

Facilitate a person’s access to stable housing upon his or her re-entry into the community.

Housing, while addressed only briefly during intake (Policy Statement 8, Development of Intake Procedure), is a subject that becomes keenly important as a person prepares to leave a correctional facility and return to the community. Once a release decision has been made (Policy Statement 18, Release Decision), and a release date is known, transition planners should assess each individual’s housing situation and begin seeking housing placement options that are appropriate for the particular needs and strengths assessed. Working alongside community-based housing and other social services providers, transition planners should be well versed in the residential options available in the home community of the individual approaching release, including housing possibilities, if any, with his or her family. Accordingly, the first set of recommendations in this policy statement fall under the subheading “Incorporating Housing into the Transition Plan.” Subsequent recommendations are under the caption “Increasing the Housing Options Available,” and refer to ways in which funding streams and collaboration with community organizations can be marshaled to increase the overall supply of housing stocks for re-entering individuals.

research highlights

Homelessness is prevalent among people released from prison and jail.

More than 10 percent of those coming in and out of prisons and jail are homeless in the months before and after their incarceration.¹ For those with mental illness, the rates are even higher—about 20 percent.² The rates are also higher for those returning to major urban areas. A California study, for example, reported that while 10 percent of the state's parolees were homeless, an estimated 30 to 50 percent of parolees in metropolitan areas such as San Francisco and Los Angeles were homeless.³ Looked at from the perspective of the homeless population, 49 percent of homeless adults reportedly spent five or more days in a city or county jail, and 18 percent had been incarcerated in a state or federal prison.⁴ City officials are increasingly noting this connection. In a 36-city survey on hunger and homelessness, prison release was identified by officials in six cities (Cleveland, Denver, New Orleans, Phoenix, Seattle, and Washington, DC) as a major contributor to homelessness.⁵ Recent studies in New York City reveal that more than 30 percent of single adults entering shelters under the Department of Homeless Services are persons recently released from city and state correctional institutions. Many of these individuals are those that continually cycle between incarceration and shelters.⁶

There is insufficient affordable housing available to people coming out of prison.

More specifically, there is not enough affordable housing to meet the demand of individuals in the general population who need it.⁷ Former prisoners comprise only a subset of the larger population in need. Given the overwhelming demand for and limited supply of affordable housing and the stigma of having a criminal history, it is unrealistic that individuals released from prison or jail would be given priority access to the affordable housing. At the same time, there is public safety and other implications to categorically excluding recently released individuals from this housing stock.

1 Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994*, US Department of Justice, Bureau of Justice Statistics (Washington, DC: 2002), NCJ 193427.

2 Ibid.; Paula M. Ditton, *Mental Health and Treatment of Inmates and Probationers*, US Department of Justice, Bureau of Justice Statistics (Washington, DC: 1999), NCJ 174463.

3 California Department of Corrections, *Prevention Parolee Failure Program: An Evaluation* (Sacramento: California Department of Corrections, 1997).

4 Martha R. Burt et al., *Homelessness: Programs and the People They Serve: Findings From the National Survey of Homeless Assistance Providers and Clients*, US Department of Housing and Urban Development (Washington, DC: 1999).

5 US Conference of Mayors, *A Status Report on Hunger and Homelessness in American Cities, 2002* (Washington, DC: United States Conference of Mayors, 2002).

6 New York City Department of Homeless Services, "Summary of DOC/DHS Data Match" (draft of data analysis submitted for review as part of the New York City Department of Correction and Department of Homeless Services Discharge Planning Initiative, January 22, 2004).

7 Joint Center for Housing Studies, *The State of the Nation's Housing: 2003* (Cambridge: Joint Center for Housing Studies, 2003).

Of the affordable housing available, people with criminal records often are not eligible for it.

Due to a combination of federal and local policies, many people with criminal histories are excluded from federally subsidized housing. The US Department of Housing and Urban Development (HUD) has a number of policies, commonly referred to as the “One Strike and You’re Out” policy, that require all Public Housing Authorities (PHAs) or federally assisted housing providers to deny housing to a variety of categories of people: individuals previously evicted from public or federally subsidized housing for drug-related criminal activity; individuals subject to lifetime registry under state sex offenders registration programs; individuals convicted of methamphetamine production on public housing premises; individuals currently abusing alcohol in a manner that interferes with the health, safety, or peaceful enjoyment of the premises by other residents; and individuals currently using illegal drugs.

In addition, federal statutes authorize PHAs to reject from housing or terminate the lease of households where any household member’s drug use, alcohol abuse, or criminal behavior threatens other residents. While there is substantial local discretion in making these decisions, some assisted housing providers, including local housing agencies, have used their authority to make wholesale rejections of the application by persons with criminal histories. In 1997, for example, PHAs denied admission to a total of 45,079 individuals, attributing 43 percent of all rejections to the “One Strike” policy. Public housing evictions have increased since housing agencies began to use the new policy, and later the law, to regain management control of housing communities that were in some cases overcome by drug and gang crime.⁸

Families can often provide an immediate source of safe housing to people released from prison, but doing so may mean risking the entire family’s tenancy in publicly subsidized housing.

While studies indicate that the majority of recently released individuals live with a family member, close friend or significant other, this option is not possible for some.⁹ This may be the result of family conflict, the reluctance of family members to welcome a violent individual back into their lives, or the absence of immediate family. In some cases, conditions of parole may also prevent individuals from returning to the home of a friend or family member because of their past relationship or because the family member has a criminal record. In addition, a decision to live with family members who live in public housing puts their residential stability at risk, as they could be evicted for housing someone who is not on the lease, or may be subject to the exclusion policies described above.

⁸ Sudhir Venkatesh, *The Robert Taylor Homes Relocation Study* (New York, NY: Columbia University, Center for Urban Research and Policy, 2002). It is worth noting that people do not get evicted for having a criminal past. This is dealt with at the application/admission stage, when the background check is completed.

If the agency does not approve the person, he or she is not admitted. If the agency does admit the person with the background check showing a criminal history, he or she will not then be evicted on the basis of a conviction pre-dating occupancy.

⁹ Marta Nelson, Perry Deess, and Charlotte Allen, *The First Month Out: Post-Incarceration Experiences in New York City* (New York: Vera Institute of Justice, 1999). Nancy G. LaVigne et al., *A Portrait of Prisoner Reentry in Maryland* (Washington, DC: The Urban Institute, 2003).

Individuals released from prison who have a connection to stable housing may be less likely to be re-incarcerated than their counterparts.

Transitional and supportive housing options may facilitate a successful re-entry, but they are not available in sufficient supply.

