reserve units. A few programs engage in master leasing - an arrangement where a government agency or nonprofit organization leases homes from private owners then subleases the units to program participants, usually at a reduced rent. Master leasing is useful when landlords are wary of the intended tenant because of a characteristic such as criminal history or mental health issue.

Union County, PA – Justice Bridge Housing²⁴

Since 2012, the Union County Housing Authority (UCHA) has been a leader in helping justice involved individuals become productive members of their communities. The Justice Bridge Housing Program provides up to 12 months of rental assistance, allowing the individuals to "bridge" the gap in time while waiting for a Housing Choice Voucher or building their employment income. Supportive services are also offered and the UCHA created a program similar to HUD's Family Self-Sufficiency program that allows participants to save money instead of paying higher rents as their income increases. Participants must be non-violent offenders, recently released from the county jail or be within two months of release and be referred by the Probation and Parole office. Since its inception the program has served 73 individuals. While small – befitting a small, rural county – the program is very successful. The recidivism rate for participants is only 18%, while the county rate is 53%. The Program's innovation and success prompted the Bureau of Justice Assistance of the U. S. Department of Justice to award UCHA funding to create a manual on how other housing authorities can replicate the program.²⁵

²⁴ Union County Housing Authority, [Justice Bridge Housing Program](#).

²⁵ Diana T. Meyers and Assoc., [JUSTICE BRIDGE HOUSING PROGRAM: A Successful Reentry Program of the Housing Authority of Union County, Pennsylvania, REPLICATION TOOLKIT](#), as cited in National Reentry Resource Center, Bureau of Justice Assistance, U. S. Dept. of Justice, [Building Second Chances: Tools for Local Reentry Coalitions](#).

Columbia County, PA – Justice Master Leasing Program²⁶

Rural Columbia County began a master leasing program for justice involved individuals with mental illness or substance abuse diagnoses in 2015. The program was designed to improve outcomes for the individuals, reduce recidivism, and reduce costs for the county. Coordination among Adult Probation and Parole, the housing authority, the county prison, and behavioral health and service providers ensures that program participants receive the support they need along with housing assistance. The county leased five apartments that are made available to program participants for 6 months during which time participants are aided in finding employment and permanent housing. Initially funded with a grant from the Pennsylvania Commission on Crime and Delinquency (PCCD), the program, now known as Housing and Recovery Transition (HART), is funded with county justice funds. The most recent program report (for the year 2021) shows that of eight participants only one was re-arrested while in the program.²⁷

Lackawanna County, PA – Supportive Housing Justice Initiative Program

Begun in 2015 with a two-year grant from PCCD, the Lackawanna County Supportive Housing Justice Initiative Program (now the Lackawanna County Justice Initiative Program (LCJIP)) partners the county's Treatment Court with a large social service provider, United Neighborhood Centers of Northeast Pennsylvania (UNC) to support women with children who are under the supervision of the Treatment Court and would otherwise be facing homelessness. The women must have a mental health or co-occurring disorder diagnosis. UNC master leases three two-bedroom apartments and provides cases management, financial and life skills education, and job training. Recognizing the value of the program, Treatment Court began providing the necessary funding after the PCCD grant ended. LCJIP serves three families each year.²⁸

Nashville, TN – Project Return²⁹

Project Return operates in Nashville and Chattanooga, Tennessee, offering returning citizens housing and a full range of support services. The organization provides housing stipends as well as permanent rental housing options in properties that Project Return acquires and rehabs with clients who receive training in construction and property management. Project Return also offers personalized case management, employment assistance, vocational training, education

²⁶ Columbia County Justice Master Leasing Program [contract](#) with Pennsylvania Commission on Crime and Delinquency; email correspondence with Richard Kisner, Executive Director, Community Strategies Group, 10/18/23.

²⁷ HART Program Report 2021.

²⁸ Lackawanna County Housing Program for Co-occurring CJ Individuals [contract](#) with Pennsylvania Commission on Crime and Delinquency; email correspondence with Jessica Wallo, Community Services Director, United Neighborhood Centers (UNC) and Roger Young, Case Manager, UNC, 9/20/23 and 12/14/23.

