



**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS

# Incarceration, Parents, and Housing

February 1, 2022

# The Council of State Governments Justice Center

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We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

# Intersection of Incarceration and Housing

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A shared population between systems

# There is a cyclical relationship between housing instability and criminal justice involvement

1. Law enforcement policies and procedures that contribute to arrest for behaviors associated with experiencing homelessness

2. Lack of stable housing viewed as a risk factor and reduces courts' willingness to divert people from jail or prison

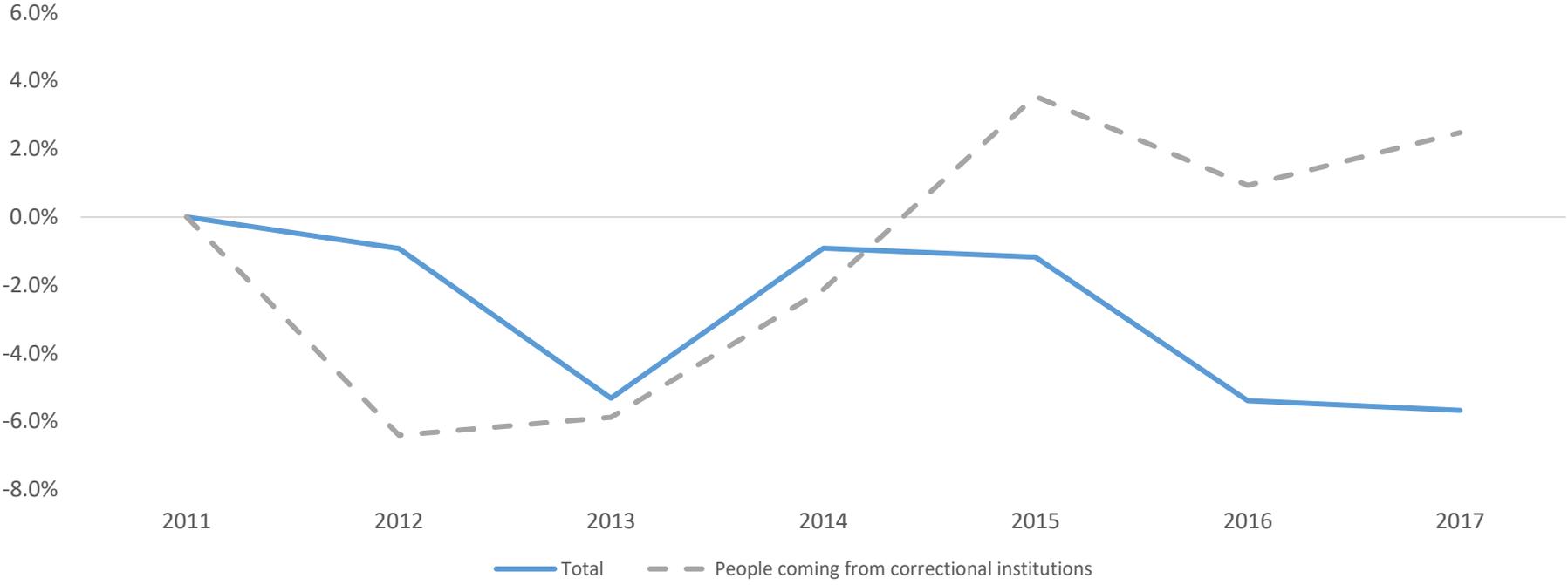


4. Lack of stable housing upon exit from jail contributes to supervision failure, increases risk of recidivism

3. Criminal history serves as a barrier to housing, contributing to housing instability and homelessness

# A Shared Population: Prior to COVID-19, over 50,000 people were entering emergency shelters directly from prison or jail each year<sup>1</sup>

Percentage Change in All People Experiencing Homelessness and People Exiting Correctional Institutions, 2011–2017<sup>2</sup>



1. Office of Planning and Development, *The 2017 Annual Homeless Assessment Report (AHAR) to Congress: Part 2: Estimates of Homelessness in the United States* (Washington, DC: U.S. Department of Housing and Urban Development, 2018), <https://www.hudexchange.info/resources/documents/2017-AHAR-Part-2.pdf>.  
2. CSG Justice Center staff analysis of HUD AHAR data, 2019.