Although there is little research that squarely addresses the plausibility and extent of a link between stable housing and reduced recidivism, two studies are illuminating. In the first, researchers Métraux and Culhane tracked almost 50,000 individuals who were released from New York State prisons and returned to New York City between 1995 and 1998. Eleven percent of these individuals entered a city homeless shelter, and 33 percent of that group was re-incarcerated within two years of their release.¹⁰ Further, over half of those who entered a shelter did so within one month of release from prison. Importantly, shelter use, both before incarceration and after release, was associated with an increased risk of return to prison: risk of re-incarceration increased 23 percent with pre-release shelter stay, and 17 percent with post-release shelter stay. Individuals with links to the mental health system had considerably higher proportions of shelter stays and re-incarcerations. A second qualitative study by the Vera Institute of Justice found that parolees who entered homeless shelters in New York City after leaving state prisons were seven times more likely to abscond during the first month after release than those who had some form of housing.¹¹

Some state correctional systems (and the federal system) utilize halfway houses designed to transition individuals returning to the community from prison, as a “halfway” step between prison and freedom. Less than one-half of one percent of all inmates released in 1999 was reportedly served by halfway houses.¹² A wide variety of supportive housing programs funded by private and charitable foundations, grants, or subsidies from state and federal governments, also exist. These residences are generally run by nonprofit and faith-based organizations, and are targeted towards eligible homeless individuals and families, as well as other people with chronic health challenges such as mental illness or HIV/AIDS. Only a handful of supportive housing programs nationally are targeted specifically towards people leaving incarceration, and of these, only a few receive funding from correctional agencies. Despite their limited supply, these types of housing programs present extremely promising ways to improve the odds of successful reintegration.¹³ By providing a package of subsidized housing alongside a vast range of social services, these programs link recently released people to treatment, jobs, education, and assistance around family reunification—all components of successful reintegration and self-sufficiency.

10 Stephen Métraux and Dennis P. Culhane, “Homeless Shelter Use and Reincarceration Following Prison Release: Assessing the Risk,” *Criminology & Public Policy* 3, no. 2 (2004): 201–222.

11 Marta Nelson, Perry Deess, and Charlotte Allen, *The First Month Out: Post-Incarceration*

Experiences in New York City (New York: Vera Institute of Justice, 1999).

12 American Correctional Association, *Vital Statistics in Corrections* (Lanham, MD.: American Correctional Association, 2000).

13 Richard P. Seiter and Karen R. Kadela, “Prisoner Reentry,” *Crime and Delinquency* 49, no. 3 (2003).

HOUSING OPTIONS FOR PEOPLE RELEASED FROM CORRECTIONAL FACILITIES

TYPE OF HOUSING	FEATURES	BENEFITS
Private market rental housing	<ul style="list-style-type: none"> Individual secures apartment on the private rental market. 	<ul style="list-style-type: none"> Most universally available. May be partly or wholly paid for by public assistance.
Cohabitation with family members	<ul style="list-style-type: none"> Individual connects to family or other natural support system that accepts the individual into their homes. 	<ul style="list-style-type: none"> Likely to be immediately available. May coincide with efforts to rebuild family relationships. May provide emotional and/or financial support.
Public housing and Housing Choice Vouchers (HCVs), i.e., tenant-based assistance or Section 8	<ul style="list-style-type: none"> Priority for housing is decided locally. Tenant pays 30 percent of adjusted income towards rent or, with HCV, up to 40 percent. Section 8 uses a voucher system to subsidize rents based on a Fair Market Rent (FMR) system. HUD pays the difference between 30 to 40 percent of the family's income and the FMR for the unit. 	<ul style="list-style-type: none"> More affordable than private rental market housing. May include units specially designated for people with physical or mental disabilities, or the elderly. May be used anywhere the family chooses to live and can find housing within the FMR.
Nonprofit or privately owned and managed affordable housing	<ul style="list-style-type: none"> Financed using a variety of government subsidies (and limited private sources); generally, tenant pays 30 percent of income towards rent. Mission-driven to serve low-income or disadvantaged people. Often coordinated or run by community development corporations (CDCs) or neighborhood-based housing development organizations. 	<ul style="list-style-type: none"> More affordable than private rental market housing. Not bound by statutory restrictions that govern public housing. May provide on-site support services.
Halfway houses, programmatic or transitional housing	<ul style="list-style-type: none"> Provides housing for individuals close to or just after release, usually in a highly supervised environment. May be focused on behavior change, including substance abuse. Housing may be conditional on compliance with community-based services or other conditions. 	<ul style="list-style-type: none"> Offers transition between fully secure, structured, monitored environment of incarceration and the community. May have alternative funding streams, including Substance Abuse Prevention and Treatment block grants, which provide revolving loans to help people with substance abuse disorders to secure housing. May enable individuals to work during their residency while keeping their expenses (if any) very low.
Supportive housing (special needs and homeless housing)	<ul style="list-style-type: none"> Specialized form of nonprofit owned and managed affordable housing (see above). Tenant pays 30 percent of income towards rent, often from public benefits (Supplemental Security Income, etc.) Provides services to tenants using case-management model. Focus is on housing stability, not behavior change or treatment. Funded and subsidized by a variety of federal, state and local sources; heavily reliant on federal McKinney-Vento programs. 	<ul style="list-style-type: none"> May be the first available housing most people returning to communities can access. Offers affordable housing along with comprehensive social services, improving accessibility for recently released individuals. Tenancy is often longer-term and legally protected (not necessarily tied to compliance with services). Can lower the risk of detention and incarceration among formerly homeless people with mental illness.
Specialized re-entry housing	<ul style="list-style-type: none"> Shares many of the same features as supportive housing, but provides specific services for recently released individuals. May provide emergency, transitional or longer-term housing. Often linked to transition planning activities. 	<ul style="list-style-type: none"> Addresses specific housing and service needs of formerly incarcerated people. Nonprofit operators and staff are usually trained to interface with criminal justice personnel. May provide peer support and mentorship between releasees. May co-locate emergency with permanent or phased-permanent housing.

POTENTIAL LIMITATIONS

- Rental property owners may screen for, and refuse to, rent to people with criminal backgrounds under federal and state statutes in all 50 states.
- Individual must have ability to pay security deposit immediately and rent subsequently.
- Not all inmates maintain family ties.
- Family members must be willing to accept released individual.
- Reunification may produce additional financial, emotional, or other stresses on individual or family members.
- Under federal law, Public Housing Authorities may screen or refuse to house or accept vouchers from people who have been convicted of certain offenses, as may any federally assisted housing provider.
- Formerly incarcerated individuals may not be immediately considered "homeless" and therefore not prioritized for placement in agencies that use homelessness as a priority need.
- Availability is limited—waiting lists may be long.
- Owners may exercise discretion to exclude people with criminal histories, though bound by Fair Housing laws.
- May be available for limited duration only.
- Availability is limited—waiting lists may be long.
- May not be desirable because of rigid structure, including possible limitations on visitation and freedom to come and go at will.
- Does not address post-sentence, post-parole or longer-term housing needs.
- Availability and funding may be limited from one jurisdiction to another.
- McKinney-Vento funded housing is targeted to homeless people as defined by federal statute, which excludes incarcerated persons who were not homeless (shelter- or street-dwelling) prior to incarceration.
- Many supportive housing programs are reliant on funding that may exclude people who have criminal records or are managed by PHAs and thus subject to restrictions against people with criminal records.
- Co-residency of released individuals may have a stigmatizing effect.
- Very limited availability—not available in most jurisdictions.
- Difficult to create due to lack of dedicated funding streams and community opposition to target population.

recommendations

INCORPORATING HOUSING INTO THE TRANSITION PLAN

- A | Ensure that transition planners, working with community-based organizations, are familiar with the full range of housing options available in each community and maintain lists or inventories of available housing.**

Finding viable housing placements for people re-entering the community from prison or jail is a daunting task, especially considering the vastness of housing possibilities and information required to make effective referrals and placements. Yet, some authorities have embarked on creative initiatives designed to increase available options. These include organizing special funding agreements to increase the provision of supportive housing, pioneering new specialized re-entry housing models, encouraging nonprofit organizations to develop housing for returning individuals, negotiating agreements with local and regional funding agencies to allow returning individuals to be considered homeless under certain circumstances, and coordinating with local PHAs to determine re-entering individuals' eligibility for public or Section 8 housing. (See Housing Options for People Released from Correctional Facilities, above, for key aspects of several types of housing available for individuals returning to the community.) Transition planners must be trained to develop a nuanced understanding of legal restrictions and other barriers to placing people with criminal records within the various housing options. They should also know, and be able to explain to people in prison or jail, the risks, restrictions, and benefits inherent in the particular housing placements discussed in this policy statement. (See Policy Statement 31, Housing Systems, for more on specific obstacles and challenges that exist in the housing system generally.)