²⁹ [Project Return](#).

programs, counseling, financial assistance, and other wraparound services. In 2022, Project Return provided 663 housing stipends and enrolled 869 individuals in job readiness classes, 75% of whom found employment. The organization owned 32 rental homes by the end of 2022.³⁰ Project Return participants have a 15% recidivism rate, compared to the state and national rates of 50%. The organization estimates that the lower recidivism rate translates into a savings to the state of \$ 6,257,104 (2019).³¹

City of Salina, Kansas

In 2016, the City of Salina conducted a needs assessment and found that many people leaving the criminal justice system needed help finding and maintaining housing. A regional service provider, Catholic Charities, leveraged Emergency Solutions Grant (ESG) funding from HUD to aid those leaving the carceral system, an unusual use of ESG funds. Staff within the jail or prison system and service providers made the referrals for re-entry individuals looking to secure housing. Program staff-built relationships with local landlords and housing providers who were willing to give returning citizens a second chance by renting apartments to them. Beyond helping to secure housing, the program also provided other wrap-around services, including three months of rental assistance (with the option of securing three additional months) as well as working with other service providers to assist in a wide variety of other needs to ensure recidivism levels in the city stayed low.³²

State of Connecticut – Connecticut Collaborative on Re-Entry

The Connecticut Collaborative on Re-Entry (CCR) is aimed at individuals who are frequently homeless, and justice involved. The program looks to reduce public sector costs associated with the homeless and criminal justice systems by providing rental housing vouchers and supportive services to the re-entry population across 11 cities throughout the state. CCR is organized into local coalitions, including individuals with lived experience, to strategize about how to best serve those returning from incarceration.

CCR finds eligible participants by matching data from the Department of Corrections and the Connecticut Homeless Management Information System databases, looking for individuals who are high utilizers of both systems. The first 120 people housed through CCR experienced a near total decrease in homeless shelter days. There was a 73% reduction in jail days after the first

³⁰ [Project Return Annual Report 2022](#).

³¹ Project Return "[By the Numbers](#)".

³² Francis, Charles. "[How One City Used Federal Funds to Create Reentry Housing Opportunities](#)," The Council of State Government Justice Center. 2021.

year of the program's existence. Based on these results, then-Governor Malloy signed into law legislation that expanded CCR and allowed the programs to serve 190 individuals at a time.³³

Washington State – Re-Entry Housing Pilot Program

Washington State implemented a Re-entry Housing Pilot Program (RHPP) in 2007 to reduce recidivism among individuals who were discharged from jail and prison without a place to live. The program was created by the state legislature and had appropriated funds from the state budget. RHPP brought together the state Dept. of Corrections (DOC), local DOC Community Justice Centers, healthcare and treatment providers, and many supportive service providers. The former inmates' need for housing was addressed in three ways. First, the state limited the liability of private landlords who rented to former inmates. Second, the legislation encouraged housing authorities to revise their admissions policies to be more welcoming of people with criminal histories. Third and perhaps most significantly, the state provided funding for two pilot transitional supportive housing programs. The evaluation of RHPP found that the program was successful in significantly reducing recidivism.³⁴ An earlier study of the RHPP initiative also demonstrated that the RHPP had positive effects on participant's income and that as length of time in the program increases so does the participants' average mean income per month.³⁵

Two years later, Washington enacted a rental voucher program for individuals eligible to leave prison on early release but who lacked suitable housing. DOC now runs a total of five state funded rental voucher programs that offer up to six months of assistance (12 for the Community Parenting Alternative/Family Offender Sentencing Alternative Programs). Vouchers pay up to \$700 a month directly to the landlord.³⁶ A 2013 review of the original voucher program showed a significant cost savings to the state, including the reduction of days in incarceration due to early release and a decrease in recidivism. Weighted program costs for the program participants studied were \$23,937,668 versus \$39,467,618 for the control group (about 1,600 individuals in each group) for a net savings of \$15,529,950 to the state. The cost of just the vouchers was only \$2,198,255, a highly successful investment.³⁷

³³ Branch, Betsy, and Ross, Chelsea. "[Connecticut Collaborative on Re-Entry: Supportive Housing for Super Utilizers of Homeless Service and Correction Systems](https://ctreentry.org/ct-reentry-collaborative)," Corporation for Supportive Housing, 2016; <https://ctreentry.org/ct-reentry-collaborative>.

