

November 5, 2019

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Mike Crapo
Chair
Committee on Banking, Housing,
and Urban Affairs
United States Senate
Washington, DC 20510

The Honorable Sherrod Brown
Ranking Member
Committee on Banking, Housing,
and Urban Affairs
United States Senate
Washington, DC 20510

To Majority Leader McConnell, Minority Leader Schumer, Chairman Crapo, and Ranking Member Brown:

United in the belief that all people, including those who have had contact with the criminal justice system, deserve access to decent, accessible, affordable housing, the undersigned organizations write in support of the Fair Chance at Housing Act of 2019 (S. 2076). This bill proposes much-needed actions to address barriers to federal housing assistance that many justice-involved individuals face as they seek to reenter society and establish stable, healthy lives.

In 2017 alone, approximately 622,400 individuals in federal and state prison systems were released back into their communities,¹ while approximately 9 million people are released from local jails each year.² These individuals encounter a number of obstacles to fully reintegrating into their communities, including overly-restrictive HUD policies that limit their access to assisted housing. “One-strike” policies allow tenants to be evicted for a single, and frequently minor, incident of criminal activity, while “no-fault” policies allow landlords to terminate the tenancy of an entire family because of the criminal activity of a guest. Owners of federally assisted housing are not required to consider the totality of circumstances surrounding criminal activity when screening or determining evictions; as a result, mitigating circumstances, like the completion of a rehabilitation program, may not be considered. Under current policy, applicants for and tenants of federally-assisted housing may be punished for activity that has little to bear on their ability to fulfill the terms of a lease or on the maintenance of a safe community.

The absence of stable housing reinforces barriers to employment and healthcare that formerly incarcerated individuals already face and makes the reentry population uniquely vulnerable to homelessness. Homelessness, in turn, is often a catalyst to recidivism, perpetuating a vicious cycle that sends individuals in and out of the prison system – incarcerated individuals are almost

¹ U.S. Dep’t of Justice, Prisoners in 2017 (April 2019), available at <https://www.bjs.gov/content/pub/pdf/p17.pdf>

² Jocelyn Fontaine & Jennifer Biess, Urban Inst., Housing as a Platform for Formerly Incarcerated Persons (April 2012), available at <https://www.urban.org/sites/default/files/publication/25321/412552-Housing-as-a-Platform-for-Formerly-Incarcerated-Persons.PDF>

ten times more likely to experience homelessness than the general public,³ and one in ten incarcerated people experienced homelessness prior to incarceration.⁴ Restrictive policies trap far too many justice-involved individuals in poverty and disproportionately impact people of color, people with disabilities, and members of the LGBTQ community, groups that are overrepresented in both homeless and incarcerated populations.⁵ Restrictive HUD policies tear families apart and do nothing to reduce homelessness or recidivism.

The Fair Chance at Housing Act would ban “one-strike” and “no-fault” eviction policies, and require public housing agencies and owners of HUD-assisted housing to perform an individualized review of applicants with a criminal history that takes into account both totality of circumstance and mitigating evidence provided by the applicant. Moreover, the bill would allow housing providers to consider only criminal activity that may impact an applicant’s success as a tenant, such as felonies that resulted in a conviction and that may threaten the health or safety of the community. These provisions would allow families to reunite with formerly incarcerated loved ones and ensure that individuals reentering society have the opportunity to rebuild their lives. This bill provides a means to help end the cycle of homelessness and recidivism and reiterates the inherent dignity of all people, including those seeking to move beyond their contact with the criminal justice system.

We are dedicated to working with you to pass this landmark piece of legislation, which would ensure justice-involved people have access to safe, accessible, affordable housing. If you have any questions, please contact Kim Johnson, Policy Analyst at the National Low Income Housing Coalition (kjohnson@nlihc.org).

Sincerely,

African American Ministers in Action
Anti-Recidivism Coalition

³ Lucius Couloute, Prison Policy Inst., *Nowhere to Go: Homelessness Among Formerly Incarcerated People* (August 2018), available at <https://www.prisonpolicy.org/reports/housing.html>

⁴ Marie Claire Tran-Leung, Sergeant Shriver Nat’l Ctr. on Poverty Law, *When Discretion Means Denial* (February 2015), available at <https://www.povertylaw.org/files/docs/WDMD-final.pdf>

⁵ In 2018, black people represented 13% of the general population but 40% of people experiencing homelessness and accounted for over 50% of homeless families. See Chanda Crawford, National Alliance to End Homelessness, *Racial Disparities in the Homelessness System: Moving Forward* (January 2019), available at <https://www.povertylaw.org/files/docs/WDMD-final.pdf>. In 2017, 24% of people experiencing homelessness were people with a disability, compared to approximately 13% of the general population. See USICH, *Homelessness in America: Focus on Chronic Homelessness Among People With Disabilities* (August 2018), available at https://www.usich.gov/resources/uploads/asset_library/Homelessness-in-America-Focus-on-chronic.pdf. A nationally representative survey along with other research efforts in the Voices of Youth Count found that 20-40% of youth experiencing homelessness identified as LGBTQ, but LGBTQ people comprise only 7-10% of the general population. See *Voices of Youth Count*, Chapin Hall, University of Chicago, *Missed Opportunities: Youth Homelessness in America* (2018), available at <https://www.chapinhall.org/wp-content/uploads/VoYC-LGBTQ-Brief-FINAL.pdf>. See also The Williams Institute, UCLA School of Law, *LGBQ Youth Disproportionately Incarcerated in the U.S. Juvenile Justice System* (April 2017), available at <https://williamsinstitute.law.ucla.edu/research/28262/>

Autistic Self Advocacy Network
Campaign for Youth Justice
Citizens United for Rehabilitation of Errants
Coalition for Juvenile Justice
Coalition on Human Needs
College and Community Fellowship
Consortium for Citizens with Disabilities Housing Task Force
Corporation for Supportive Housing
Disability Rights Education & Defense Fund
Drug Policy Alliance
Friends Committee on National Legislation
From Prison Cells to PhD
Greater New Orleans Fair Housing Action Center
Heartland Alliance
Housing Action Illinois
Human Rights Watch
Jacksonville Area Legal Aid, Inc.
Law Enforcement Action Partnership
Legal Action Center
Movement Advancement Project
National Alliance on Mental Illness
National Alliance to End Homelessness
National Association of Social Workers
National Center for Transgender Equality
National Employment Law Project
National HIRE Network
National Housing Law Project
National LGBTQ Task Force Action Fund
National Law Center On Homelessness and Poverty
National Low Income Housing Coalition
Neighborhood Defense Services of Harlem
People for the American Way
People's Action
Public Justice Center
Safer Foundation
Shriver Center on Poverty Law
The Fortune Society
The Leadership Conference on Civil and Human Rights
The Prisoner Reentry Institute at John Jay College