Community-based service providers, which could include nonprofits, faith-based organizations, housing authorities, housing assistance providers, community development corporations, and other providers with expertise in siting and developing housing and supportive services, can be an extraordinary resource for transitional planners. When corrections staff collaborate with housing experts from the community, it improves the ability of each to understand the housing options available in the community, develop feasible housing plans for inmates, and respond to individual needs immediately upon release.

Community-based organizations (such as intermediaries or low-income housing advocacy organizations), national housing and community development trade organizations, can also assist transition planners in

preparing a housing directory. A housing resource guide or other compilation of information about housing options for which released individuals may be eligible can facilitate the collection and processing of information for assisting inmates with securing post-release housing. At a minimum, such directories should include the following information about each different housing option: type/category, description, location, contact information, eligibility requirements, application procedures, charge/conviction or other exclusions, and cost/rent.

EXAMPLE: Housing Handbooks, AIDS Housing Corporation (MA)

AIDS Housing Corporation has developed a guide for housing search advocates that provides education and best practices around performing housing searches, filling out applications, communicating with landlords, and obtaining housing advocacy. This guide, "In the Center of the Ring," is useful as a training resource for transition planners and any service providers who assist others with seeking and obtaining housing.

B | Determine on an individualized basis the particular housing needs for each person released from prison or jail.

To increase the chances of individuals finding housing as they return to the community from prison or jail, transition planners should begin assessing the housing needs of each person well in advance of his or her release. Ideally, every person should be released directly to appropriate housing, maximizing his or her opportunity for a successful transition to the community. Even when community resources are limited, however, release should not be postponed for or denied to any individual just because no housing options are available.

In developing the housing components of inmate transitional plans, corrections staff should build upon information collected through a housing assessment of the individual, including his or her previous housing histories, histories of homelessness and institutionalization, and eligibility for subsidized or special-needs housing. This assessment should be conducted as early as possible for inmates in jail. Particularly when the timing of a person's release is unpredictable, jail administrators may wish to integrate this assessment into the intake procedure. (See Policy Statement 8, Development of Intake Procedure, for more on prioritizing assessments for jail inmates.) For prisoners, this screening may be done briefly during the intake procedure, but a more extensive assessment should be conducted six months to one year prior to their release, with updates as needed. Identification of the correct option must account for each of the assessed needs and characteristics of the person, such as:

- Age of the re-entering individual
- Health, substance abuse, mental health, and/or mental retardation
- Length and stability of housing history

- Whether or not the individual has been living independently or with family
- Previous income and employment history
- History of living independently in subsidized, assisted, or supportive housing
- History of shelter use
- History of residential treatment or institutionalization (mental health or substance abuse)

Additional questions to consider regarding the individual's post-incarceration housing needs include:

- Can the person afford an apartment on his or her own, or will he or she need financial assistance or subsidies to help pay rent?
- Does the individual wish to reunite with parents, siblings, or family members? Are there family members identified who are able (both physically and financially) to receive and house the inmate?
- Does the person plan to reunite with or regain custody of children?
- Will the person need ongoing health support or help paying rent, managing money, cooking, cleaning, shopping, etc.? If so, will he or she need social services for only a short period or for an extended, or even permanent, basis?
- Does the individual seek or need the benefit of counseling, peer support, or a sense of community with others who may have similar experiences and backgrounds?
- Does the individual seek or need a structured environment to assist with treatment needs, such as substance use and addiction?

In county and local facilities where the term of incarceration is too short to allow for significant assessment activities, transition planners should at least provide inmates with basic information about how to access community-based housing resources.

c | Evaluate the feasibility, safety, and appropriateness of an individual living with family members after his or her release from prison or jail.

Once an individual assessment has been performed, transition planners and their community-based collaborators can begin to compare

the various housing options available to the inmate. As noted in the Research Highlights, above, a majority of people leaving prison or jail have connections to family members and may wish to reunite with them upon their release, particularly as an initial placement. Thus, when considering housing options, transition planners might well start by evaluating the benefits and risks of placement with the individual's family.

While for some prisoners, family reunification is a key goal of re-entry planning, an immediate transition back to a family home may not always be the safest option for anyone. (See Recommendation d, below, for more on how domestic violence may factor into housing decisions.) Family reunification is a viable option only for those individuals who maintain close ties to family or proxy family members. Among homeless and formerly institutionalized persons (such as persons with mental illness) and persons in prison or jail, ties to family members may have been lost for many years prior to the person's incarceration, which makes family reunification a challenging, if not impossible, option.

Transition planners, working alongside community corrections or housing organizations, should assess whether reuniting an inmate with family members will negatively impact the family, in some cases leading to family instability and disruption. Children, spouses, and partners will be affected by such changes. In some cases, the reunion of inmates with family members can lead to the eviction of the family from federally subsidized housing if the re-entering person does not apply for housing, pass the agency's screening process, and get added to the lease. Some individuals may have never been on the lease, or they may assume that the housing agency will simply reject their application. (See Research Highlights, above, for more on these restrictions.) On the other hand, for families that have children in foster care or are otherwise separated largely because they do not have safe, affordable housing, there may be opportunities to access Family Unification Program (FUP) housing vouchers, which enable families to purchase or lease to reunify parents whose children are in foster care because the parents lack safe, decent, and affordable housing. Further, FUP supportive services can address a range of issues that could affect reuniting families, including (among others) outreach, child care, job training/placement, case management, health care, transportation, education, life skills classes, counseling, housing search assistance, substance abuse treatment, parenting courses, mental health care, and budgeting advice.

Reunification will have an impact on the re-entering person as well. Families can be a source of support and encouragement for an individual leaving prison or jail; however, families can also contribute to that individual's instability and his or her risk of recidivism or relapse. In some cases, families simply may not have the means to support the addition of another family member, particularly one struggling with the numerous issues associated with leaving prison or jail. Such a strain on family resources can lead the returning individual to further criminal activity. In

other cases, family members may have been the source or cause of unsafe behaviors that led to the individual's criminal activity in the first place. Reunifying with family members should not set the individual up for failure in re-entry. Key questions to ask are:

- Is the prisoner in close and regular contact with family members? Have family members visited or attempted to visit him or her at the corrections facility?
- Who is the primary family contact? What is this person's relationship to the person in prison or jail?
- Is the person's family living in stable and permanent housing? What is the family's home situation and type (owned, rented, duration, etc.)?
- Does the family have an additional room or space to accommodate the re-entering family member? Does the family have the financial means of supporting him or her, even temporarily?
- Is the family's housing situation located within a safe and appropriate environment? Are there any potential threats to stability in proximity?