# People with Justice Histories Face Additional Barriers to Accessing Available Housing

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- Competition at the local level when prioritizing people for what affordable housing is available
- Many Public Housing Authorities have extensive criminal record lookback periods
- Many people with criminal records face significant barriers to accessing market rate housing (e.g., landlord stigma)

# Housing Outcomes and Incarceration

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# Housing First and Criminal Justice Outcomes

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Less contact with law enforcement



Reduced returns to jail



Stability in the community



Increased participation in community-based services

National Academies of Sciences, Engineering, and Medicine, *Permanent Supportive Housing: Evaluating the Evidence for Improving Health Outcomes Among People Experiencing Chronic Homelessness* (Washington, DC: The National Academies Press, 2018), <https://www.nap.edu/catalog/25133/permanent-supportive-housing-evaluating-the-evidence-for-improving-health-outcomes>.

# Housing and Child Wellness

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Permanent housing improves family stability



Increased prosocial behavior in children



Stable housing after incarceration helps parent-child relationships

1. U.S. Department of Housing and Urban Development. *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families* (Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 2016), <https://www.huduser.gov/portal/sites/default/files/pdf/Family-Options-Study-Full-Report.pdf>.
2. Bruce Western and Natalie Smith, *Formerly Incarcerated Parents and Their Children* Demography. 2018 Jun; 55(3): 823–847, <https://pubmed.ncbi.nlm.nih.gov/29770923/>.

# Tools to Bust Myths in your Community

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# Stigma Myth Busting

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## Myth

- *A criminal record means that people can't succeed in housing*

## Reality

- Stigma contributes to lost opportunities, failure<sup>1</sup>
- Most criminal records have no effect on housing outcomes<sup>2</sup>

Source:

1. Cael Warren *Success in Housing: How Much Does Criminal Background Matter?* (Saint Paul, MN: Wilder Research, 2019),

[https://www.wilder.org/sites/default/files/imports/AEON\\_HousingSuccess\\_CriminalBackground\\_Report\\_1-19.pdf](https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf).

2. Danya E. Keene, Amy B. Smoye, and Kim M. Blankenship, *Stigma, Housing, and Identity After Prison* *The Sociological Review* Volume: 66 issue: 4, page(s): 799-815,

<https://doi.org/10.1177/0038026118777447>.

# Permanent Housing Myth Busting



## Myth

- *People leaving incarceration don't thrive in permanent housing or Housing First*

## Reality

- People with criminal records **can succeed** in permanent housing,<sup>1</sup> and more intensive housing with supportive services such as PSH<sup>2</sup>

Source:

1. John Bae, et al., *Opening Doors: How to develop reentry programs using examples from public housing authorities* (NYC: Vera Institute of Justice, 2017), <https://www.vera.org/downloads/publications/Opening-Doors-Full-Report.pdf>.

2. Jocelyn Fontaine, et al., *Supportive Housing for Returning Prisoners: Outcomes and Impacts of the Returning Home-Ohio Pilot Project*, (Washington, DC: Urban Institute Justice Policy Center, 2012), <https://www.urban.org/sites/default/files/publication/25716/412632-Supportive-Housing-for-Returning-Prisoners-Outcomes-and-Impacts-of-the-Returning-Home-Ohio-Pilot-Project.PDF>.

# HUD Myth Busting



## Myth

- *HUD imposes too many criminal record barriers*

## Reality

- **Few required** HUD restrictions<sup>1</sup>  
lots of discretion locally
- HUD-issued guidance on lowering criminal record barriers<sup>2</sup>
- People leaving incarceration eligible for EHV<sup>3</sup>

1. National Housing Law Project, *An Affordable Home on Reentry (2018)* (San Francisco: National Housing Law Project, 2018), <https://www.nhlp.org/nhlp-publications/an-affordable-home-on-reentry-2018/>.  
2. U.S. Department of Housing and Urban Development, *Dear Public Housing Authorities, Continuums of Care, Multifamily Owners, and HUD Grantees* (Washington, DC: U.S. Department of Housing and Urban Development, Office of the Secretary, 2021), [https://www.hud.gov/sites/dfiles/PA/documents/SOHUD\\_reentry\\_housing\\_letter.pdf](https://www.hud.gov/sites/dfiles/PA/documents/SOHUD_reentry_housing_letter.pdf).  
3. U.S. Department of Housing and Urban Development, *Notice PIH 2021-15 (HA)* (Washington, DC: U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, 2021), <https://www.hud.gov/sites/dfiles/PIH/documents/PIH2021-15.pdf>.

