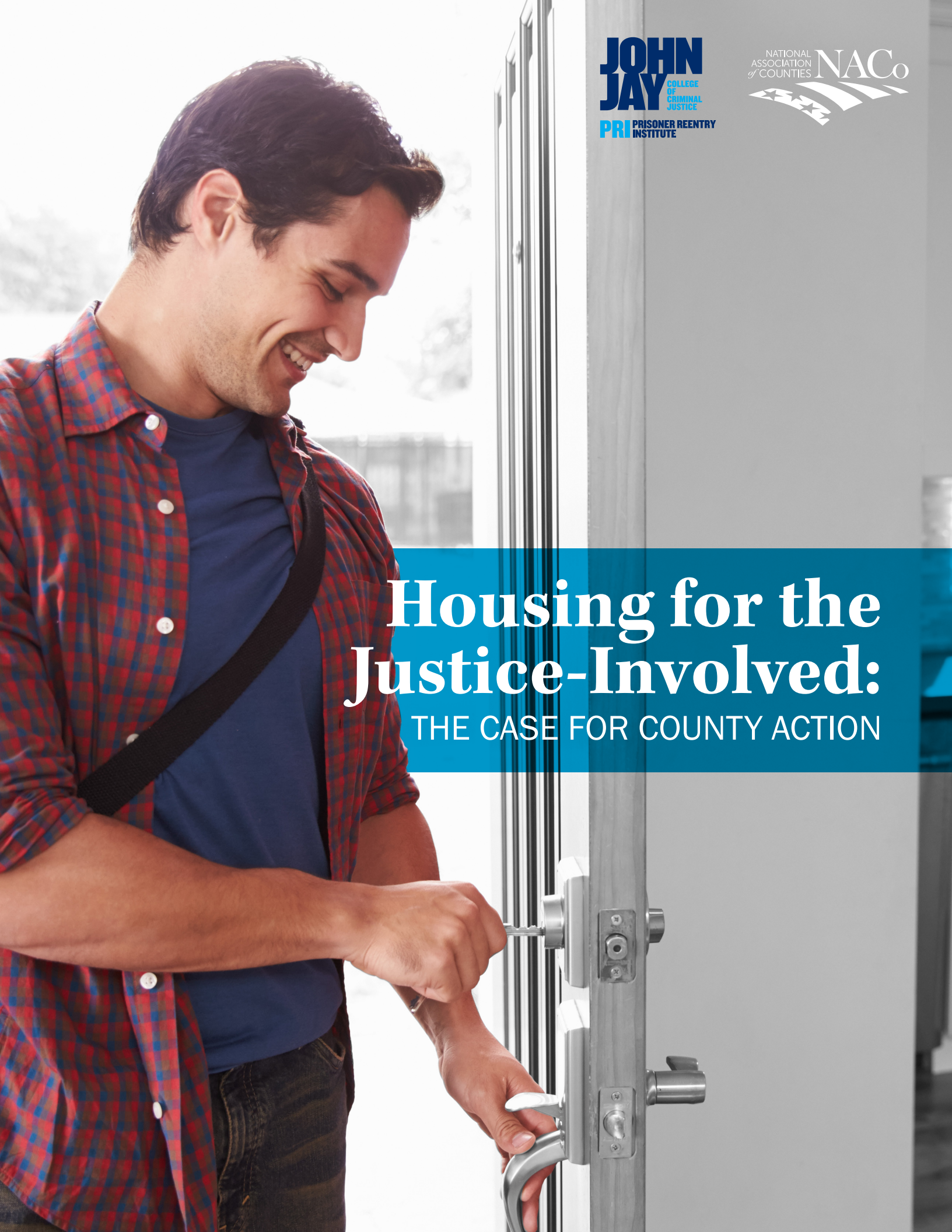


Housing for the Justice-Involved:

THE CASE FOR COUNTY ACTION



Opportunity For Change

THE COUNTY ROLE IN HOUSING FOR THE JUSTICE INVOLVED

Counties operate 91 percent of America's jails, through which nearly 1.1 million individuals pass each year.¹ The vast majority of those who have been incarcerated – some 95 percent – will return to their communities on release.² Where will they go? One of their first needs will be to secure safe, stable and affordable housing. They'll need a place to call home.

Housing is arguably the most important piece in the reentry puzzle, providing people returning to their communities with a base from which to launch into all of life – from employment, to education, to medical and mental health treatment, to substance abuse treatment and to reengaging with family and in civic activities. Stable housing reduces the risk that people will commit new crimes and cycle back into jail. In fact, the right kind of housing accomplishes the opposite: It sets people up for success. Such successful reentry not only increases public safety and saves taxpayers money by reducing the number of costly jail stays, it also offers second chances to people who have paid their debt to society, helping justice-involved individuals to reach their full potential as valuable contributors to the fabric of their communities.

The nation's 3,069 counties spend more than \$70 billion annually on criminal justice, which is often their largest single line item budget expense. Counties also fund and operate programs offering housing, nutrition, education, workforce development, medical care, behavioral health interventions and substance abuse treatment, expending more than \$69 billion annually on the types of health and human services that so many people returning from jail require.

Counties thus stand at the intersection of public safety, public health and community welfare. This position on the front line offers counties both a unique perspective and an unparalleled opportunity to impact reentry housing practice and policy. Counties can bring together agency partners, see the big picture, allocate resources creatively and offer integrated solutions to problems that for too long have lived in separate departmental siloes.

Why is coordination so important? The people returning to their communities have unique needs that no one-size-fits-all policy can hope to meet – justice-involved individuals are indeed as varied as the constituents county commissioners serve. They are mothers seeking to reunite with their children in public housing. They are single adults without family connections. They may have mental health or substance abuse diagnoses and require intensive services. They are the elderly, who may need primary medical care. They are young people, who want jobs and the opportunity for education. Yet because of their criminal records, they face numerous obstacles to obtaining housing – from policies that ban them from living in public housing units, to long waiting lists for scarce spots in supportive housing programs, to discrimination and lack of affordable units in the private housing market.

The right kind of county-level reentry programs and policies can help to ensure that those with justice involvement find housing that

allows them to reintegrate into their communities and thrive there. Providing a full spectrum of housing options to meet individuals' needs makes sense from the perspectives of budgets, public safety and improving outcomes for residents.

Counties have an opportunity to reframe practices around housing for the justice-involved, so that people returning to their communities are welcomed home with the tools they need to ensure their success. On November 16, 2016, NACo and John Jay College of Criminal Justice's Prisoner Reentry Institute brought together county commissioners, reentry service providers, housing advocates and academics to discuss how counties can impact housing on reentry. This report examines that potential county role, both in terms of taxpayer dollars and human potential, and highlights through mini-case studies programs and policies any county can adopt that represent successful practices and innovative strategies in reentry housing.