³⁴ Lutze, "Homelessness and Reentry," op cit.; Hamilton, Z., et al, "[Removing Release Impediments and Reducing Correctional Costs: Evaluation of Washington State's Housing Voucher Program](#)", Justice Quarterly, 32:2, 255-287.

³⁵ Lutze, F.E., Bouffard, J., & Falconer, S. (2009). Washington State's Reentry Housing Pilot Program Evaluation: Year 1 Report . Pullman, WA: Washington State University.

³⁶ [Dept. of Corrections of Washington State](#).

³⁷ Hamilton, "Removing Release Impediments", op cit.

New York City and Delaware Housing Authorities– Family Re-Entry Programs

In 2013, the New York City Housing Authority (NYCHA) created a program to allow individuals released from incarceration within the last three years to move in with family members living in public housing. Case management is required for at least 6 months and is offered to family members as well as the returning citizen. Participants are given temporary permission to reside with their families for two years. If the participant successfully completes the two-year trial, they may apply to become a permanent part of the household or apply for their own public housing unit without having their criminal record count against them.³⁸

The five housing authorities in Delaware began a coordinated Family Re-Entry Program in 2020. Like the NYCHA program, the target population is people who have been released from incarceration within three years. Participants are treated as household guests for one or two years so that any money they earn will not be counted toward the household's income.³⁹

Both the NYCHA and Delaware programs have had trouble attracting participants. Both programs acknowledge a lack of trust between tenants and housing authorities. Delaware officials also note the very small pool of eligible individuals and households. But both programs are hoping to expand through increased outreach.⁴⁰

More information on public housing authority programs is available in “Opening Doors”⁴¹ by the Vera Institute and “It Starts with Housing”⁴² by HUD.

Leveling the Playing Field for Individuals with Criminal Records

Individuals who do not receive housing assistance immediately upon leaving incarceration, and even those who do but later need to find a new place to live, are likely to face barriers to housing because of their criminal records. Even with the increasing ease of sealing arrest and certain conviction records and obtaining an expungement or pardon under specific

³⁸ New York City Housing Authority, [Family Reentry Program](#).

³⁹ Delaware State Housing Authority, [Family Reentry Program](#).

⁴⁰ Delaware Public Media, “[Delaware housing authorities hope to bring new life to reentry housing program](#)”, March 8, 2023; Vera Institute, “[Coming Home An Evaluation of the New York City Housing Authority’s Family Reentry Pilot Program](#)”, 2016.

⁴¹ Bae, J. et al, “Opening Doors: How to develop reentry programs using examples from public housing authorities”, Vera Institute, <https://www.vera.org/publications/opening-doors-public-housing-reentry-guide>.

⁴² “It Starts with Housing: Public Housing Agencies

Are Making Second Chances Real”, HUD, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj82L6QyogDAXU0bTABHWmmAGgQFnoECA4QAw&url=https%3A%2F%2Fwww.hud.gov%2Fsites%2Fdocuments%2FHUD_It_Starts_with_Housing.pdf&usg=AOvVaw0mQxi7ORgkDH_KBEN4tj6z&opi=89978449.

circumstances,⁴³ many people carry their criminal records with them for decades or for the remainder of their lives. The records may even include arrests where there was no conviction. Most landlords require a criminal background check as part of the application process, although the ramifications of having a criminal record vary from landlord to landlord. Some eliminate all applicants who have been involved with the criminal justice system, while others will allow applicants to explain the circumstances of the criminal activity and provide evidence of rehabilitation. Both approaches can be problematic, with the former eliminating many potentially good tenants and the latter allowing landlords to use discretion without data to back up their assumptions.

For many reasons, it is time to re-examine landlord screening practices. One important reason is compliance with the Fair Housing Act (FHA). While the FHA does not specifically protect people with criminal records, it does protect people from discrimination based on race, ethnicity, and national origin, among other things. In 2016, HUD's Office of General Council issued "Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions". Noting the disproportionately high numbers of Black and Latinx individuals in the criminal justice system, the Guidance states,

Consequently, criminal record-based barriers to housing are likely to have a disproportionate impact on minority home seekers. While having a criminal record is not a protected characteristic under the Fair Housing Act, criminal history-based restrictions on housing opportunities violate the Act if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another (i.e., discriminatory effects liability).⁴⁴

In other words, banning people with criminal histories may violate the FHA if the policy has a disproportionate impact on people of color or ethnic minorities.