Whenever possible, corrections staff or housing specialists assisting with the transition plan should also seek information from others who have contact with the individual and/or his or her family while he or she is incarcerated. For instance, corrections unit staff may see how the person interacts with family members when they come to the facility; the warden may know that the person does not receive visits; and family members, former employers, friends, and neighbors may have information about the local environment into which the individual will be released. The transition planner, perhaps in conjunction with law enforcement or community corrections partners, should collect and analyze as much information as possible from all of these sources. Additionally, for re-entering parents with children in foster care, the transition planner should coordinate with the local child welfare agency to determine the availability of family reunification programs with supportive services, such as FUP.

EXAMPLE: La Bodega de la Familia, Family Justice (NY)

A New York State Division of Parole officer and one of La Bodega's family case managers visit the home of the family member(s) a participating parolee intends to live with upon release. The parole officer develops a "Community Prep Report," which approves or disapproves the proposed residence and provides a general evaluation of the home environment, including who lives there, sources of income, and other issues. The family case manager is present to help assess such issues as family physical and mental health needs, as well as to facilitate discussion and explain La Bodega's program of family-centered community supervision. In instances where the home is deemed not suitable or the family prefers that the returning family member not live in the home, the parole officer and La Bodega staff explore other housing options. The completed Community Prep Report is then transferred to institutional staff.

Transition planners should work with inmates and their families to determine: 1) if the family is willing and able to accept the individual upon or after release; 2) if the family can provide transportation from the corrections facility to their home; and 3) what supports and assistance the individual or family members might need after reunification. Transition planners or family case managers can also refer reunifying families to appropriate community-based services, including faith-based organizations and local re-entry programs, to help them prepare for reunification and to provide them with ongoing services. (See Policy Statement 23, Victims, Families, and Communities, for more on services to help families plan for and adjust to a person's release from incarceration.)

EXAMPLE: Kansas City Compassionate Ministry Center, Gracious Promise Foundation (KS)

At the Compassionate Ministry Center, families of incarcerated individuals participate in workshops to identify problems and determine solutions to issues related to the incarceration of the family member and to reunification. Family counseling (donated by a counseling services agency) and mentorship are available, as is direct assistance in the form of clothing, groceries, or assistance paying utility bills.

Once a family reunification plan is developed, transition planners can also assist in coordinating the person's release with family members. The transition planner should ensure that family members are aware of the date, time, and location of the inmate's release. Transition planners can then work with community-based organizations or community supervision staff to provide follow-up visits and assistance throughout the first few months after release.

D | Ensure that family violence risks are recognized and addressed in the housing plan of any person whose return to the community may pose a risk to the individual or to his or her family or partner.

One factor that should always be considered in constructing a housing transition plan is the threat of domestic violence. Housing may be a critical component of safety planning for any of the individual's past victims of domestic or other family violence. It may, at the same time, be a factor for those re-entering who have had a history of being victimized by domestic violence. Rather than a blanket policy prohibiting an individual from returning to live with those whom he or she has victimized or who have victimized him or her, transition planners need to carefully weigh the housing options against the interests and history of the parties involved.

To understand who may be at risk when a person leaves prison or jail, transition planners need to consider a variety of sources, all of which may have information about a history of violence or threats by or against the inmate. Transition planners should consult court or corrections records of past restraining orders or domestic violence cases; local law enforcement

officials, who may be familiar with particular neighborhood threats; any victim of the offense for which the person was incarcerated; the family of the person; community members who are familiar with the person and his or her family or neighborhood; correctional files that may reveal a risk of violence; and the individual himself or herself. When the victim chooses not to participate in the process or when the victim cannot be located, a victim impact statement from the original criminal case and/or a victim advocate may represent the victim's perspective. Similarly, victim advocates or community corrections officers may be able to represent the family's point of view in domestic violence cases. (See Policy Statement 23, Victims, Families, and Communities, for more on addressing victims and family members' concerns about a person's re-entry into the community.)

The information that a transition planning team finds in its research should inform any housing choices. For example, if family members express concern about a person's return to live in the residence, a placement outside the family home may be more appropriate. Alternatively, a family that expresses concern but is interested in reuniting with the individual may be willing to provide housing as long as counseling and other supportive services are available for the re-entering individual and/or his or her family.

By the same token, the person who is being released must also be protected from threats of domestic violence. To the extent that he or she is at risk of harm from other people in the community, such as family members who have threatened him or her in the past, the person leaving prison or jail should go to a housing situation that provides some geographic distance from that threat and a measure of confidentiality. By striving to create a housing plan that can help protect the individual, family, victims, and other community members, the transition planner maximizes the chances that the re-entry will be both safe and successful.

E | Identify the appropriate housing option for each incarcerated individual well in advance of release.

Where an individual is not returning to live with family members (or it is unclear whether this would be a viable option), transition planners should work with appropriate community-based partners to evaluate other potential housing opportunities. Just as they may have interviewed family members concerning the possibility of the incarcerated family member moving home, community supervision staff, possibly in conjunction with local law enforcement, can provide transition planners with preliminary determinations regarding the appropriateness of post-release housing plans identified by individuals who will be released on probation or parole. Community-based service providers can be key resources for transition planners seeking to find nonfamily housing alternatives, especially for those individuals with special needs.

EXAMPLE: Mentally Ill Offender Community Transition Program, Seattle Mental Health Community Reintegration Services (WA)

The Mentally Ill Offender Community Transition Program provides pre-release planning, housing, and case management to people with a diagnosed mental illness in the Washington corrections system. A program case manager meets in prison with individuals referred to the program by the Department of Corrections. Inmates admitted to the program must participate in a three-month pre-release program including a needs assessment, healthcare appointments, and contact with other assigned service providers.

It is important to consider both long- and short-term housing options. For example, if transition planners determine that programmatic or transitional housing is the most appropriate form of housing for the inmate immediately after release, they need to then consider how long the program will last, or how long the individual will be allowed to stay at the transitional home.

EXAMPLE: Cornerstone Program, San Fernando Valley Community Mental Health Center (CA)

This program provides housing, mental health, and benefit-identifying services to homeless adults who have severe and persistent mental illnesses and are leaving the Los Angeles County jail. The Cornerstone Program contracts for 25 emergency beds with a Los Angeles family housing shelter and has a memo of understanding with a landlord who finds short- and medium-term housing for program participants. The landlord remodels appropriate buildings and rents them to Cornerstone for slightly over market value. Because Cornerstone rents each building in its entirety, staff members are able to decide who moves into each unit. Cornerstone Program also owns nine duplexes, which it rents to participants for 30 percent of their income. Through the AB2034 Bill, the Cornerstone Program has 85 Section 8 vouchers to distribute amongst program participants. (See sidebar for more information on AB2034). AB2034 also provides the Cornerstone Program with funds to place participants in hotels and motels on an emergency basis.