PROVIDING HOUSING ON REENTRY HELPS INDIVIDUALS AND THEIR COMMUNITIES

- Reentry housing for people with justice system involvement creates safer communities, as demonstrated by model programs proven to reduce rates of rearrest and reincarceration.
- Reentry housing breaks frequent cycling among public agencies like hospitals, correctional facilities, housing shelters and other health and human services programs paid for by county dollars, ultimately saving taxpayers money.
- Reentry housing serves a basic human need and furthers the American value of redemption, affording the justice-involved a home that gives them the footing they need to find jobs, connect with family, complete community supervision, build a supportive social network, receive necessary services and pursue education.

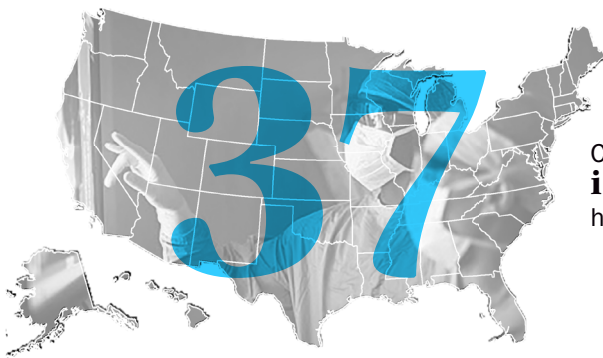
“This is an incredible restorative justice moment... If we can in fact forgive and... even encourage people who we've seen have faults, we've seen on the worst day of their lives, we can think differently even about these individuals who are in our criminal justice system... And if we do this differently, what do we have to gain? Can we help people restore their lives and in fact restore trajectories for children and for our entire communities?”

— Toni Carter, Commissioner, Ramsey County, Minn.

OPPORTUNITIES FOR COUNTIES TO FOSTER CHANGE

Counties have a key role to play in reforming reentry housing policies and practices:

- As service providers, ensuring that taxpayer dollars are funneled to programs that work to achieve public safety, public health and individual reentry goals;
- As coordinators, making reentry housing services a priority through dedicated task forces and staff;
- As conveners, bringing together stakeholders from agencies as varied as law enforcement, health, transportation and public housing to coordinate programming and budgets and create innovative collaborative partnerships to identify and reach shared goals; and
- As thought leaders, conducting outreach and education to state and federal policymakers to push for resources and reform.



Counties serve as a safety net for low-income and indigent residents and **in a majority of states (37)** counties are required to provide health care for low-income, uninsured or underinsured residents



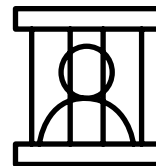
Counties invest about **\$83 billion** annually in community health and hospitals



Counties operate **91 percent** of all local jails



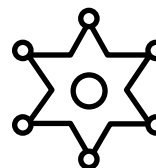
Counties invest more than **\$58 billion** annually in human services



11.4 million people were admitted to county and other local jails in 2014



Counties invest close to **\$11 billion** annually on housing and community development



Counties invest almost **\$93 billion** total annually in justice and public safety services

The Obstacles They Face

BARRIERS TO HOUSING ON REENTRY

BARRIERS TO HOUSING FOR THOSE WITH JUSTICE INVOLVEMENT

In Public Housing	In the Private Housing Market	In Supportive Housing Programs
<p>Bans and One-Strike Policies:</p> <p>Many public housing authorities have blanket exclusions for anyone with a criminal record, and some have one-strike-and-you're-out policies to evict or exclude residents who are arrested.</p>	<p>Lack of Affordable Units:</p> <p>The private housing market can be out of reach for many with justice involvement, who may not be able to afford costly rents. Additionally, most affordable units require applicants to have some income.</p>	<p>Little Funding, Few Programs:</p> <p>Though supportive housing is an evidence-based model proven to help those who have criminal justice histories as well as substance abuse or mental health diagnoses, programs are scarce due to a lack of resources.</p>
<p>Complex Screening Requirements:</p> <p>Even in the absence of outright bans, some housing authorities have screenings for those with criminal records that are so complex they in practice require people to obtain legal representation to navigate the process.</p>	<p>Challenges in Applications:</p> <p>Many with justice involvement may lack required credit histories to qualify for rental applications or the savings to fund rental deposits.</p>	<p>Competition for Scarce Spots:</p> <p>Even those who qualify for supportive housing have no guarantee of getting in due to long waiting lists for a few coveted beds.</p>
<p>Long Waiting Lists:</p> <p>Public housing is a scarce resource, and the wait to qualify for a unit can mean lengthy stays in shelters or other transient housing, like couch-hopping with family and friends.</p>	<p>Discrimination Against Those with Criminal Histories:</p> <p>Many landlords include a broad criminal history check or disclosure box as part of their housing applications, leading to denials of housing in the absence of anti-discrimination laws.</p>	<p>Difficulty Qualifying for Programs:</p> <p>Most supportive housing programs require documented chronic homelessness and current federal laws do not count periods of incarceration in this calculation.</p>

REENTRY HOUSING CHALLENGES FOR COUNTIES

<p>Lack of Land Availability:</p> <p>Counties face challenges in locating appropriate sites for affordable housing, public housing and supportive housing programs, all of which serve those who have justice involvement.</p>	<p>Siting and “NIMBY” Concerns:</p> <p>Counties must consider the concerns of constituents who are reluctant to have housing for people with criminal histories located in or near their neighborhoods.</p>	<p>Coordinating Disparate Agencies:</p> <p>Because people with criminal justice involvement who need housing often touch multiple public service agencies, coordination of services, budgets and priorities is essential but can be difficult.</p>	<p>Funding and Resource Allocation:</p> <p>Taxpayer money is a scarce resource, and counties are often challenged to find funding to design, develop and measure the outcomes of reentry housing programs.</p>
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A Full Range of Housing Options

Cost Comparison

AFFORDABLE HOUSING

Affordable housing is a general term used to describe efforts to help low- and moderate-income people gain access to housing either through home ownership or in the rental market. The U.S. Department of Housing and Urban Development defines affordable housing as any accommodation for which a tenant household pays 30 percent or less of his or her income, a definition that impacts both eligibility to live in certain types of housing, as well as developers seeking government subsidies to build qualifying units. A variety of affordable housing programs exist that target people in different income categories, including public housing, Section 8 and 80/20 housing.

PRIVATE HOUSING

The private housing market operates with individual landlords making determinations about whom to rent to and under what lease conditions. Private landlords typically require credit checks and security deposits and often run criminal background checks on prospective tenants. All of this serves to put private housing out of reach for many people with criminal justice histories, who may be unemployed, employed in low-wage work or have no credit history or bad credit because of unpaid criminal justice fines and fees. In the absence of ordinances governing tenant investigation and selection, however, private landlords are free to refuse housing to those with criminal records.