# Geographic Myth Busting



## Myth

- *Permanent housing (and supportive service) interventions only work in urban areas*

## Reality

- Collaboration and problem-solving work to address housing needs<sup>1</sup>
- Housing and supportive services can be scaled **across urban and rural** communities<sup>2</sup>

Source:

1. Barbara Poppe and Stephen Metraux, Southwest Minnesota: Rural communities working together to end homelessness (Arnold Ventures National Academies of Sciences, Engineering, and Medicine, *Permanent Supportive Housing: Evaluating the Evidence for Improving Health Outcomes Among People Experiencing Chronic Homelessness* (Washington, DC: The National Academies Press, 2018), <https://www.nap.edu/catalog/25133/permanent-supportive-housing-evaluating-the-evidence-for-improving-health-outcomes>.

2. Tim Aubry, *Moncton Final Report: At Home/Chez Soi Project* (Calgary, AB: Mental Health Commission of Canada, 2014), [https://www.mentalhealthcommission.ca/sites/default/files/at\\_home\\_report\\_moncton\\_eng\\_0.pdf](https://www.mentalhealthcommission.ca/sites/default/files/at_home_report_moncton_eng_0.pdf).

# Actions to Take in your Community

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# Engaging System Partners in Collaboration

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- **Collaboration is key** to ensure people do not fall between the gaps of our public systems
  - Criminal justice stakeholders: Sheriffs, jail administrators, reentry councils, local Stepping Up initiatives, community supervision (parole & probation).
- Relationships integral to **aligning policies and procedures, data sharing, and developing housing.**
- Collaboration results in new funding such as for **housing as well as screening and assessment staff**

# Steps to Minimize Barriers to Housing for Parents in Reentry

<b>Adopt Client-Centered Service Methods</b>	Client-centered services ensure that choice is available for people with complex needs, and ensures their successes in housing and programming.
<b>Remove Barriers to Entry</b>	Barriers to entry often prevent vulnerable people from accessing necessary services, eg. credit history, criminal records, and active substance use.
<b>Engage Landlords and Property Owners</b>	Landlords and property owners are critical partners in allowing services providers to have housing options in quickly housing vulnerable individuals and families.
<b>Use Data to Quickly and Stably House Homeless Persons</b>	Tracking data illustrates key outcome measures, such as common technical violations related to housing, to improve system efficiency and quality.

# Best Practices in Working Together Around Housing & Reentry

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Use case management teams to:



**Identify** any housing challenges



**Problem solve** for rules that might prevent someone from keeping their housing



**Engage peers** to provide housing case management and navigation services

# Concrete Steps to Take with Landlords

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Engagement	Recruitment: <b>Speaking their language</b>
	Incentives: <b>Funds for participation, risk mitigation</b>

# ARP: The Opportunity

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- ✓ **Work with criminal justice partners** to prioritize rental assistance and development resources for people at-risk of experiencing homelessness upon reentry



- ✓ **Additional ARP resources**
  - ✓ Rural housing assistance
  - ✓ Housing counseling
  - ✓ Emergency food/shelter

# Resources

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# The Role of Probation and Parole in Making Housing a Priority for People with Behavioral Health Needs

- This brief highlights actions community supervision agencies can take to leverage evidence-based practices and engage with community-based partners for housing success
- <https://csgjusticecenter.org/publications/the-role-of-probation-and-parole-in-making-housing-a-priority-for-people-with-behavioral-health-needs/>

## The Role of Probation and Parole in Making Housing a Priority for People with Behavioral Health Needs

Safe, affordable, and permanent housing is widely recognized as one of the most crucial components of successful reentry. But finding permanent housing is often a challenge for people leaving prison or jail<sup>1</sup> due to collateral consequences that restrict their access to certain housing options.<sup>2</sup> For Black and Hispanic Americans leaving incarceration, racial discrimination in rental markets makes it that much harder to secure affordable housing and avoid homelessness.<sup>3</sup> Yet, even when these barriers are mitigated, people reentering the community can find the housing search and application processes difficult to navigate or struggle to afford the considerable move-in costs.

For people with behavioral health needs, these challenges are even more acute. Many times, people face stigmas or misconceptions from providers and landlords that they will relapse or be difficult tenants. As a result, people with behavioral health needs experience higher rates of homelessness compared to the general population<sup>4</sup> and often cycle between shelters, jails, and psychiatric institutions.<sup>5</sup> Probation and parole officers are well positioned to reimagine their roles in helping people with behavioral health needs reentering the community obtain safe and affordable housing. By increasing access to housing through a two-pronged approach that includes collaborating with homelessness system providers, these officers can make housing a priority and help their clients achieve other positive outcomes.