Notably, using one form of housing in the transition plan can subsequently preclude a person from availing himself or herself of other kinds of subsidized housing at a later date. For example, an individual leaving prison or jail who obtains a private apartment may later realize that he or she needs supportive housing. Because this individual is no longer homeless (having obtained an apartment), however, he or she may not be able to access supportive housing since eligibility for supportive housing is often restricted to people presently and officially deemed homeless. For this reason, corrections staff and service providers should plan for not only immediate, but also permanent and future housing options.

Ultimately, it is the job of transition planners to collaborate with community-based housing providers to ensure that each inmate is promptly evaluated for, and ideally accepted into, the appropriate housing option and any needed services.

AB 2034 BILL

In 1999, the California State Legislature passed AB 34, a bill authorizing 10 million dollars for the creation of programs designed to provide integrated community outreach support to individuals who were homeless, at risk of homelessness or incarceration, and had a serious mental illness. Three counties—Sacramento, Stanislaus, and Los Angeles—initiated pilot programs, the first eleven months of which resulted in a 68 percent decrease in days hospitalized, a 79 percent reduction in days in jail, and a 73 percent reduction in days spent homeless among program participants. In 2000, approximately 55 million dollars was appropriated to expand the program to 23 additional counties under the auspices of AB 2034.

EXAMPLE: Community Orientation and Re-Entry Program, New York State Office of Mental Health, Department of Correctional Services, and Division of Parole; and NYC Link, New York City Department of Health and Hygiene

Inmates across New York who are identified as having serious and persistent mental illnesses and who will return to the greater New York metropolitan area are transferred approximately 90 to 120 days prior to release to the Community Orientation and Re-Entry Program (CORP) unit at Sing Sing Correctional Facility. Office of Mental Health (OMH) staff work with transition case managers from New York City Link (a program of the New York City Department of Health and Hygiene) to complete applications and facilitate referrals of program participants to supportive housing providers with vacancies in New York City. CORP staff completes the paperwork and NYC Link staff arranges interviews for housing providers (and sometimes accompanies them to the jails to conduct those interviews). When individuals are denied placements, OMH and NYC Link staff conference with the housing providers to analyze the reasons for rejection and to devise a suitable housing solution.

EXAMPLE: Transition Services Unit, Multnomah County Department of Community Justice (OR)

The Transition Services Unit (TSU) staff make contact with a re-entering individual one year prior to his or her release, at which point they conduct an assessment of housing needs. TSU staff then place individuals on waiting lists for appropriate housing, which they determine in close partnership with the county office of Facilities and Property Management. If an individual is eligible, TSU staff help him or her begin the application process for Supplemental Security Insurance.

F | Educate prisoners about strategies for finding and maintaining housing in the community, and teach them about their legal rights as tenants in the private rental market.

Any transitional plan should include training around the different types of housing available, the housing search process, and housing maintenance strategies. Transitional planners may collaborate with or refer individuals to housing advocacy groups to provide this information. Housing advocacy is a form of assistance that helps individuals with finding and applying for housing, advocating and negotiating with landlords, and providing counseling support to ensure the individual's housing stability once he or she is in the community. Housing advocacy services tend to be provided to specific populations, such as persons living with HIV/AIDS or persons with mental illness, but in some cases are available to the general population.

EXAMPLE: Housing Handbooks, AIDS Housing Corporation (MA)

The AIDS Housing Corporation has developed a handbook called *How to Get to a Place called Home* as a tool to provide inmates with information and education about finding housing in the community after release. This handbook is regularly sent to discharge planners in Massachusetts county and state correctional institutions so that they can distribute it directly to inmates.

Transition planners should also seek to ensure that the individuals that they assist understand the implications of certain local housing laws. In many states and localities, for instance, private landlords are able to access the criminal records of prospective tenants, and can refuse housing to persons based on their criminal histories. Federal fair housing laws, along with some state or local laws, may extend some rights against housing discrimination for people with criminal histories. In Madison, Wisconsin,

for example, individuals with an “arrest record or conviction record” are included as a protected class under fair housing laws by city ordinance.¹⁴ Transitional planners should work with community-based organizations, including local housing advocacy or legal services providers, to educate inmates about their rights as tenants.

c | Provide individuals who are entering the private rental market—and who demonstrate that they are without adequate resources to pay rent—with small stipends and/or housing assistance for the period immediately after release.

The majority of inmates and transition planners will likely think of independent private market housing as the first and most obvious housing option. But to obtain private rental housing, an individual must have the ability to pay rent regularly, as well as the security deposit and any required additional months of rent at the time of lease signing. Therefore, individuals seeking to obtain independent rental housing on the private market must have some form of income— which, in most cases, presupposes employment—sufficient to cover these costs. There are two main sources of financial assistance available for people seeking private housing after their release from prison or jail: public assistance and stipends.

In some cases, public assistance may help individuals pay for housing. Individuals returning to the community from incarceration are likely to be low-income and/or below the poverty line, and may therefore be eligible for public assistance. In many localities, such as New York City or San Francisco, public assistance or welfare includes a shelter allowance—additional financial assistance specifically used to offset the cost of housing. Some localities, however, have regulations that bar people with felony convictions or those leaving prison or jail from receiving public assistance as well as other entitlements and benefits. (See Policy Statement 24, Identification and Benefits, for more on restrictions to entitlements available to re-entering individuals.) Further, even in jurisdictions where recently released individuals are entitled to receive public assistance, if funding for that public assistance comes from the federal TANF program, additional housing allowances or stipends can be counted as client income, and can either make an individual ineligible for public assistance or reduce the individual’s monthly public assistance amount. Transition planners should therefore become knowledgeable about the regulations governing public assistance and other benefit program eligibility in their local area (and the areas to which the individuals will return), and they should educate people in prison or jail about their options for obtaining this kind of income support.

¹⁴ City of Madison Ordinance § 3.23 (4).

Providing individuals released from prison or jail with small stipends to assist in making the first few months' worth of rental payments may give these individuals a window of opportunity in which to gain employment and to become self-sufficient in housing. Private rental housing tends to be very expensive, especially in the urban areas to which most people return from incarceration.

EXAMPLE: Forensic Services, Office of Behavioral Health, Allegheny County Department of Human Services (PA)

The Office of Behavioral Health provides stipends to pay for housing for individuals for the first three months after their release from prison, even if they will live with family.

EXAMPLE: Being Empowered and Safe Together, Maui Economic Opportunity, Inc. and the Department of Public Safety (HI)

Being Empowered and Safe Together (BEST) provides transition assistance services to parolees on the island of Maui. Program participants work with a full-time housing coordinator and receive a \$200 stipend to subsidize their first month's rent payment. In addition to cash assistance, BEST offers substance abuse treatment, family reunification services, and cognitive skills training.