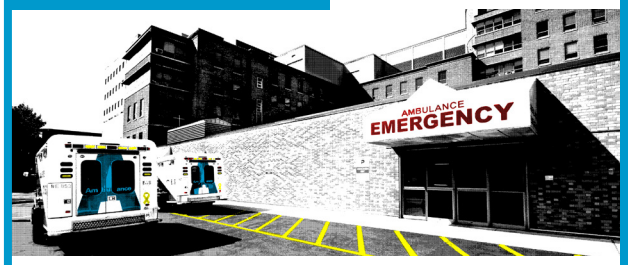
SUPPORTIVE HOUSING

Supportive housing is operated by nonprofit service providers and offers permanent, affordable housing solutions to people who need additional services to remain healthy, housed and independent. Research shows that supportive housing models work and are a cost-effective way to end homelessness among vulnerable populations, including people who have substance abuse and mental health diagnoses, histories of trauma or chronic physical illnesses like HIV/AIDS. Run by caring staff and providing high-quality apartments, supportive housing works to help individuals find employment, seek education, remain substance-free, keep appointments and build a social network.

TRANSITIONAL HOUSING

Transitional housing offers an intermediate step up, acting as a bridge from homelessness or emergency shelters on the way to finding permanent housing placements. Typically, residents stay anywhere between three months to three years in spaces that usually provide some supportive services for addictions or mental health treatment, teaching of life skills and job training. While transitional housing historically tended to offer less private space than permanent housing, the concept is changing to include scattered-side models that have the look and feel of permanent housing while maintaining portable support services.

EMERGENCY ROOM VISIT



\$2,414 per hospitalization in NYC³²

JAIL/PRISON



\$2,607 monthly cost per incarcerated person³³

HOMELESS SHELTER— INDIVIDUAL



\$1,634 to \$2,308 per month³⁴

HOMELESS SHELTER— FAMILY



\$3,184 to \$20,031 per month³⁵

Counties at the Forefront of Change: Promising Approaches to Reentry Housing

Many counties are already taking innovative action to provide housing for justice-involved individuals, recognizing their unique needs, the barriers they face and the necessity for county agencies to coordinate to provide funding and services. These best practices include in-reach into jails to help those who are incarcerated line up housing before they are even released, supportive housing that focuses on the needs of those with mental health and substance abuse issues who frequently cycle through jails and hospitals, pilot programs in public housing that provide individualized screening rather than blanket bans for those with criminal records and administrative changes like hiring dedicated reentry staff or convening reentry task forces so that all interested agencies can prioritize services and budgets while gathered at the same table to talk about shared goals. Examples of successful strategies implemented by counties across the country are included in the mini-case studies below.

THINKING ABOUT HOUSING BEFORE RELEASE: PRE-RELEASE CARE COORDINATORS

Release from jail is an overwhelming process for people who have been incarcerated. After time isolated from social supports, they

are suddenly responsible for housing, jobs, education, medical and psychiatric care, and community supervision appointments. Without preparation, this can be a task that sets them up for failure. One way to build a foundation for successful reentry is to begin assisting people with their housing needs before they are released, using pre-release care coordinators to ease the process. One of their first tasks is to secure immediate housing upon release. In Allegheny County, Pa., Reentry Specialists work with clients to assess their risks and needs, refer them to programs and services and develop a comprehensive release plan that includes securing appropriate housing.⁴

THE RIGHT KIND OF HOUSING: SUPPORTIVE HOUSING SOLUTIONS

Nearly two-thirds of those in jail suffer from mental illness⁵ and almost three-quarters have substance abuse disorders.⁶ Often, multiple county agencies in different sectors work with the same individuals to address these issues, sometimes unknowingly duplicating efforts and unnecessarily expending limited county resources as these individuals cycle through and touch many public service systems. Counties have the opportunity to provide an integrated approach to assisting such “frequent cyclers” by establishing evidence-based models for reentry housing that wrap services and housing together into a bundle that offers the opportunity for a stable home plus stabilized treatment.

BREAKING THE CYCLING: FUSE INITIATIVES FOR THOSE WITH SUBSTANCE USE AND MENTAL HEALTH HISTORIES

In Mecklenburg County, N.C., MeckFUSE targets individuals who have had four or more jail admissions and four or more shelter admissions in the last five years and provides services, support and affordable housing to meet their needs.^{7,8} The program provides housing for 45 individuals and is an interagency effort including participation from the Sheriff’s Office, the Charlotte Housing Authority, other criminal justice stakeholders and community service providers.⁹ All housing and services are paid for through County diversion funds and the chosen service provider has extensive experience with a Housing First approach. Tenants receive wraparound support services but are not required to accept services as a condition of tenancy and the case manager to client ratio is 1:15.¹⁰ Through MeckFUSE the county has improved safety and security for the community’s vulnerable residents, provided quality housing, has satisfied clients and increased collaboration.¹¹ According to Andy McMahan of the Corporation for Supportive Housing, which initiated the FUSE movement, “FUSE is a public safety initiative. . . it represents an understanding that criminal justice is also a health effort and a housing effort.”

FUSE initiatives now exist in more than 20 communities nationwide.¹² In Hudson County, N.J., FUSE initiative was borne out of a unique partnership between the county’s housing services agency and its Department of Corrections, beginning with a winter warming center that addressed challenges in both the homeless population and the criminal justice system. The warming center is located in an underused Department of Corrections building and run by Department of Corrections staff. This creative partnership worked because the location avoided the common issue of neighborhood objections when locating shelters, and the corrections staff was familiar to those who used the space given their frequent cycling in and out of county jails. It proved to be a fortuitous match of physical location, staffing and population served.

The success of the warming center led to Hudson County’s FUSE initiative. As Randi Moore, the head of the Division of Housing and Community Development for the County of Hudson notes, “What we always advocate from my office is we need permanent housing solutions. Providing shelter, providing warming centers, it’s a band-aid, it’s very expensive compared to what affordable housing really is . . . and so this partnership with Corrections really enabled us to go down the route of the FUSE program.” Armed with a grant from the Corporation for Supportive Housing, Hudson County analyzed jail data to identify every person who had gone through jail and homeless shelters, then culled those who had the most contacts with those systems and targeted them for housing.

Moore’s office then looked for space to house these vulnerable individuals and was able to obtain 100 state housing vouchers and earmark them for the county’s chronically homeless frequent users of public systems. With the support of the county freeholders and the county executive, the county pledged \$12,000 for each person it obtained a voucher for, and nonprofit agencies applied to provide the necessary supportive services. The program began with a pilot for 27 people. Landlords have been willing to work with these nonprofit providers, avoiding the common issue of discrimination in private housing for this population because, Moore says, “they know at the end of the day if something happens . . . they have somebody to call.”

