

Council on Collateral Consequences of a Criminal Record Housing Subcommittee

Members

Chair: Richard Cho (with Sarah Fox), Connecticut Coalition to End Homelessness

Members:

- Diane Lewis, Voice of Women of Color
- Amy Eppler-Epstein, New Haven Legal Assistance Association
- Andrea James, National Council for Incarcerated and Formerly Incarcerated Women and Girls
- Steven Hernández (with Werner Oyanadel), Commission on Women, Children, Seniors, Equity and Opportunity
- Erin Corbett, Katal Center for Health, Equity, and Justice
- Brian Murphy (with Trina Sexton), Department of Correction
- Patricia Camp, Board of Pardons and Parole
- Sue Gunderman, City of Hartford and Greater Hartford Reentry Council
- Florence Villano, Affordable Housing Alliance
- Deputy Commissioner Shanté Hanks (with Steve DiLella), CT Department of Housing
- Sandy Maier Schede, CT Realtors Association
- Karen DuBois Walton, Elm City Communities (Housing Authority of New Haven)
- Joseph D’Ascoli (with Joe Riter and Jessica Olander), Manchester Housing Authority and Connecticut Chapter of the National Association of Housing and Redevelopment Officials (ConnNAHRO)
- John Souza, CT Coalition of Property Owners

Problem Statement

- Many people are rejected from private, public, and subsidized housing based on their criminal records.
- When people are denied housing based on their criminal records, they may face a higher risk of becoming homeless. In turn, for people recently released from incarceration, the lack of stable housing—along with a lack of adequate income and employment—may increase the risk of recidivism to the criminal justice system. Research analysis has found, for example, that one-fifth (approximately 1,200 people every year) of Connecticut’s sheltered homeless population are people recently released from a DOC facility.
- On the other hand, research has shown that having stable housing can also reduce the risk of recidivism and re-incarceration. This suggests that denying housing to people based on criminal history can have the unintended consequence of decreasing public safety.
- Landlords, property managers, and housing agencies use tenant screening and selection policies as a way to mitigate their risk of lease violations, such as non-payment of rent, and associated financial losses, as well as ensuring the safety of other tenants and neighbors.
- However, studies have shown that criminal history in and of itself is a poor predictor of tenancy outcomes, and that criminal histories alone are not necessarily those with the highest risk of re-offense.
- HUD has also issued guidance indicating that “blanket” housing denials based on criminal history may constitute discrimination under the Fair Housing Act

(https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF). Based on this, many landlords, property managers, and housing agencies have been seeking ways to conduct more nuanced tenant screening using individualized assessments that take into account criminal history along with other factors.

- Improved tenant screening and selection policies are needed that reduce denials solely on the basis of criminal history, while enabling landlords, property managers, and housing agencies to mitigate their financial and legal risks.
- It should also be noted that even after barriers to housing based on criminal history are reduced, many people with criminal records will continue to face a lack of housing options due to the lack of affordable housing options.

Goals and Scope of Housing Subcommittee

- This subcommittee is charged to review existing research, data, practices, and policies in order to identify ways to reduce denials to housing and housing assistance based on criminal records, while recognizing the need for landlords and housing managers to mitigate risks. These ways can include policy and legislative changes, new practices, improved training, and new technologies.
- The scope of this review includes private rental housing, public housing, and other publicly-subsidized (low-income and affordable) housing, as well as the laws, regulations, policies, and practices covering tenant screening and selection. While criminal history may also be a barrier in home mortgages and homeownership, this subcommittee will focus primarily on rental housing and various state, federal, and local housing assistance programs.
- The scope of this subcommittee will be to review and recommend changes and improvements to laws, policies, and practices that can reduce housing denials based on criminal history. This subcommittee acknowledges that housing affordability continues to be a significant challenge for people with criminal records and formerly incarcerated people and should receive attention from policymakers. However, addressing the lack of affordable housing for people with criminal records is not within the scope of this subcommittee and council.
- Some of the policies and regulations that govern tenant screening and selection are federal; the scope of this subcommittee is to focus on the policies, regulations, and practices at the state and local/municipal levels, as well as by the private housing sector.
- By February 2020, this subcommittee will help inform the Council's report that includes research findings; a scan of existing laws, regulations, policies and practices; and a set of recommendations for the full Council. (NOTE: The subcommittee is not a decision-making body; our charge is simply to make recommendations to the full Council.)