In the absence of a stipend program, corrections staff or housing specialists helping inmates find private market rental housing may have to focus on teaching the prisoner how to search for housing and familiarizing him or her with the application process, even if he or she cannot formally apply—much less inspect an apartment—until his or her release. Given the difficulties of conducting this search and adapting to life in the community (possibly without support services), the private rental housing market, with all of the responsibilities and stressors it imposes, is unlikely to be a first stop for most individuals released from incarceration. Instead, most of these individuals will either move into a temporary housing situation, in a transitional facility or with family members or friends, or they may enter a homeless shelter with the hopes of finding an apartment after a short period. As studies have shown, the first month after release from prison is a vulnerable and critical period during which the risk of becoming homeless and/or returning to criminal justice involvement is high. Entering an unstable housing situation during this first month can destabilize an individual's re-entry process and ability to remain crime-free altogether.

INCREASING THE HOUSING OPTIONS AVAILABLE

H | Tap state and local funding used for traditional public safety and criminal justice purposes and leverage those resources to finance the development of supportive housing.

Supportive housing is affordable housing that is enriched with on-site or easily accessible services that are made available to residents. In several studies, supportive housing has been demonstrated to improve the health

and stability of residents, and to reduce their involvement in prisons, jails and, other costly public systems.¹⁵ Despite its promise as a housing option for people leaving prison or jail, the difficulties associated with creating and developing supportive housing limit its availability significantly. Whereas public housing or affordable housing have relatively streamlined financing and development mechanisms, supportive housing must rely on the ingenuity of nonprofit developers to pull together the funding and resources from various systems to create a single project. Developers can and should pursue support from a range of funding streams, including funding streams for homelessness prevention, case management, mental health treatment, employment training, substance abuse counseling, and crime prevention. (See Policy Statement 4, Funding a Re-Entry Initiative, for more discussion on the use of varied funding streams.) Meanwhile, policymakers should recognize the great need for supportive housing options for the re-entering population and should help developers overcome legal and other barriers to the development of such projects. (See Policy Statement 30, Housing Systems, for a further discussion on the need for housing systems change.)

Several supportive housing projects have been successful in negotiating funding agreements with state and local corrections or law enforcement agencies to provide operating subsidies or other funding for supportive services so that they can set aside units specifically targeted towards individuals leaving prisons or jails.

EXAMPLE: St. Leonard's Ministries (IL)

The Illinois State Department of Corrections pays St. Leonard's Ministries, a local housing and services provider, just under what it costs the Department to supervise a given number of parolees. In return, St. Leonard's not only provides housing and other social services for the parolees but also assumes a large share of responsibility for their supervision.

In such agreements, the funding contribution from the corrections agency would last only for the duration of the person's parole term. The individual could stay in the housing, however, if the provider could identify and secure another source of rental subsidy through McKinney-Vento funding, a Section 8 voucher, or some other government housing initiative. (See Chart on Housing Options for People Released from Correctional Facilities, above, for key aspects of these programs.) In this way, corrections agencies can effectively purchase housing units and other services for individuals leaving their institutions and can contribute to the existing pool of resources used to house homeless and at-risk individuals.

EXAMPLE: Alliance Apartments, RS Eden and Alliance Housing (MN)

RS Eden has received a state grant through the Department of Corrections to provide support services to people coming out of incarceration. An RS Eden staff person assigned to the grant is stationed at Alliance Apartments, affordable housing units for low-income residents who maintain sobriety and productivity.

¹⁵ Dennis P. Culhane et al., "Public Service Reductions Associated with Placement of Homeless Persons with Severe Mental Illness in Supportive Housing," in *Housing*

Policy Debate 13, no. 1 (Philadelphia: Fannie Mae Foundation, 2002).

I | Develop “re-entry housing,” to meet the specific and unique needs of people released from prison or jail.

A few jurisdictions have created new models of specialized service-supported housing that specifically target people leaving correctional institutions. Although the number of these re-entry housing programs remains small—only a handful of experimental projects exist, and they are scattered across the country—these projects have demonstrated how dedicated nonprofit organizations can mobilize existing resources and funding to create a combination of housing and social services that can dramatically improve outcomes for people leaving incarceration.

Re-entry housing is built upon the supportive housing model. As with supportive housing, re-entry housing blends a multitude of funding sources, usually involves partnerships and linkages among multiple nonprofit providers with different areas of expertise, and offers residents a comprehensive array of service options in addition to affordable housing.

Re-entry housing differs from supportive housing, however, in that it is specifically designed to meet the needs of people being released from prison and jail, providing not only case management and counseling services tailored to releasees, but also a link within a continuum of services beginning in the correctional institution itself. In other words, prison- or jail-based transition planning services are provided through (or in coordination with) re-entry housing. Such services can include transportation from the corrections facility, entitlements and benefits advocacy, family reunification services, legal advocacy, and assistance with criminal justice supervision requirements. In addition to serving the general population of people leaving correctional settings, some re-entry projects include programming or units set aside for people with special needs, providing additional services designed to assist persons with mental illness, HIV/AIDS, and/or addiction.

EXAMPLE: Ridge House (NV)

The Ridge House provides residential and outpatient counseling to individuals recently released from prisons and jails who are struggling with substance addiction. In each phase of its program, Ridge House teaches what it calls “re-entry skills.” During the “stabilization” phase, clients simultaneously receive support from staff and learn the necessary skills for self-responsibility. The “habilitation” phase includes substance-abuse counseling along with vocational training, parenting classes, and other programming designed to prepare clients for re-integration into family and community life.

Transition planners should be encouraged by the fact that new re-entry housing projects are being developed every day. At one end of the spectrum of re-entry housing is the single-site, “congregate” facility, in which all units are located in a single location, such as a small-scale, rural re-entry housing project. At the other end of the spectrum are scattered-site, “noncongregate” models, where rental subsidies are used to rent units on the private rental market, including large-scale, urban apartment buildings. Some providers link single-site projects with scattered-site projects to provide a

continuum of housing options for people who have been released from prison or jail, and to encourage releasees who no longer need supportive services to live independently.

EXAMPLE: Heritage Health and Housing (NY)

Heritage Health and Housing is a nonprofit provider of housing and other services to people who are homeless and/or have mental illnesses. Heritage's specialized re-entry housing program targets parolees with serious mental illnesses and includes six service-enriched transitional beds (single-site, with on-site supervision and services) and 13 supported apartments (scattered site, mobile service staff) around upper Manhattan and the Bronx. Residents typically stay in the transitional beds for 4 to 12 months, after which they are placed into the scattered-site supported apartments or referred to Heritage's other supportive housing programs.

Another important difference between traditional supportive housing projects and re-entry housing is that many re-entry housing projects are intended to be transitional or temporary. While some people (parolees and others) with special needs may be content to live with peers in a single building, individuals who have been released from prison or jail may neither need nor desire to permanently live with other released individuals. For this reason, many re-entry housing projects are designed as “phased-permanent” housing, offering tenants month-to-month occupancy agreements rather than traditional annual leases. This arrangement can give re-entry housing tenants the option of leaving at any time after they no longer need the assistance that a supportive setting provides.

Another innovation in re-entry housing is the co-location of emergency housing with permanent or phased-permanent housing. Some projects, in fact, provide emergency housing in a building that also provides permanent housing. This housing can thus serve as a safe and stable shelter for numerous people released from prison or jail each year, while also providing a longer-term housing option with links to supportive services for those in need. These “built-in” housing continuums have proven an important component to re-entry housing, addressing both the immediate and longer-term housing needs of individuals returning to the community from incarceration.