Another class of people protected by the FHA is people with disabilities. In a preliminary motion (before the trial began), the U. S. District Court for the Eastern District of Virginia found that a rental applicant was legally entitled to ask for a reasonable accommodation to overlook the applicant's misdemeanor conviction when that criminal act was the result of the applicant's disability.⁴⁵ A blanket policy disqualifying anyone with a criminal record from being approved to rent could violate the FHA under the protection of individuals with disabilities.

⁴³ For information on expungements, pardons, and record sealing see the Pennsylvania Board of Pardons, <https://www.bop.pa.gov/Pages/A-Clean-Slate.aspx>; PaLawHelp.org, <https://www.palawhelp.org/resource/clean-slate-review>; and Philadelphia Lawyers for Social Equity, <https://plsephilly.org/self-help/#info-records>.

⁴⁴ HUD Guidance, op cit.

⁴⁵ *Simmons v. T. M. Associates Management, Inc.*, 2018 WL 882396 (Only the Westlaw citation is currently available.) Note: No final disposition of the case is available as of this writing. The parties could have settled the case.

For many years, most public housing authorities banned individuals with criminal records from living in their buildings, as did landlord who participated in the Housing Choice Voucher (HCV) program. However, federal law only requires absolute bars for specific drug offenses and for individuals subject to lifetime registration as a sex offender.⁴⁶ In all other cases, housing authorities (which set policies for HCVs as well as public housing) have the discretion— *but not* the requirement - to deny an application if the prospective tenant is currently engaged in, or has engaged in during a reasonable time before the admission:

- (1) Drug-related criminal activity;
- (2) Violent criminal activity;
- (3) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- (4) Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor, or agent).⁴⁷

Referring back to the HUD regulations, the Pennsylvania Commonwealth Court found in favor of an applicant who had been convicted of welfare fraud and was making restitution, saying that unless the housing authority could show that the criminal behavior threatened the health, safety, or right to peaceful enjoyment of the neighbors or threatened the owner or staff of the building, the applicant could not be denied admission solely because of her criminal record.⁴⁸ The discretion to deny admissions to the HCV program must be narrowly limited to the circumstances described in the regulations.

In addition to the legal reasons for limiting reliance on criminal background checks, data analysis shows that the likelihood of a former inmate committing a new crime decreases significantly over time. One study reports that individuals who committed crimes at age 18 were no more likely to commit a new crime seven years later than members of the general population in their age cohort.⁴⁹ It is also clear that the likelihood of re-arrest declines as individuals age.⁵⁰ Therefore, it is important that tenant screening policies take into account how long ago a crime

⁴⁶ For public housing admissions see 24 C. F. R. 960.203(c)(3) and 960.204. For Housing Choice Voucher admissions see 24 C. F. R. 982.553(a).

⁴⁷ 24 C. F. R. 982.553

⁴⁸ *Hartman v. Housing Authority of the County of Lawrence*, No. 164 CD 2021 (Pa. Cmwlth., November 2, 2023) (unreported)

⁴⁹ Kurlychek, M. et al, "[SCARLET LETTERS AND RECIDIVISM: DOES AN OLD CRIMINAL RECORD PREDICT FUTURE OFFENDING?](#)", *Criminology and Public Policy*, 2006.

⁵⁰ Council on Criminal Justice, "[Recidivism Rates: What You Need to Know](#)"; The United States Sentencing Commission, "[The Effects of Aging on Recidivism Among Federal Offenders](#)"

was committed and how old the individual was at the time. It is also important to remember that, as noted above, having stable housing decreases the likelihood of being rearrested.