### Assessing for risk of homelessness

Traditionally people reentering the community have been connected to short-term housing options, such as halfway houses. While these can be useful as part of a larger continuum of services, the best way to achieve good outcomes is to connect people to permanent housing.<sup>6</sup> To make these connections, officers must have an understanding of who is most at risk of experiencing homelessness and their specific housing and behavioral health needs. By incorporating these assessments into standard practices, officers will be able identify the person's needs, use that information to connect them to homelessness service providers (such as those using the Housing First approach), and identify additional supportive services that can set the person on a path to recovery.

### Housing First Approach

Housing and supportive services that use the Housing First approach<sup>7</sup> are an important option for probation and parole officers who want to help their clients access safe and affordable permanent housing that also provides a platform for addressing behavioral health needs. Below are two of the most effective Housing First models.

**Permanent supportive housing** is an evidence-based model for providing affordable housing, paired with tenant-driven, wraparound services and supports (e.g., case management, mental health treatment, supported employment). With the high level and intensity of the supports involved, it is best used for people with the greatest behavioral health and housing needs.

**Rapid rehousing** relies on short-term rental assistance and other supports to reduce the likelihood that a person experiences homelessness. Usually beginning with a high level of support, such as case management and rental assistance, rapid rehousing services taper as people achieve stability in the community, making it a better fit for people with fewer long term needs.

\*Housing First is an evidence-based approach that considers housing a basic need that sets the foundation for other interventions. Once housed, people are better able to engage in treatment and supports that improve their chances for recovery and reduce recidivism.

<sup>1</sup> In some communities, up to 16 percent of all people experiencing homelessness report being on parole or probation. See Applied Survey Research (ASR), Santa Clara County Homeless Census & Survey 2017 Comprehensive Report (Milpitas, CA: ASR, 2018). [↗](#)

<sup>2</sup> Some examples include permanent evictions for people convicted of producing methamphetamine in federally subsidized housing and for people who are subject to lifetime "sex offender" registration. However, outside of these requirements, the U.S. Department of Housing and Urban Development allows public housing authorities latitude in how they consider criminal justice history when making housing decisions. This has allowed many public housing authorities to enact rules, regulations, and contract practices that limit access to housing for people with criminal records.

<sup>3</sup> Lucka Conduite, "Nowhere to Go: Homelessness Among Formerly Incarcerated People" (Northampton, MA: Prison Policy Institute, 2018). [↗](#); Office of Policy Development and Research, *Housing Discrimination Against Racial and Ethnic Minorities 2012* (Washington, DC: U.S. Department of Housing and Urban Development, 2012), 25. [↗](#)

<sup>4</sup> Greg A. Greenberg and Robert A. Rosenheck, "Jail Incarceration, Homelessness, and Mental Health: A National Study," *Psychiatric Services* Vol. 59, 2 (2008), 170-171. [↗](#)

<sup>5</sup> People experiencing homelessness also face increased risk of psychiatric hospitalization, substance use disorders, HIV infection, and trauma. See Margot K. Kushel et al., "Breaking Down the Barriers: Homelessness and Marginalized Populations," *American Journal of Public Health* 91, no. 10 (2001), 1511-1512. [↗](#); and Greenberg and Rosenheck, "Jail Incarceration, Homelessness, and Mental Health."

<sup>6</sup> Daniel O'Leary et al., *Family Options Study: 3. New Insights of Housing and Services Interventions for Homeless Families* (Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 2016). [↗](#)

# Action Points: Four Steps to Expand Access to Housing for People in the Justice System with Behavioral Health Needs

This brief presents four steps state leaders should take to increase housing opportunities and improve justice and health outcomes for this population

<https://csgjusticecenter.org/publications/action-points-2/>

A Briefing for Leaders to Improve Public Safety and Health

OCTOBER 2021

## Action Points

### Four Steps to Expand Access to Housing for People in the Justice System with Behavioral Health Needs

State and local leaders are beginning to understand that providing affordable, permanent housing is fundamental to reducing justice involvement, particularly for people with behavioral health needs. However, affordable housing is scarce nationwide,<sup>1</sup> and people who have been involved in the justice system face a number of barriers to accessing available housing, including stigma and prohibitions based on criminal records. These challenges disproportionately impact Black and Latinx people, who already face higher rates of incarceration and homelessness than the population as a whole.<sup>2</sup>

In light of these challenges, this brief presents four steps state leaders should take to increase housing opportunities and improve justice and health outcomes for this population. The first two steps (Collaborate, Assess) provide a foundation to make effective need-based connections to housing and maximize the impact of subsequent investments. The next two steps (Connect, Expand) focus on connecting people with housing that meets their needs and making strategic longer-term investments in housing and services.