In a sense, developers of re-entry housing face magnified versions of the challenges facing developers of nonprofit supportive housing. As indicated above, the number of funding sources available to nonprofits interested in building re-entry housing is even more limited than funds available for other housing projects. These nonprofits must also wrestle with the challenges of siting their facilities in unwelcoming communities. (See Policy Statement 30, Housing Systems, for more discussion of the NIMBY phenomenon.) As in the case of supportive housing, no system exists to facilitate the development of re-entry housing.

In a few instances, state or local corrections departments have used their resources in innovative ways to fund specialized re-entry housing projects. In these programs, the corrections department provides funding to cover or supplement the cost of supportive services provided to residents who return to the community from prison or jail.

EXAMPLE: Parole Support and Treatment Program, Project Renewal (NY)

Project Renewal, a New York City-based nonprofit social service agency, operates the Parole Support and Treatment Program, a 50-bed, scattered-site transitional housing model for people with serious mental illnesses who are released from New York state prisons on parole supervision. Providing subsidized apartments along with mobile case management and psychiatric services to residents, the project was funded through collaboration between the New York State Office of Mental Health and the New York State Division of Parole. In this collaboration, the Division of Parole allocated funds directly to the Office of Mental Health to cover the costs associated with delivering mobile services to parolees living in housing subsidized by the Office of Mental Health.

To find out if a re-entry housing project exists in a particular state or locality, transition planners can contact intermediary organizations and supportive housing trade associations, which may be helpful in identifying particular kinds of projects or providers that can meet the housing needs of individuals leaving prison or jail.

J | Encourage private sector or nonprofit housing developers or community-based organizations to develop housing accessible to people leaving prison or jail.

Private sector or nonprofit owned and managed subsidized housing offers individuals released from incarceration an opportunity to obtain affordable housing that is not public housing. Nonprofit housing is often structured similarly to public housing or Housing Choice Vouchers (HCVs) where tenants are responsible for paying 30 percent of their monthly incomes towards rent. Other forms of affordable housing are financed such that the rent structure accommodates families earning a certain fraction of the average income within a community. For example, a particular affordable housing project may rent apartments at an amount equivalent to 30 percent of the monthly income for a family that earns only 50 percent of the median income within a community, known as the Area Median Income.

Private sector or nonprofit affordable housing may be more accessible than even public housing or HCVs to individuals released from prison or jail who cannot afford market-rate. For instance, private sector or nonprofit affordable housing may be subsidized without the use of federal funding and therefore may not be bound by federal regulations that can restrict access for people with certain criminal convictions. (In general, eligibility for private sector/nonprofit affordable housing is income-based, and applicants must submit verification of income status, a credit check, and rental history.) As many nonprofit landlords are mission-driven to serve low-income and disadvantaged persons, they may be more willing to accept persons with criminal histories than would operators of federally assisted housing or even other private landlords.

Furthermore, similar to supportive housing, many private and nonprofit affordable housing projects provide access to on-site supportive services in such important areas as money management, housing main-

tenance, employment, and recreation. Such services can be an essential component to helping recently released individuals maintain housing and sobriety, find jobs, and avoid involvement in the criminal justice system. In some localities, community development corporations (CDCs) and nonprofit housing providers have stepped into the role of proactively creating housing for people leaving incarceration. Combining their expertise in housing development and management with their roles as community builders and organizers, CDCs have become a key component in many local continuums of re-entry assistance. Policymakers should support the role of such groups in providing re-entry assistance and seek to eliminate barriers to their success.

EXAMPLE: Druid Heights Community Development Corporation (MD)

Druid Heights CDC has partnered with the Maryland Department of Corrections and dozens of community-based service providers to establish the Re-Entry Partnership (REP) initiative. Together, these organizations develop strategies to successfully reintegrate individuals being released from Baltimore's Metropolitan Transition Center.

EXAMPLE: Developing Justice in South Brooklyn Program, Fifth Avenue Committee (NY)

The Fifth Avenue Committee (FAC), a CDC based in Brooklyn, New York, provides affordable housing and social services for residents of neighborhoods in South Brooklyn. In addition, FAC provides individuals who return from prison or jail both walk-in services and opportunities to lease or obtain housing in one of its 19 affordable housing developments.

Private and nonprofit housing providers that choose to serve people leaving prison or jail need to be prepared to make available the counseling and comprehensive services that many individuals will need as part of their transition from prison to the community. Unless integrated with other support services, nonprofit housing may not be a viable option for individuals with special needs, or even for those who need stabilization and temporary assistance immediately after leaving incarceration. Policymakers should therefore encourage collaborations between housing and other service providers, and transition planners and other boundary spanners should facilitate communication between these groups on a case-by-case basis whenever possible. (See Policy Statement 5, Promoting Systems Integration and Coordination, for more on boundary spanning between agencies and organizations.)

κ | Consider individuals leaving prison or jail who have histories of homelessness as part of the homeless priority population, to facilitate their access to supportive housing made available under the McKinney-Vento Act.

Despite the great potential for supportive housing to reduce recidivism and prevent homelessness, there are several challenges that can impede a recently released individual's access to it. First and foremost, eligibility for most supportive housing is restricted to homeless people, typically defined

as persons living in shelters, on the street, or in other unsuitable locations. People at risk of homelessness, including people soon to be released from prison or jail, are often considered ineligible for homeless assistance or supportive housing projects.

Underlying this situation is the fact that the main source of funding for homeless assistance in the United States, the McKinney-Vento Act programs of the Department of Housing and Urban Development (HUD), uses a federal definition of homelessness that excludes people who are incarcerated.¹⁶ This part of the statute has been interpreted to mean that people leaving correctional institutions are not considered homeless, and are therefore ineligible for any housing and services funded through the McKinney-Vento Act.

Over the years, the availability of McKinney-Vento Act funds has resulted in the creation of thousands of homeless- and supportive-housing programs across the country. Many HUD officials and homeless advocates have expressed concern, however, that expanding McKinney-Vento eligibility to include all persons leaving prison and jail would only increase the pressure on the already overburdened federal homeless assistance resources. Indeed, levels of McKinney-Vento funding have not increased to meet ever-rising demand.

Nevertheless, without alternative funding streams available, many homeless assistance organizations continue to use McKinney-Vento resources to assist people who have been incarcerated. Such housing providers comply with federal regulations by essentially “making” people leaving prison or jail homeless by sending these individuals to spend a night, or several nights, in shelters before they can enter a housing program. In so doing, these providers take the chance that recently released individuals can withstand the risks of recidivism, relapse, mental health decompensation, or medical and health care emergencies associated with shelter environments. Ironically, HUD’s strict use of the definition of homelessness has resulted in the widespread reliance on homeless shelters as the default first stop for individuals coming out of prison or jail.

In some jurisdictions, community-based organizations have been able to negotiate eligibility determination procedures with local and regional HUD offices. Notwithstanding the restrictions in the McKinney-Vento statute, individuals being released from prison and jail may be considered homeless if correctional transition planners or community-based organizations can determine, prior to release, that those individuals are at serious risk of homelessness. Such procedures involve documenting attempts at locating families or exhausting other housing options first.