Furthermore, research that focused specifically on housing outcomes (whether the person remained stably housed, had lease violations, or moved for undetermined reasons) showed that after two years for misdemeanors and five years for felonies there was no difference in housing outcomes between people with criminal histories and other tenants.⁵¹ This study analyzed data on 10,500 households living in subsidized apartments owned by one of four nonprofit landlords in Minnesota and Wisconsin. The report also found that 11 out of the 15 types of crime reported had no bearing on housing outcomes.⁵²

Encouraged by this data and mindful of fair housing considerations, many housing providers have revamped their admissions policies or developed programs for people with criminal records. Best practices include only considering convictions and not arrests, limiting the look-back period to three years, and always giving applicants an opportunity to explain past circumstances and life changes since the event. More information can be found in the Corporation for Supportive Housing's "Emerging Practices in Inclusive Tenant Screening".⁵³

Equitable Screening

Housing Development Corporation (HDC) Mid-Atlantic

The Housing Development Corporation Mid-Atlantic (HDC) is a developer, owner, and manager of affordable housing in Pennsylvania, Delaware, and Maryland. HDC is also an advocate for affordable housing and for fair housing and equitable tenant screening practices. Their approach recognizes the unique circumstances and individualized needs of each applicant and, therefore, offers personalized case management, individualized support plans, and tailored services.⁵⁴

In 2020, HDC overhauled its tenant selection policy as part of its commitment to racial equity. The organization removed many barriers for applicants with credit history challenges or criminal convictions by reducing the reasons for denying the application and by applying trauma-informed principles to the process. Rather than denying applicants and offering information about how to appeal the decision, HDC established a Further Review process before a decision is made. Further Review gives the applicant the opportunity to explain their situation and

⁵¹ Aeon, et al., "[Success in Housing: How Much Does Criminal Background Matter?](#)", Amherst H. Wilder Foundation.

⁵² Ibid.

⁵³ "[Emerging Practices in Inclusive Tenant Screening](#)", Corporation for Supportive Housing

⁵⁴ <https://hdcweb.org/>

provide a wide array of supporting documentation. The information is reviewed by the Further Review Committee that conducts an individualized assessment based on the totality of the circumstances to determine whether an applicant or household member should be admitted.⁵⁵

While this program was only instituted in January 2021, HDC Mid-Atlantic notes that the number of appeals from denials has decreased and individuals who were approved through the Further Review Process were still in their homes 6 months after move-in. Part of what makes this program successful is that HDC takes a very hands-on approach to management by developing relationships with residents and providing in-depth training to staff. Additionally, they provide additional services to residents, including their own eviction prevention program, food access, emergency fund, community building, and other programs.

Landlord Incentives

Another approach to helping people with criminal histories find housing in the private market is to provide incentives and assurances to landlords. Incentives include risk mitigation funds and sign-on bonuses. Often, these programs are developed broadly to enhance the ability of people experiencing homelessness or who are likely to become homeless to find suitable housing. This population often includes individuals with criminal records.

Allegheny County, PA

In 2017, Allegheny County (which includes the city of Pittsburgh) began its Landlord Risk Mitigation Fund, designed to “be used as an incentive to landlords to allow them to rent to clients with significant housing barriers”.⁵⁶ Tenants must be working with a housing or homeless service agency. The agency enrolls the tenant with a simple form providing contact information for the tenant, landlord, and agency. The only other requirement is that the rental home must be inspected. The Fund offers up to \$3,000 per unit to cover damages and one month of lost rent. The program has enrolled 600 tenants and paid out 105 claims, with the program administrator noting, “a large percentage of these [claims] were during the pandemic stay at home order when case managers were not doing on site home visits and kids/others were home all of the time”.⁵⁷

⁵⁵ “Revising Resident Selection Criteria to Remove Barriers” presentation to Tenfold Landlord Forum 11/4/21, HDC MidAtlantic; conversation with Deborah Gable, Vice President of Resident Services,

⁵⁶ Allegheny County Landlord Risk Mitigation Fund Program Guidelines, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi8ngTaho2DAxXOhIkEHdN8CowQFnoECBIQAw&url=https%3A%2F%2Fwww.alleghenycounty.us%2FWorkArea%2Flinkit.aspx%3FLinkIdIdentifier%3Did%26ItemId%3D6442480513&usg=AOvVaw03nYnbvFPMP1ZhV6C2L8Ow&opi=89978449>.

