

July 5, 2016

The Honorable Maxine Waters  
U.S. Capitol  
2221 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Waters:

As organizations united in the belief that all people deserve access to decent, affordable housing, including those who have had contact with the criminal justice system, we the undersigned write to express our support and gratitude for your bold leadership in introducing The Fair Chance at Housing Act of 2016 (H.R. 5085). This bill proposes much-needed actions to address the barriers to federally assisted housing that many justice-involved individuals face as they seek to reenter society and establish stable and healthy lives.

In 2014 alone, upwards of 636,000 individuals in federal and state prison systems were released back into their communities,<sup>1</sup> while approximately 9 million people are released from local jails each year.<sup>2</sup> These individuals encounter a host of challenges when trying to reintegrate into their communities, including overly harsh policies that limit their access to housing—the foundation upon which a healthy and fulfilling life depends.

Barriers to federally assisted housing make the reentry population uniquely vulnerable to becoming homeless. Homelessness, in turn, is often a catalyst for recidivism. These barriers perpetuate a vicious cycle that sends individuals in and out of the prison system and prevent these people from constructively moving forward in life. Approximately one out of ten individuals entering prison will have experienced homelessness in the recent past, and of those leaving prison, one out of ten will experience homelessness in the future<sup>3</sup>. The gravity of these statistics is in great part a result of screening and tenancy policies that keep justice-involved applicants from entering assisted housing or that evict tenants and their families without a complete consideration of their circumstances.

Presently, “one-strike” policies allow tenants to be evicted for a single, and not infrequently minor, incident of criminal activity. “No-fault” policies may terminate the tenancy of an entire family because of the criminal activity of a guest even without the knowledge of anyone in that household. Furthermore, owners of federally assisted housing are not required to consider the totality of the circumstances surrounding criminal activity when screening or determining evictions. This means that mitigating circumstances, like the completion of a rehabilitation program, may not be considered and that applicants or tenants may be punished for activity that has little to bear on their ability to fulfill the terms of a lease or on the maintenance of community safety.

We know that policies like these entrap far too many justice-involved individuals in circumstances of poverty. They also disproportionately impact people of color, people with disabilities, and persons who identify as LGBTQ, groups that are overrepresented in the homeless and incarcerated populations in the

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<sup>1</sup> U.S. DEP’T OF JUSTICE, PRISONERS IN 2014, at 9 (September 2015), available at <http://www.bjs.gov/content/pub/pdf/p14.pdf>.

<sup>2</sup> JOCELYN FONTAINE & JENNIFER BIESS, URBAN INST., HOUSING AS A PLATFORM FOR FORMERLY INCARCERATED PERSONS 1 (April 2012), available at <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412552-Housing-as-a-Platform-for-Formerly-Incarcerated-Persons.PDF>.

<sup>3</sup> MARIE CLAIRE TRAN-LEUNG, SERGEANT SHRIVER NAT’L CTR. ON POVERTY LAW, WHEN DISCRETION MEANS DENIAL 2 (2015), available at <http://povertylaw.org/sites/default/files/images/publications/WDMD-final.pdf>.

United States.<sup>4</sup> Moreover, these policies actively break families apart, and do nothing to reduce homelessness or recidivism.

Our organizations are grateful to see the proposed policy changes in your bill. Banning “one-strike” and “no-fault” policies, demanding higher standards of evidence and individualized review processes, and extending support to providers actively seeking to house and rehabilitate persons once involved in the criminal justice system are long overdue. These measures will allow families to reunify when a household member returns home after serving their time in prison or jail. Your bill proposes a means to help end the cycle of homelessness and recidivism, and reiterates the inherent dignity of all people, including those seeking to move beyond their contact with the criminal justice system.

We extend our deepest thanks to you for your leadership on this issue, and look forward to continuing to work with you to ensure justice-involved people have access to affordable and accessible housing.