Hudson County’s FUSE program has been a success. All participants are still permanently housed and, according to Moore, “Not one of the people has touched the jail since they moved into housing.”¹³

To learn more about starting a FUSE initiative in your county, see [Phases of FUSE: Planning and Implementing Successful Supportive Housing](#) (NACo/Corporation for Supportive Housing: 2014), or visit the Corporation for Supportive Housing's [FUSE Resource Center](#).

THE IMPORTANCE OF DATA IN DEVELOPING EVIDENCE-BASED REENTRY HOUSING PROGRAMS

The FUSE initiatives highlight the need for counties to have access to comprehensive individual-level data in order to identify those needing housing and to serve them in the ways that meet their differing needs. For supportive housing, that often requires integrating data from multiple service agencies that touch highly vulnerable people. One promising approach is happening in Camden County, N.J., where the Camden Coalition of Healthcare Providers has entered into memoranda of understanding with the county police department and several local emergency departments to identify frequent cyclers through these systems and create Camden ARISE, a comprehensive database. This data provides a snapshot of their touches with these systems and opportunities to intervene earlier to change trajectories – either during a hospital admission or a jail stay. With this data, interventions can be specifically targeted to meet the needs of the people who frequently cycle through public systems.¹⁴

The need for individual-level integrated data applies in many of the reentry housing models highlighted in this report: Pre-release coordinators require data to target those who might qualify for forensic or supportive housing on release in order to arrange interviews in advance. FUSE initiatives require information about those who have frequent touches with jails as well as mental health and/or substance abuse backgrounds to identify individuals who would benefit from supportive housing. Reentry coordinators require data on arrests on public housing property in order to intervene to prevent eviction if possible.

Political will is a critical first step to encourage and ensure this linking of data across agencies and counties – as the providers of these public services – have an opportunity to use their influence to not only require such sharing, but also to look at the underlying data collection infrastructure to ensure that data is collected and coded across agencies in uniform ways to facilitate program design, research and evaluation.

“The public’s perception of public safety and what keeps them safe is not really rooted in reality or data or evidence,” says Keith Brown, of the Katal Center for Health, Equity, and Justice. “Some of the efforts that we’re all undertaking about using data to inform criminal justice systems is important in that we can have some victories in reorienting the public’s approach to what keeps them safe... We’re achieving some success in making the public understand that not arresting and incarcerating people . . . actually protects their public safety in more meaningful ways.”

INNOVATIVE PARTNERSHIPS: INVESTING IN LONG-TERM SOLUTIONS

The City and County of Denver, like many other communities around the country, faces limited resources to invest in existing preventive programs for the chronically homeless and individuals who struggle from mental health and substance abuse challenges. As a result, many of these individuals frequently interact with the police, jail, detox and emergency care systems. These current interactions are extremely costly and ineffective.

Denver developed an innovative way to fund supportive housing targeted to 250 heavy system utilizers who together spend over 14,000 nights in jail and visit detox facilities over 2,000 times in a given year, costing taxpayers over \$7.3 million annually. These are individuals with a history of at least eight arrests over the previous three years, as well as documented chronic homelessness and mental health and substance abuse challenges. The program includes services such as intensive case management, crisis intervention, substance use counseling, mental health treatment, peer support, skills building, connection to primary care and other services individualized to each client’s goals.

The program is funded through a Social Impact Bond initiative as part of Denver’s “Paying for Success” program. The City and County of Denver executed an agreement with Denver PFS LLC, an entity established to execute the Social Impact Bond program, with key terms that include:

- Five years of supportive services to Denver’s most vulnerable population and approximately one additional year for completion of the program’s evaluation and payments from the City if outcomes are achieved.
- Total private investment expected to be \$8.7 million in addition to leveraging \$15 million in federal resources.
- Repayment to investors contingent upon the achievement of the program’s outcome targets. Total City payments will range from \$0 up to the maximum success payment of \$11.42 million. Based upon previous studies, the expected outcomes of 35-40 percent reduction in jail bed days and 83 percent housing stability among the target population would result in a payment near \$9.5 million. The repayment will be less if outcomes are not achieved.¹⁵

The Promise of Public Housing

Public housing has always held out the promise of a housing safety net for the hard-to-house, yet policy barriers make it difficult for those who are justice-involved or who have family members with criminal justice histories to obtain, remain in or return to public housing. Counties provide essential public housing services and thus have the opportunity to impact change in how communities welcome home those who have been incarcerated, whether they are returning to live with their families in public housing or seeking public housing accommodations because they find themselves unable to secure housing in the increasingly unaffordable private housing market. Public housing can provide a needed supply of stable and permanent housing beyond the stress and transiency of shelter systems.

Too often, however, those with criminal justice histories find themselves locked out of public housing by one-strike policies that ban those with criminal records—but this does not have to be the case. Under federal law, only two populations are excluded from public housing: lifetime sex offenders and those who were convicted of manufacturing methamphetamines while living in public housing.¹⁶ All other rules around who can live in public housing are locally implemented, and can be locally changed.

Counties can influence their public housing authorities to change policies so that convictions are assessed on a case-by-case basis, end blanket one-strike exclusions and replace them with individualized assessments and screenings that reflect each resident's situation and needs and, where appropriate, couple housing with services and case management by outside providers to support reentry.

RETHINKING ONE STRIKE RULES: NEW YORK CITY'S FAMILY REUNIFICATION PILOT

The New York City Housing Authority's [NYCHA] Family Reentry Program aims to ease one-strike bans by providing a screening process to allow people to rejoin their families in public housing. In the pilot phase, 150 people who wished to live in public housing and who had been released from jail or prison within the past three years were screened and provided case management services with the goal to add them to their family's public housing lease. "Focusing on family reunification was a really useful selling point because it wasn't about prioritizing people on a waiting list, it was about helping families take care of their loved ones [and] come back home," says Margaret diZerega of the Vera Institute of Justice, a program partner. Family reunification programs don't require counties to build or locate more reentry housing; they only require policy changes, political will and nonprofit partners to provide supportive services to help people reentering to return as full leaseholders. Nor does the program affect the often-long wait lists for public housing, since those returning would be joining existing households. And, "[i]f they're at home," diZerega explains, "they're not in a shelter, they're helping mom with her health care needs, they're being a parent." Ultimately, family reunification programs answer a key question about the purpose of public housing: "Who is public housing for? Why are we guarding it? Shouldn't it be for people who need a landing place?" explains diZerega.

The program promotes successful reentry through family reunification, family engagement, stable housing, supportive services and case management. Participants are screened by service providers and the housing authority, with parole and community supervision agencies also acting as partners. Initially, there was some hesitancy on the part of justice-involved individuals to apply for the program, which was overcome by in-reach into jails: If people heard about the program before release, they were more likely to apply as part of their release plan or to establish an address as part of work release. To ease concerns, NYCHA also met with resident associations, often including someone who had been incarcerated in order to humanize the program and its impact.