⁵⁷ Ibid.

Similar funds operate in Montgomery County, MD⁵⁸, Franklin County, OH⁵⁹, and the Fargo, ND metropolitan area⁶⁰, among others.

Self-Determination Housing of Pennsylvania/Inglis

Self-Determination Housing of Pennsylvania (SDHP)⁶¹, a program of Inglis Community Services, is a statewide nonprofit organization that works to expand housing opportunities for people with disabilities. SDHP operates a Landlord Risk Mitigation Fund that guarantees up to \$3,000 in property damage repairs to landlords who accept tenants “who may have barriers to renting such as poor credit/rental history, lower income levels, or criminal backgrounds”.⁶² While it includes people with criminal histories, the SDHP program is limited to tenants with disabilities who are transitioning out of nursing homes and looking for a place to rent.⁶³

Various Cash Incentive Programs

Several communities across the commonwealth are encouraging private landlords to rent to low-income households, people facing homelessness, and renters with blemished backgrounds by offering cash incentives. Allegheny County, PA offers a \$2,000 sign-on bonus and an additional \$1,000 for the first one-year lease renewal to landlords who accept tenants leaving homelessness. Tenants are identified by the county’s Housing Navigator Program. The program also provides support services.⁶⁴

⁵⁸ Montgomery County, MD’s Landlord Risk Mitigation Fund, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewjF8sumkY2DAxU9rokEHaaABvkQFnoECBgQAQ&url=https%3A%2F%2Fwww.montgomerycountymd.gov%2FHomelessness%2FResources%2FFiles%2FLandlordRecruitment%2FMOCO%2520LRMF%2520brochure-QR9.28.22.pdf&usg=AOvVaw1X9xg0pOJ_DeTy9u_D3_De&opi=89978449.

⁵⁹ Community Shelter Board, Home4Good, Franklin County, OH, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewjF8sumkY2DAxU9rokEHaaABvkQFnoECCEQAQ&url=https%3A%2F%2Fwww.csb.org%2Fcdn%2Ffiles-LandlordLossMitigationFundAgreementandClaimForm.pdf&usg=AOvVaw0EuEk_D0_TAr0P8Xzdjo1V&opi=89978449

⁶⁰ FM Coalition to End Homelessness, <https://www.fmhomeless.org/lrmf>

⁶¹ <https://www.inglis.org/programs-and-services/inglis-community-services/self-determination-housing-of-pennsylvania-sdhp>

⁶² <https://www.inglis.org/programs-and-services/inglis-community-services/self-determination-housing-of-pennsylvania-sdhp/landlord-risk-mitigation-fund>.

⁶³ Ibid.

⁶⁴ “Fitzgerald Announces New Program to Increase Affordable Housing Supply “, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewjxi7DTI42DAXv4j4kEHYdeDqEQFnoECCcQAQ&url=https%3A%2F%2Fwww.alleghenycounty.us%2FNews%2F2023%2FCounty-Executive-2023%2F6442480534.aspx&usg=AOvVaw2qO2psav4VB_IVFw2aH4Ju&opi=89978449.

The Lehigh Valley (PA) Regional Homeless Advisory Board’s Landlord Engagement Program offers signing bonuses in addition to up to \$2,500 in damage guarantees.⁶⁵ Bucks County, PA’s Housing Link offers signing bonuses, referral fees, and one month’s vacancy payments to landlords and Realtors who accept (or refer landlords who accept) tenants working with Housing Link service providers.⁶⁶

Conclusion

Communities across Pennsylvania and the nation are using proven, effective methods of helping people with criminal records rebuild their lives on the foundation of a good stable home. In doing so they are also strengthening families and creating a brighter future for their children. Helping returning citizens reintegrate into society reduces crime and the need for tax dollar funding to pay for prisons and homeless shelters. Increasing housing options for people with criminal records is unquestionably a wise investment.

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⁶⁵ Lehigh Valley Regional Homeless Advisory Board’s Landlord Engagement Program, <https://lvrhhab.org/landlord-engagement-program>.

⁶⁶ Bucks County Housing Link, Bonus for Bucks Landlords, <https://www.buckshousinglink.org/bonusforbucks/>.