Sincerely,

### **National Groups**

9to5, National Association of Working Women  
American Psychological Association  
Arc of the United States  
Catholics in Alliance for the Common Good  
Celebrities For Justice  
Coalition for Juvenile Justice  
Corporation for Supportive Housing  
Daughters of Charity  
Fortune Society  
Friends Committee on National Legislation  
Fundors Together to End Homelessness  
Global Justice Institute  
Lawyers’ Committee for Civil Rights Under Law  
Metropolitan Community Churches  
Movement Advancement Project  
National AIDS Housing Coalition  
National Alliance to End Homelessness  
National Disability Rights Network  
National Council of Churches, USA  
National Council of Jewish Women  
National Health Care for the Homeless Council  
National Housing Law Project  
National Law Center on Homelessness & Poverty

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<sup>4</sup> In 2010, 1 in 141 black family members sought space in a homeless shelter—a rate seven times higher than that which their white counterparts experienced, and while black families make up 12.2% of the general family population, they account for 40% of all sheltered persons. See INSTITUTE FOR CHILDREN, POVERTY & HOMELESSNESS, INTERGENERATIONAL DISPARITIES EXPERIENCED BY HOMELESS BLACK FAMILIES 1 (2012), available at [http://www.icphusa.org/filelibrary/ICPH\\_Homeless%20Black%20Families.pdf](http://www.icphusa.org/filelibrary/ICPH_Homeless%20Black%20Families.pdf). In 2013, People in shelter were 2.6 times more likely to have a disability than were people in the U.S. population overall (39.6% versus 15.3%). See DEP’T OF HOUS. & URBAN DEV., 2013 ANNUAL HOMELESS ASSESSMENT REPORT TO CONGRESS 1-11 (October 2014), available at <https://www.hudexchange.info/onecpd/assets/File/2013-AHAR-Part-2.pdf#page=23>. Between 20 and 40% of the 1.7 million homeless youth in the United States identify as LGBTQ. See National LGBTQ Task Force, Fact Sheet: Poverty & Economic Justice in the LGBT Community, [http://www.thetaskforce.org/static\\_html/downloads/reports/fact\\_sheets/poverty\\_factsheet\\_10\\_8\\_14.pdf](http://www.thetaskforce.org/static_html/downloads/reports/fact_sheets/poverty_factsheet_10_8_14.pdf).

National LGBTQ Task Force Action Fund  
National Low Income Housing Coalition  
Race Equity Project  
Sargent Shriver National Center on Poverty Law  
Technical Assistance Collaborative  
Universal Living Wage campaign  
Western Regional Advocacy Project

### **State and Local Groups**

9to5 California  
9to5 Colorado  
9to5 Georgia  
9to5 Wisconsin  
A Family Affair  
American Friends Service Committee - Southeastern New England  
Bluhm Legal Clinic, Northwestern Pritzger School of Law  
BreakOUT!  
California Coalition for Rural Housing  
Citizens' Housing and Planning Association  
Coalition for Nonprofit Housing & Economic Development  
Coalition on Homelessness & Housing in Ohio  
Colorado Center on Law and Policy  
Colorado Coalition for the Homeless  
Columbus House  
CommonGround Ministry, Inc.  
Community Human Services, Corp.  
Community Intervention Center of Lackawanna County  
Community Legal Services of Philadelphia  
Connecticut Housing Coalition  
Connecticut Legal Rights Project, Inc.  
Delaware Housing Coalition  
Denver Urban Matters  
Empower Missouri  
Friends Rehabilitation Program  
Greater Hartford Legal Aid, Inc.  
Greater New Orleans Fair Housing Action Center  
Harvard Legal Aid Bureau  
HIREDenver Community Collaborative  
Homeless & Housing Coalition of Kentucky  
Homeless Resource Network  
HOPE Atlanta  
Housing Action Illinois  
Housing Alliance of Pennsylvania  
Housing California  
Housing Community Development Network of NJ  
House the Homeless Inc.!  
Indiana Association for Community Economic Development  
Interfaith Action for Human Rights  
Interfaith Alliance of Colorado  
Law Foundation of Silicon Valley

Louisiana Housing Alliance  
Minnesota Housing Partnership  
New Mexico Coalition to End Homelessness  
New Haven Legal Assistance Association  
North Carolina Housing Coalition  
October 22nd Alliance to End Homelessness  
Public Interest Law Project  
Project PLASE, Inc.  
Rhode Island Coalition for the Homeless  
Sacramento Homeless Organizing Committee  
Sacramento Housing Alliance  
Supportive Housing Network of New York  
Tenants & Neighbors  
Wisconsin Partnership for Housing Development  
Vermont Affordable Housing Coalition  
Volunteers of America Delaware Valley  
Yale Law School Legal Assistance Reentry Clinic