**ACTION STEPS FOR STATE LEADERS**

**Ensure meaningful cross-sector representation in the key planning bodies for each of these systems.**

- Establish leadership-level representation in and build working relationships across state-level bodies, such as reentry councils, interagency councils on homelessness, and behavioral health planning councils.
- Set guidelines and/or provide financial or other incentives to establish similar cross-representation in local-level bodies such as criminal justice advisory boards or **Stepping Up**<sup>3</sup> Steering Committees.
- Provide guidelines and/or incentives for participation of people with lived experience in the justice system and people from historically marginalized communities in these state and local bodies to ensure their voices guide critical planning decisions.

**Step 1: Collaborate**

People with behavioral health needs and people who experience homelessness come into contact with the justice system and other public agencies often. These people may frequently utilize resources, such as emergency housing, medical, and other public systems of care. Structured collaboration between the justice, housing/homeless assistance, and health/behavioral health systems is essential to maximize the limited resources of each, as well as to effectively connect people with housing that appropriately addresses their needs.

1. Andrew Aurand et al., *The Gap: A Shortage of Affordable Rental Homes* (Washington, DC: National Low Income Housing Coalition, 2020), [https://reports.nlihc.org/sites/default/files/gap/Gap-Report\\_2021.pdf](https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2021.pdf).  
2. Lorus Cusibola, *Nowhere to Go: Homelessness Among Formerly Incarcerated People* (Northampton, MA: Prison Policy Institute, 2018), <https://www.prisonpolicy.org/reports/housing.html>.  
3. Stepping Up is a national movement to provide counties with the tools they need to develop cross-systems, data-driven strategies that can lead to measurable reductions in the number of people with mental illnesses and co-occurring disorders in jails.

# Additional Collaboration Examples from the Field

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## How One City Used Federal Funds to Create Reentry Housing Opportunities

- This brief describes how Salinas, KS, leveraged Emergency Solutions Grant (ESG) funding to provide rapid re-housing assistance to people leaving jail and prison
- <https://csgjusticecenter.org/2021/04/12/how-one-city-used-federal-funds-to-create-reentry-housing-opportunities/>

## How States are Engaging Private Landlords—an Untapped Resource in Reentry Housing

- This brief describes how states and state departments of corrections are engaging private landlords
- <https://csgjusticecenter.org/2021/10/15/how-states-are-engaging-private-landlords-an-untapped-resource-in-reentry-housing/>

# Web-Based Tool to Support Case Planning

The screenshot shows the CSG Justice Center website. The header includes the CSG logo, the text "Justice Center THE COUNCIL OF STATE GOVERNMENTS", and navigation links for "VIEW STATES", "VIEW TOPICS", "Search", "About Us", "Resources", "Projects", and "Work With Us". The main content area is titled "Collaborative Comprehensive Case Plans" and features a sidebar with links for "ABOUT", "IMPLEMENTATION", "OTHER CONSIDERATIONS", "RESOURCES", and "ACKNOWLEDGEMENTS". Below the title, there are three teal buttons: "LEAD CASE PLANNER: BEHAVIORAL HEALTH TREATMENT PROVIDER", "LEAD CASE PLANNER: COMMUNITY SUPERVISION AGENCY", and "LEAD CASE PLANNER: CORRECTIONAL AGENCY".

- Online tool that helps behavioral health and criminal justice professionals integrate the risk/needs information gathered from assessments into case plans that engage the person reentering the community.
- “Collaborative Comprehensive Case Plans,” the CSG Justice Center; accessed May 7, 2020, <https://csgjusticecenter.org/publications/collaborative-comprehensive-case-plans/>.

# American Rescue Plan Act of 2021: Guide to Advancing Justice-Related Goals

- Outlines need-to-know information about how state and local leaders can leverage American Rescue Plan funding to advance eight key criminal justice priorities.
- <https://csgjusticecenter.org/publications/american-rescue-plan/>

## Explore Funding Opportunities

Here we take a closer look at eight justice-related goals that state leaders can support with funding available through the American Rescue Plan. For each, we offer a snapshot of the funding breakdown, key takeaways, local highlights, and other resources.



Keep people in correctional facilities safe and healthy



Increase access to education for people in the juvenile and criminal justice systems



Improve public safety and outcomes for youth in the juvenile justice system



Support people who have experienced or are at risk of domestic violence and sexual assault



Expand access to safe and stable housing and supports



Support economic stability and mobility for people with criminal records



Help communities build comprehensive health care systems for people in the justice system



Reduce criminal justice involvement for people with behavioral health needs

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For more information, please contact Thomas Coyne at  
[tcoyne@csg.org](mailto:tcoyne@csg.org).

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