Those who are accepted are provided at least six months of case management and move in under a temporary permission – sometimes called a "guest policy" – so that rent is not impacted for two years when the person is bringing in income. At the end of two years, if the individual and the family so desire, the person is added to the lease. A 2016 evaluation found that of 89 participants, 41 found or kept a job, 11 attended employment training, 12 were receiving training toward certifications, 12 were attending school and 15 were in substance-use treatment programs.¹⁷ There have been no new convictions of anyone in the program.

The success of the program has also facilitated cultural change within NYCHA and a willingness to reexamine other policies. "It's been really helpful to have the individual stories to encourage [the housing authority] to think about some of their other policies that affect people who've been impacted by the justice system," says diZerega. "[We saw] a lot of 40- and 50-year-old men returning to mom who is in terrible health, and so there's this broader family impact and there's a good story to tell about the way people coming home are contributing to their families."

HOUSING THE HARD-TO-HOUSE: THE LESSONS OF CHICAGO

Researcher Susan J. Popkin of the Urban Institute worked with one of the most troubled public housing authorities in the country – Chicago – as it came out of HUD receivership and underwent a Plan for Transformation that included demolishing its big high-rise properties. Massive relocations followed, as individuals and families moved into new mixed-income developments, received vouchers to find housing in the private market or relocated to new, safer, refurbished public housing units.¹⁸

These solutions didn't work for everyone – those with serious lease violations, including those with criminal records, didn't qualify for these relocations.¹⁹ Instead, the housing authority had simply been moving these "hard-to-house" individuals from building to building as demolitions occurred. In 2005, the Chicago Housing Authority partnered with the Urban Institute, Heartland Human Care Services and Housing Choice Partners to provide intensive services for these vulnerable families left behind in the Plan for Transformation. The Chicago Family Case Management Demonstration served 475 families, offering case management, clinical mental health counseling, transitional jobs, financial literacy workshops, substance abuse treatment and enhanced mobility counseling.²⁰

One component of the program's success has been flexibility in the housing authority's operating budget. Designated as a "Moving to Work" agency,²¹ the housing authority was able to shift funds around in order to contract with local service providers. Supportive services were far-ranging, covering "parenting and childcare to educational completion to budgeting and life skills to training for employment. . . . achieving and maintaining recovery from substance abuse, mental health services, and case management to assure that tenants continue to work toward their stated goals."²²

The project was a success. According to Popkin: "They relocated successfully at the same rate as people who didn't receive the same services, their employment rates went up, their physical health stabilized, their mental health improved and the rate of lease violations fell." Based on surveys taken in 2007 and again in 2011, demonstration project participants reported employment rates up 18 percentage points and the portion of residents reporting their health as fair or poor declined about 50 percent during that time period. They also were significantly less likely to report symptoms of depression, worry and anxiety.²³

INCREASING ACCESS TO SAFE AND AFFORDABLE PRIVATE HOUSING

Because private landlords can reject potential tenants for any reason not covered by civil rights or other laws, they may refuse to rent to people who have had justice involvement. In fact, some counties and cities have crime-free rental housing ordinances that encourage landlords to deny housing to the justice-involved and their families.²⁴ Counties have less control over access to housing in the private market, but there are still opportunities to influence private market behavior to maximize the chances that people with criminal justice histories can find safe and stable places to live. Landlords accepting any form of county funding as part of its affordable housing programs, for example, can be subject to anti-discrimination requirements that prohibit them from banning those with criminal records as renters. To impose such requirements on wholly private market housing, localities can pass laws that govern background checks by landlords and require fair consideration of applicants with criminal records. Some local governments have passed innovative laws and ordinances to increase opportunities for people with criminal records to access private housing. For a review of municipalities taking the lead in this area, see Table 1.

“If you take this population and stop identifying them as a person with a criminal record and identify them as a person with a need, you start to filter them into supportive housing with the dollars already in your area.”

— DeAnna Hoskins, founding Reentry Director, Hamilton County, Ohio

The County as Leader: Model Efforts to Prioritize and Coordinate Reentry Housing

Housing is one essential component for successful reentry, but successful reentry requires a coordinated effort by many public agencies. Counties can foster this interagency coordination by ensuring that someone is responsible for oversight of reentry programs and policies and by avoiding traditional "siloes" between agencies that impact the lives of the same people. Two strategies have been successful, yielding cost savings and bringing together formerly disparate partners to engage in collaborative conversations about budgetary and programming priorities:

- Hiring a county-level dedicated reentry director
- Convening interagency county-level task forces on issues of housing, criminal justice and reentry

ADDING DEDICATED STAFF: COUNTY-LEVEL REENTRY DIRECTORS CENTRALIZE POLICIES, SERVICES, FUNDING AND ACCOUNTABILITY

DeAnna Hoskins, now a Senior Policy Advisory with the Department of Justice's Bureau of Justice Assistance division, was the founding Reentry Director for the Hamilton County, Ohio, Board of County Commissioners. In this position, she was responsible for reducing county recidivism, increasing public safety, reducing correctional spending and coordinating social services and criminal justice systems to engage and focus on high-risk populations. She articulates the importance of having a full-time staff person dedicated to reentry issues: "When you designate an office or a department to focus on this from a county level at 100 percent of the time, the topic is always in conversations that are happening in the community."

Hoskins directed her efforts toward identifying people who were cycling through county jails—the average person cycled through seven times per year, with an average stay of only five days—and determining what their issues were, so that she could design interventions for successful reentry. She also looked at innovative ways to find and reallocate funding to achieve these goals, leveraging money that was already being spent: Medicaid dollars; HUD dollars for emergency shelters and homeless shelters; CDC funds allocated for substance abuse, mental health, and HIV/AIDS populations; money from civil asset forfeitures and county residual dollars – those funds that are allocated but not spent in a fiscal year by county agencies – which were then pulled back in and directed to reentry services efforts.

"If you take this population and stop identifying them as a person with a criminal record and identify them as a person with a need, you start to filter them into supportive housing with the dollars already in your area."

In addition to matching dollars and housing to individual needs, Hoskins worked to keep people in their housing despite criminal justice involvement. Harnessing data was essential to her efforts.

She regularly received reports from the sheriff, police department and 911 on who got arrested on public housing property. She asked the Cincinnati Metropolitan Housing Authority not to evict these individuals immediately. Often, when her office intervened, they found that these individuals lived in public housing but were not formally on the lease – perhaps because of fear of eviction. Her office then informed them that they could be on the lease and worked with them to reestablish housing.