¹⁶ Specifically, 42 USC 11302(c) states, “the term ‘homeless’ or ‘homeless individual’ does not include any

individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.”

EXAMPLE: AIDS Housing Corporation (MA)

In Boston, the AIDS Housing Corporation was able to obtain a letter ruling from HUD which clarified that an individual set to be released from prison or jail could be deemed officially homeless if he or she met these criteria: 1) he or she had no identified housing options upon release from prison; 2) he or she had no ability to re-establish contact with family members or an alternative support network; and 3) successive attempts at identifying housing and/or support networks for the individual failed.

Elsewhere in the country, nonprofit homeless assistance providers avoid using emergency shelters to establish McKinney-Vento eligibility by placing individuals just released from correctional settings into their own shelter or emergency housing before placing them into McKinney-Vento funded supportive housing. This phased process satisfies federal eligibility requirements, while ensuring that individuals are placed in safe and stable settings and provided with a continuity of care.

EXAMPLE: Fortune Academy, Fortune Society (NY)

The Fortune Academy, a residential facility in West Harlem, provides 18 emergency and 41 longer-term beds for homeless individuals, as well as access to the Fortune Society's array of supportive services, many of which receive McKinney-Vento funds. Many of the individuals who occupy the Academy's emergency beds go on to live at the Academy for six months to a year.

Several recent attempts have been made to avoid this pitfall through the more precise targeting of homeless assistance resources to those subpopulations of discharged individuals that are believed to be at highest risk of homelessness. This has been particularly effective in jurisdictions where the historical use of homeless shelters can be tracked through data management systems, known as Homeless Management Information Systems. At-risk individuals are assigned a unique identifier code or number to help document their usage of shelters or other homeless resources. Local HUD staff or housing providers can then access coded records to confirm the eligibility of these individuals for homeless assistance upon their release from prison or jail. Communities can also target homeless assistance resources more effectively by matching their homeless shelter use data with jail or prison admissions data to identify individuals known to cycle regularly between jails and prisons and homeless shelters. In New York City, for example, the Departments of Correction and Homeless Services have initiated a formal collaboration in which they have matched their data systems to identify individuals that are frequently in contact with both agencies. These agencies are jointly developing an initiative that would target housing assistance resources to these at-risk individuals, with the goal of breaking the cycle of homelessness and incarceration.

L | Coordinate with the local Public Housing Authority (PHA) to determine the eligibility of people leaving prison or jail for publicly managed or Section 8 housing.

Transition planners and inmates often look to public housing as an important and viable source of housing for individuals leaving prison or jail because of its affordability and ubiquity (relative to specialized supportive housing). Depending on the nature of the offense(s) for which they were convicted and their family situation, however, these individuals may find it difficult to access public housing. Regulations frequently prohibit a person with a criminal record from living in public housing units. (See Research Highlights, above, for more details.) And, perhaps even more importantly, the demand for public housing far exceeds the supply. According to the National Low Income Housing Coalition, three-fourths of households eligible for housing assistance do not receive any such assistance.¹⁷ (See Policy Statement 31, Housing Systems, for more information on challenges to meeting the demand for affordable housing.) Waiting lists are typically long, and most housing agencies place priority on housing families with children. Transition planners should familiarize themselves with local waiting lists and the local agency's preferences for admission and screening policies to develop a more accurate picture of the likelihood of public housing for different re-entering individuals.

Despite the tremendous barriers that limit individuals' access to public housing and HCVs (sometimes known as Section 8), these two federal programs remain critical sources of housing assistance for releasees in many communities. Public housing agencies not only provide housing at rent levels attainable by most people leaving prison or jail, but also are usually mission-driven to offer access to self-sufficiency programs, adult education, substance abuse treatment, and other supportive services. HCVs may be an even more important resource, because of their flexibility and adaptability. In many communities that have no local or state affordable housing programs, federally subsidized housing remains the only housing resource for low-income individuals or individuals with disabilities. Especially in these localities, corrections administrators and transition planners should seek to understand the particular screening policies of local PHAs and to collaborate with them to ensure that individuals leaving prison and jail are not excluded without exception from accessing subsidized housing resources.

EXAMPLE: Legal Action Center (NY)

In winter 2001, the Legal Action Center (LAC) compiled summaries of the admission and eviction guidelines and procedures affecting people with criminal records in thirteen local housing agencies around the country, including the use of "One Strike" policies by these agencies. These summaries are available on the Publications page of the LAC website at: www.lac.org.

¹⁷ Joint Center for Housing Studies, *The State of the Nation's Housing: 2003* (Cambridge: Joint Center for Housing Studies, 2003).

Policymakers should work with PHAs to determine where exceptions or changes can be made to regulations or policies to increase access to public housing and Section 8 vouchers by individuals released from prison or jail. They should also encourage PHAs to recognize where they have discretion in screening people with criminal convictions, and to avoid categorically excluding this population from their housing units.

Notably, although federal laws do permit PHAs to deny housing to individuals with criminal records in many cases, there is a clear exception in the case of individuals who fall under the “physical or mental impairment” provision of the Fair Housing Act.¹⁸ The US Fourth Circuit Court of Appeals ruled that the refusal to rent to individuals participating in a drug and alcohol abuse program constituted illegal discrimination against handicapped individuals under the federal Fair Housing Act.¹⁹ The court’s ruling has been cited in subsequent actions, affirming that applicants in recovery must not be discriminated against based on their past history with alcohol and drugs. Although the courts have been clear that this protection does not apply to current illegal use of or addiction to a controlled substance including alcohol, PHAs can grant exceptions to individuals who are participating in treatment or social service programs, or who can demonstrate their completion of treatment or rehabilitation. Some states, in fact, provide individuals with “Certificates of Rehabilitation” upon successful completion of treatment programs, which these individuals can use to increase access to employment or to improve their applications for public housing or Section 8 vouchers.

Further exceptions can be made to public housing and Section 8 exclusions for those individuals reuniting with families that already reside in federally subsidized housing. Community-based organizations, working in partnership with local PHAs, should consider creative options that can promote family stability and public safety.

EXAMPLE: La Bodega de la Familia, Family Justice (NY)

La Bodega de la Familia, the community-based service arm of New York’s Family Justice, has successfully encouraged their local PHA not to evict families that accept their members returning from incarceration by emphasizing that the returning individual’s participation in La Bodega promotes community safety because it offers the individual (and his or her family) substance-abuse treatment and adherence to other conditions of release. La Bodega works in partnership with the New York City Housing Authority (NYCHA) to consider how existing exceptions to admission policies apply on a case-by-case basis. When they meet the conditions of admission, releasees and their families are allowed to remain in public housing as long as the families receive services to assist the returning family member to remain in treatment and maintain sobriety. With full support from NYCHA, a new satellite office of La Bodega will soon open in public housing space to offer more accessible support to families in federally assisted housing.

¹⁸ The Fair Housing Act, 42 USC 3602 (h), precludes discrimination against individuals based on “handicap,” which is further defined as “a physical or mental impairment which substantially limits one or more of [a]

person’s major life activities,” a record of such an impairment, or being regarded as having such an impairment.

¹⁹ *US v. Southern Management Corporation*, 955 F.2d 914 (4th Cir. 1992).