

Barred from Housing:
Individuals with Criminal Records &
Housing Choice Vouchers (Section 8)

Safe Chicago communities depend upon stable and affordable housing for all community members, including individuals leaving incarceration. However, federal housing policies imposed by the US Department of Housing and Urban Development (HUD) and local discretionary policies imposed by the Chicago Housing Authority (CHA) create barriers for individuals with criminal records who want to access Housing Choice Vouchers (Section 8). Such barriers to stable and affordable housing for individuals reentering society dramatically increase their potential for homelessness and recidivism, and decrease their ability to support their families both emotionally and financially.

Who Are the Formerly Incarcerated?

In 2005 over 650,000 prisoners were released in the United States, and over 40,000 were released from Illinois prisons. Each year more than 20,000 ex-offenders released from Illinois state prisons return to Chicago communities, and approximately 1,200 of these individuals are discharged into homeless shelters. Despite completing their sentencing requirements, most returnees are immediately confronted with additional challenges or “invisible punishments” upon their release from jail or prison. These challenges include finding employment, obtaining adequate health care, and securing stable housing. Studies indicate that while relapse into criminal activity (recidivism) is high among returnees, it is *significantly lower* if individuals find stable housing soon after release. However, access to federally subsidized and administered housing—a primary option for returnees—is delayed more than necessary due to local policy barriers.

Chicago Public Housing Policies

Federal policies (HUD) require the Chicago Housing Authority (CHA) to ban individuals from Housing Choice Vouchers (Section 8) if they meet any of the following conditions: 1) evicted from federally assisted housing within the past three years because of drug related criminal activity; 2) registered sex offender; 3) convicted of methamphetamine manufacture or production on the premises of federally assisted housing; 4) currently engaging in illegal drug use; or 5) currently abusing alcohol in a manner that interferes with the health, safety or right to peaceful enjoyment of other residents.

However, beyond the federal requirements imposed by HUD, the Chicago Housing Authority (CHA) has a great deal of discretion in the creation and the implementation of policies based on individual criminal histories. Unfortunately, CHA’s current policies make it very difficult for individuals with criminal records to access Housing Choice Vouchers (Section 8).

CHA’s current policy states that applications for Housing Choice Vouchers (Section 8) will be denied if either the applicant or a household member has engaged in drug-related or violent criminal activity during the 5 years prior to screening.

This time frame is too long to ensure that individuals with criminal histories re-enter society successfully. Without an immediate option for housing following their release, individuals with criminal histories are more susceptible to homelessness—a condition that drastically decreases their ability to support themselves *and* their families, and increases their chances of reoffending before they have the opportunity to access the Housing Choice Voucher (Section 8) Program.

In addition, the policy is often applied incorrectly in practice. Rather than looking at the date the criminal activity occurred, the CHA looks for any criminal justice involvement in the past five years. People are denied housing because of arrests, convictions, and time spent in prison or on parole in the past five years, even if the criminal activity occurred before that time.

Proposal to Reform CHA Housing Choice Voucher Program

The Re-Entry Committee of the Chicago Coalition for the Homeless (CCH) is recommending that the Chicago Housing Authority revise its policy regarding applicants with criminal histories and ensure proper implementation of the policy:

Applicants will be denied only if the housing authority can prove that they have committed a

drug-related or violent criminal act in the 12 months prior to screening either through a conviction or the preponderance of the evidence that the criminal act was committed.

In applying this policy, CHA must only look at the date the criminal act occurred, not time spent in prison or on parole in the 12 month period. In addition, they must prove the act occurred and not rely only on arrest records. They should not deny people for criminal acts that occurred prior to the look back period. In order to ensure proper implementation, CHA will allow an outside advisory body to review applications denied due to criminal history on a quarterly basis.

Applicants with a criminal background should be allowed to present mitigating circumstances before they are denied due to criminal background. They should be informed at or before their eligibility interview that they may, if they choose, disclose any criminal history as well as any mitigating factors that show that their situation has changed. This would not replace their right to an informal review should they be denied later.

The Chicago Coalition for the Homeless' proposal falls directly in line with the goals of the Mayoral Policy Caucus on Prisoner Re-Entry, a group convened by Chicago's Mayor Richard M. Daley in 2004, along with those highlighted in the Mayor's 10-Year Plan to End Homelessness in the City of Chicago. Their goals, like the Re-Entry Committee's proposal to reform CHA's Housing Choice Voucher Program, aim to eliminate the "invisible punishments" associated with having a criminal record.

If individuals with criminal records are eligible for Housing Choice Vouchers (Section 8) **12 months after the date of criminal activity**, then their potential for recidivism and temporary and disruptive living arrangements—and all other forms of homelessness—is reduced. Such a policy reform would help to promote safer Chicago communities.

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This document was prepared by the Chicago Coalition for the Homeless **Re-Entry Committee**, comprised of people who were formerly incarcerated, service providers, lawyers, educators, government agencies, and advocates. The Committee addresses the barriers associated with reentry and develops policies for individuals returning from jail or prison.

Council of State Governments. Public Housing Authorities (PHAs) and Prisoner Re-Entry; Council of State Governments. Homelessness and Prisoner Re-Entry.

Final Report of the Mayoral Policy Caucus on Prisoner Re-Entry, 2006. Rebuilding Lives. Restoring Hope. Strengthening Communities. Breaking the Cycle of Incarceration and Building Brighter Futures in Chicago.

Mayoral Policy Caucus on Prisoner Re-Entry, *Supra* Endnote 2.

Mayoral Policy Caucus on Prisoner Re-Entry. *Supra* Endnote 2.

Council of State Governments. *Supra* Endnote 1.

Corporation for Supportive Housing, 2007. Public Housing Authorities and Re-Entry Populations: Eligibility of Persons with Criminal Histories and/or Drug Involvement for Public Housing and Section 8/Housing Choice Voucher Programs; CHANGE Chicago Housing Authority, Amended January 2009. Amended FY2007 Admissions and Continued Occupancy Policy (ACOP).

Chicago Housing Authority, 2008. Administrative Plan for the Housing Choice Vouchers (allocated for leasing) Project-Based Vouchers, and Moderate Rehabilitation Programs. Adopted by the CHA Board of Commissioners Approved July 15, 2008; Chicago Housing Authority, *Supra* Endnote 7.

The Mayoral Policy Caucus on Prisoner Re-Entry is a group comprised of government, business and community leaders. The mission of the Policy Caucus is to 1) expand options for ex-offenders transitioning back into Chicago communities, and 2) lower the recidivism rates that challenge ex-offenders. Mayoral Policy Caucus on Prisoner Re-Entry, *Supra* Endnote 2.

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