Data also informed Hoskins’ efforts to assist the homeless population, which also frequently cycled through the county’s jails. Using Ohio’s homeless information management system (HMIS), she was able to “connect the back door of the jail and the police department to the HMIS system to identify the homeless who may have mental health issues, substance abuse or frequent contacts with multiple county agencies, and connect them back to their case managers to get them back on track.”

None of this could have been achieved in a piecemeal way. By hiring dedicated staff, prioritizing reentry as a county-level department and working tirelessly and creatively to identify both the people in need of services and the funds to meet those needs, the county created a model that can be replicated by other jurisdictions, ultimately saving taxpayer money by streamlining efforts.

FROM COMPETITION FOR RESOURCES TO COLLABORATION: “A HOME FOR EVERYONE” IN MULTNOMAH COUNTY, OREGON

Borne out of a shared vision that no one should be homeless and everyone needs a safe, stable place to call home, “A Home for Everyone” is a community-wide effort to house homeless Multnomah County citizens by making smart investments in the areas of housing, income, survival, emergency services, health, access to services and systems coordination. Through a system of intergovernmental agreements and memoranda of understanding, A Home for Everyone brings separate governments, agencies and programs to the table to brainstorm priorities related to housing and homelessness, review joint budgets and commingled funds and determine how to most effectively allocate shared resources. Key partners include Multnomah County, the City of Portland, local nonprofits and members of the public, all viewing the housing situation holistically and collaboratively. Rather than as separate entities vying for pieces of the pie, elected officials have become willing to share the pie in order to better serve their constituents. “What we’ve seen,” says Judy Shiprack, Multnomah County Commissioner, “is a wonderful coalescing of interests that is cosmic, a real tipping point.”

The council seeks to use data and evidence-based practices that work to set outcome targets and budget commitments. These efforts include investing more in prevention, placement and shelters; investing efficiently through collaborative policymaking and planning and investing in what works to achieve more with limited resources, including:

- Partnering with private landlords to provide financial incentives and supports to encourage them to rent to homeless people

- Linking housing and employment services by connecting rental assistance and employment training
- Making application processes simple and mobile through a community-wide shared data platform and mobile outreach teams; and
- Offering a variety of shelter options – in different parts of the community, for couples, for people who are still struggling with addiction, that are open 24/7, and that accommodate pets and possessions.

The program also considers the special needs of those with justice involvement, by aligning mental health, corrections and homelessness services to identify and better serve those people who have long histories of cycling through those systems, with the goal of saving taxpayer money and improving the futures of those served.²⁵

“One of the first shifts we’re engaging in Multnomah County is to challenge the belief system that jail makes you safer,” says Judy Shiprack, Commissioner from Multnomah County, Ore. “Our [unrealistic] expectation is that we can spend over \$100 a day on someone who’s incarcerated and then follow them up with less than \$8 a day for a period of supervision while they’re living in our community, couch surfing [or] living in a tent.”

COUNTY AS CONVENER: THE MIAMI-DADE CRIMINAL JUSTICE COUNCIL

The Miami-Dade Criminal Justice Council was jointly created by the City of Miami and the Miami-Dade County Board of Commissioners. Composed of administrative and executive level officials representing the continuum of criminal justice agencies of the county and city, as well as elected officials and interested citizens, the Council encourages and facilitates coordination and cooperation among the various agencies and municipalities within the county that have criminal justice strategies, criminal and juvenile justice activities or other activities related to criminal justice. This encompasses a broad spectrum of agencies, recognizing the interrelatedness of criminal justice and other public services, including housing, health care, education, job training and transportation. “These agencies existed as siloes, and would get together at budget time to compete,” says Miami-Dade County Commissioner Sally Heyman. “Now they intertwine and have greater alliance, building relationships as they are no longer competitors for services and money.” The Council is specifically charged with assisting in coordination of criminal justice and research activities, such as the development and discovery of new methods for the prevention and reduction of crime, offender reentry, and methods to more effectively address the mental health of the justice-involved population. It also has the authority to develop a comprehensive local reentry plan that is designed to assist those released from incarceration to successfully reenter the community and, in so doing, to coordinate with public safety officials and local community organizations that can provide reentry services, such as assistance with housing, healthcare, education, substance abuse treatment and employment.²⁶

“These agencies existed as siloes, and would get together at budget time to compete. Now they intertwine and have greater alliance, building relationships as they are no longer competitors for services and money.”

— Sally Heyman, Commissioner, Miami-Dade County, Fla.

COUNTIES AS ADVOCATES: RECOMMENDATIONS FOR ACTION

Counties can act as powerful advocates for the sorts of reforms that increase access to housing for those with criminal justice involvement, by promoting policies and lobbying for laws that are effective ways to promote successful reentry, enhance public safety, efficiently allocate resources and provide cost savings to taxpayers. Here are a few action items counties can consider:

ENDORSE ANTI-DISCRIMINATION “BAN THE BOX” MEASURES IN THE PRIVATE HOUSING MARKET.

“Ban the box” policies promote fairness in housing by requiring private landlords to make individualized assessments of applicants rather than fostering discrimination through the use of boxes on applications that require applicants to disclose any criminal record. Ban the box measures limit consideration of criminal history to convictions only from the recent past. The effect on access to housing in the private market from such measures can be powerful. New York’s governor signed an executive order banning discrimination in housing against people with criminal justice histories in New York State-funded housing.²⁷ Cities like San Francisco, Seattle, Newark and Washington, D.C., have also passed such ordinances (see Table 1). Counties can work to encourage adoption of such policies, laws and ordinances—which level the playing field for those with criminal histories seeking housing in the private market—at every level of government.

LOBBY TO INCREASE FUNDING FOR THE SECOND CHANCE ACT TO SUPPORT LOCAL REENTRY PROGRAMS THAT REDUCE RECIDIVISM AMONG FORMERLY INCARCERATED INDIVIDUALS.

The Second Chance Act authorizes federal grants that assist states, counties and nonprofit organizations to develop programs to help formerly incarcerated individuals successfully reintegrate into the community after release from correctional facilities.²⁸ Over a third of these grants have gone directly to county governments, helping fund programs that improve the coordination of reentry services and policies, which results in lower rates of recidivism, improving public safety and reaping significant savings to counties. Counties should urge members of Congress, especially those serving on the House and Senate Appropriations Committees, to support increased funding for Second Chance Act programs in the annual appropriations process.²⁹

PROMOTE INDIVIDUALIZED SCREENING OVER BLANKET EXCLUSIONS IN PUBLIC HOUSING.

Many public housing authorities operate under “one-strike” policies that seek eviction or permanent exclusion of tenants who are arrested. With encouragement from HUD,³⁰ some housing authorities are reconsidering policies that permanently exclude tenants after an arrest.³¹ The New Orleans Housing Authority changed its admissions policy to remove automatic exclusions for criminal records and create a fair process for individual review. Counties that run public housing authorities have the opportunity to provide incentives to reform such policies, increasing access to these units.

SUPPORT FUNDING FOR THE DEVELOPMENT OF SUPPORTIVE HOUSING PROGRAMS.

Supportive housing has been proven to work to reduce the cycle of homelessness and incarceration among people with histories of criminal justice involvement, substance abuse and mental illness. Counties should support the development and funding for such programs so that they can serve the maximum number of eligible people, reducing the use of public systems like corrections, shelters and emergency departments and, ultimately, saving taxpayer dollars.

Table 1. Housing Anti-Discrimination Laws

JURISDICTION	ENTITIES COVERED	MAJOR PROVISIONS
<p>San Francisco, Calif.</p> <p>SF Police Code section 4900</p>	<p>“Affordable Housing,” which means any residential building in the City that has received funding from the City, connected in whole or in part to restricting rents, the funding being provided either directly or indirectly through funding to another entity that owns, master leases or develops the building</p>	<ul style="list-style-type: none"> • Public and affordable housing landlords cannot ask questions about criminal records, nor perform a background check, before applicants prove they meet the initial qualifications to rent the housing unit. • After the first live interview, a background check may be completed, but a criminal record cannot automatically be used to exclude a potential tenant. Landlords may only use conviction information if it bears a direct relationship to the housing. Arrests that do not result in a conviction cannot be considered at all. • Property rentals for less than 30 days are exempt.
<p>Newark, N.J.</p> <p>Newark Ordinance 12-1630</p>	<p>All housing providers, except owner-occupied apartments or rooms in single or two-family dwellings</p>	<ul style="list-style-type: none"> • Landlords cannot conduct a background check until a formal application has been submitted. • Applicants have a three-day period to submit evidence of rehabilitation • Landlords may only seek information about indictable offenses within the past eight years, and disorderly persons or municipal violations within past five years (after sentence completion), as well as pending criminal charges. Murder, manslaughter and sex offenses are exempted. • In evaluating criminal history, landlords must consider the following factors: <ul style="list-style-type: none"> • The nature of the crime and its relationship to the applicant’s suitability as a tenant • Any information pertaining to the degree of rehabilitation and good conduct • Whether the applicant, as a tenant, would have an opportunity for the commission of a similar offense • Whether the circumstances leading to the offense are likely to reoccur • How much time has elapsed since the offense; and • Any certificate of rehabilitation issued by any state or federal agency.
<p>Seattle, Wash.</p> <p>Section 3.14.09 of the Seattle Municipal Code</p>	<p>All housing providers except for federally-assisted housing programs and single family dwelling units in which the owner occupies part of the single family dwelling unit</p>	<ul style="list-style-type: none"> • Prohibits landlords from requiring disclosure, inquiring about, or taking an adverse action against a prospective occupant, a tenant or a member of their household, based on any arrest record, conviction record, or criminal history. • Landlords must give written notice to prospective occupants that includes that the landlord is prohibited from requiring disclosure, asking about, rejecting an applicant, or taking an adverse action based on any arrest record, conviction record, or criminal history. • Prohibits landlords from using language in advertisements that categorically excludes people with arrests or conviction records and must provide a business justification for rejecting an applicant based on their criminal history.

Champaign, Ill.

Champaign
Municipal Code
§17-3 (11)

- Champaign’s Human Rights Ordinance prohibits housing providers from discriminating against individuals with a prior arrest or conviction record:
- Housing providers may only consider convictions for a forcible felony, a felony drug conviction or a conviction for the sale, manufacture or distribution of illegal drugs.
- The conviction record may not be the basis for a denial if the person has been out of prison at least five consecutive years without being convicted of an offense involving the use of force or violence or the illegal use, possession, distribution sale or manufacture of drugs.
- The ordinance prohibits landlords from promoting any limitation or preference that excludes individuals with criminal records.
- Landlords can be fined up to \$500 for each violation.

Urbana, Ill.

Urbana Code of
Ordinance §§12-39,
12-64.

- Urbana’s Human Rights Ordinance prohibits housing providers from discriminating against individuals with a prior arrest or conviction record:
- The city does not make any exceptions and requires all individuals with any conviction history to be considered on a case-by-case basis.
- Housing providers are prohibited from promoting any limitation or preference that excludes those with criminal records.
- Violators of the law can be fined up to \$500 for each violation.

Washington, D.C.

B21-0706

Any housing accommodation as defined in the District’s rental law

- The law precludes a housing provider from inquiring about, or requiring an applicant to disclose, an arrest or criminal accusation which is not pending or did not result in a conviction, prior to making a conditional offer of housing.
- Exceptions to this prohibition include where it is required by federal law or where there are three or fewer rental units and one is occupied by the owner.
- The law establishes penalties for violations and authorizes the Office of Human Rights to enforce its provisions.

Endnotes

- ¹ National Association of Counties, “Counties Matter,” <http://www.naco.org/counties-matter#jps/1>. Minton T. & Zeng Z., “Jail Inmates in 2015,” <https://www.bjs.gov/content/pub/pdf/ji15.pdf>.
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- ³ National Association of Counties, “Counties Matter,” supra n.1.
- ⁴ Willison, J., Bieler, S., & Kim, K. Evaluation of the Allegheny County Jail Collaborative Reentry Programs: Findings and Recommendation. (2014) <http://www.urban.org/sites/default/files/publication/33641/413252-Evaluation-of-the-Allegheny-County-Jail-Collaborative-Reentry-Programs.PDF>.
- ⁵ James, D. and Glaze, L. (2006). Mental Health Problems of Prison and Jail Inmates. Washington DC: Bureau of Justice Statistics, <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>.
- ⁶ Karberg, J.C. and James, D. (2002). Substance Dependence, Abuse, and Treatment of Jail Inmates, 2002. Washington DC: Bureau of Justice Statistics, <https://www.bjs.gov/content/pub/pdf/sdatji02.pdf>.
- ⁷ See Chambre, C., & Lowry, S. (2014). MeckFUSE: Diversion Works Better the Second Time Around, http://www.csh.org/wp-content/uploads/2014/04/Session1A_MeckFUSE_Final_CSHERConf.pdf.
- ⁸ See “MeckFUSE.” Corporation for Supportive Housing (2014). <http://www.csh.org/csh-solutions/serving-vulnerable-populations/re-entry-populations/local-criminal-justice-work/meckfuse/>.
- ⁹ See Chambre, C., & Lowry, S. (2014). MeckFUSE: Diversion Works Better the Second Time Around, http://www.csh.org/wp-content/uploads/2014/04/Session1A_MeckFUSE_Final_CSHERConf.pdf.
- ¹⁰ <https://www.mecknc.gov/communitysupportservices/homelesservices/pages/meckfuse.aspx?redirect=charmeck>.
- ¹¹ See Chambre, C., & Lowry, S. (2014). MeckFUSE: Diversion Works Better the Second Time Around, http://www.csh.org/wp-content/uploads/2014/04/Session1A_MeckFUSE_Final_CSHERConf.pdf.
- ¹² Corporation for Supportive Housing, “Introduction to CSH’s FUSE Initiative,” <http://www.csh.org/csh-solutions/community-work/introduction-to-systems-change/fuse/fuse-overview/>.
- ¹³ For more information about Hudson County’s FUSE initiative, see Moore, R. (2016). Hudson County Division of Housing and Community Development Homeless Efforts, [http://www.state.nj.us/humanservices/documents/Hudson%20County%20Creating%20Housing%20for%20Homeless%20\(Randi%20Moore\).pptx](http://www.state.nj.us/humanservices/documents/Hudson%20County%20Creating%20Housing%20for%20Homeless%20(Randi%20Moore).pptx).
- ¹⁴ For more information about CCHP and the Camden ARISE project, visit “Camden ARISE: Integrating public data to solve public problems,” <https://www.camdenhealth.org/arise-camden/>.
- ¹⁵ “Denver Social Impact Bond Initiative: Permanent Supportive Housing,” https://www.denvergov.org/content/dam/denvergov/Portals/344/documents/Denver_SIB_Summary.pdf. Also see “Fact Sheet: Denver Social Impact Bond program to address homelessness,” <http://www.csh.org/wp-content/uploads/2011/12/Denver-SIB-FactSheet.pdf>.
- ¹⁶ See U.S. Department of Housing and Urban Development, “Admissions/Evictions Policies for Public Housing/Voucher Lease Holders,” May 3, 2013, <https://portal.hud.gov/hudportal/documents/huddoc?id=faqsreentrypolicies.pdf>.
- ¹⁷ See Bae, J., diZerega, M., Bang-Brown, J., Shanahan, R., & Subramanian, R. (2016). Coming Home: An Evaluation of the New York City Housing Authority’s Family Reentry Pilot Program. New York, NY: Vera Institute of Justice, https://storage.googleapis.com/vera-web-assets/downloads/Publications/coming-home-nycha-family-reentry-pilot-program-evaluation/legacy_downloads/coming-home-nycha-family-reentry-pilot-program-evaluation.pdf.
- ¹⁸ See Popkin, Susan J. No Simple Solutions: Transforming Public Housing in Chicago. Urban Institute Press/Rowan & Littlefield, 2016, Ch. 4 (“The Hard to House”).
- ¹⁹ “Hard to house public housing residents include families with multiple barriers—long-term public housing residences (10 years or more), weak employment histories, low levels of education, substance abuse, criminal records, domestic violence, and mental health problems; very large families; elderly and disabled households who need special accommodations; ‘grandfamilies,’ i.e. grandparents who are the primary caregivers for children; and those with members with ‘one-strike problems,’ i.e. drug or felony arrests or convictions, that may bar the entire family from assisted housing.” Popkin, Susan J. “No Simple Solutions: Housing CH’s Most Vulnerable Families.” Northwest Journal of Law & Social Policy vol 1:1 (Summer 2006) 148-166, at 160.
- ²⁰ Popkin, S.J., Gallagher, M., Hailey, C., Davies, E., Buron, L., and Hayes, C., (2013). CHA Residents and the Plan for Transformation: Long-Term Outcomes for CHA Residents. Washington, D.C.: The Urban Institute.

²¹ See Hud.gov, “Moving to Work (MTW),” https://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/mtw (“Moving to Work (MTW) is a demonstration program for public housing authorities (PHAs) that provides them the opportunity to design and test innovative, locally-designed strategies that use Federal dollars more efficiently, help residents find employment and become self-sufficient, and increase housing choices for low-income families. MTW gives PHAs exemptions from many existing public housing and voucher rules and more flexibility with how they use their Federal funds.”)

²² Popkin, Northwest Journal of Law & Social Policy, at 165.

²³ Popkin, et al., “CHA Residents and the Plan for Transformation,” at 3-4. The one metric that didn’t improve was outcomes for children. To work on solutions to this problem, the Urban Institute is engaged in a second demonstration project, this time a two generation approach, with the Portland housing authority (among others). The project, Housing Opportunities and Services Together (HOST), is an effort to test strategies that use housing as a platform for services to improve the life chances of vulnerable youth and adults and answer the core question: Can a housing-based intervention significantly change the socio-economic trajectory for families and communities? Urban Institute, “Housing Opportunities and Services Together,” <http://www.urban.org/policy-centers/metropolitan-housing-and-communities-policy-center/projects/housing-opportunities-and-services-together>.

²⁴ See Werth, E. (2013). The Cost of Being “Crime Free”: Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinances. Chicago: Shriver National Center on Poverty Law, <http://povertylaw.org/files/docs/cost-of-being-crime-free.pdf>.

²⁵ For more information on A Home for Everyone, visit <http://ahomeforeveryone.net/>.

²⁶ See Miami-Dade County, Florida Ordinance 14-17.

²⁷ “Governor Cuomo Announces Executive Actions to Reduce Barriers for New Yorkers with Criminal Convictions,” New York State Office of the Governor, September 21, 2015, <https://www.governor.ny.gov/news/governor-cuomo-announces-executive-actions-reduce-barriers-new-yorkers-criminal-convictions>.

²⁸ Second Chance Act of 2007, P.L. 110-199, <https://www.congress.gov/110/plaws/publ199/PLAW-110publ199.pdf>.

²⁹ See Sedigh, H. “Policy Brief: Increase Funding for the Second Chance Act (SCA).” National Association of Counties, February 1, 2017, <http://www.naco.org/resources/increase-funding-second-chance-act-sca>.

³⁰ U.S. Department of Housing and Urban Development Office of Public and Indian Housing. (2015). Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions. PIH 2015-19.

³¹ See diZerega, M., Umbach, G., & Bae, J. (2017). Report to the New York City Housing Authority on Applying and Lifting Permanent Exclusions for Criminal Conduct. New York, NY: Vera Institute of Justice, <https://www.vera.org/publications/report-to-the-new-york-city-housing-authority-on-applying-and-lifting-permanent-exclusions-for-criminal-conduct>.

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³³ Christian Henrichson and Ruth Delaney, The Price of Prisons: What Incarceration Costs Taxpayers. New York: Vera Institute of Justice, 2012.

³⁴ Abt Associates, et al, Costs Associated With First-Time Homelessness For Families and Individuals, U.S. Department of Housing and Urban Development, March 23, 2010

³⁵ Abt Associates, et al, Costs Associated With First-Time Homelessness For Families and Individuals, U.S. Department of Housing and Urban Development, March 23, 2010

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