

June 10, 2024

The Honorable Adrienne Todman
Acting Secretary
U.S. Department of Housing and Urban Development
Washington, D.C.

To Acting Secretary Todman:

We, the undersigned **X** organizations, write in support of the Department of Housing and Urban Development's (HUD's) efforts to decrease barriers to HUD housing programs for formerly incarcerated and convicted people. In particular, we write in support of the efforts exemplified in the recent Notice of Proposed Rule Making (NPRM), "Reducing Barriers to HUD-Assisted Housing" (FR-6362-P-01). While some of the signatories of this letter may have supplied individual comments responding to the questions posed in the NPRM, **we are united in our support for increased access to housing for formerly incarcerated and convicted people and their families.**

An estimated one in three Americans has some kind of conviction or arrest record,¹ which poses a significant barrier to finding affordable housing in an already extremely tight rental market. Nationally, there is a shortage of 7.3 million affordable, available rental units for people with the lowest incomes, and only 34 affordable, available rental homes exist for every 100 of the lowest-income households.² Due to employment discrimination, formerly incarcerated and convicted people typically work in lower-paying jobs or survive on fixed incomes, making it more difficult to afford the cost of housing.³ Overly restrictive background screening practices place people impacted by the criminal-legal system at a significant disadvantage to finding quality, affordable housing, increasing the risk of housing instability, homelessness, and reincarceration as more communities enact laws criminalizing homelessness.⁴

While there are several federal admissions policies created by Congress that all Public Housing Authorities (PHAs), owners, and operators of HUD-assisted housing must follow, these policies act as a floor and are often supplemented with additional screening policies that, taken together, can act as a de facto ban on formerly incarcerated and convicted people from HUD-assisted housing. Bias in the criminal-legal system has caused people of color – particularly Black, Native, and Latino people – as well as people with disabilities and members of the LGBTQ+ community to be disproportionately targeted and impacted by the criminal-legal system;⁵ as

¹ <https://www.ncsl.org/civil-and-criminal-justice/criminal-records-and-reentry-toolkit#:~:text=Approximately%2077%20million%20Americans%2C%20or,housing%2C%20and%20higher%20education%20opportunities.>

² <https://nlihc.org/gap>

³ <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

⁴ <https://housingnohandcuffs.org/emergent-threats-homelessness-criminalization/>

⁵ <https://www.sentencingproject.org/press-releases/new-report-three-causes-of-racial-inequity-in-the-criminal-legal-system/>

such, restrictive background screening policies likely have a disparate impact on these groups and run the risk of violating *Fair Housing Act* protections.

The barriers created by these policies make it exceedingly difficult for people exiting incarceration and those with conviction histories to find safe, affordable, accessible housing. As a result, people who have been incarcerated once are seven times more likely to experience homelessness than the general population, while those who have been incarcerated more than once are 13 times more likely to experience homelessness.⁶ Without stable housing, people exiting incarceration are twice as likely to experience reincarceration than their peers living in stable homes.⁷

While there is significant evidence of the harm overly restrictive policies cause to individuals, families, and communities, there is no evidence suggesting these policies positively impact public safety, and no evidence justifying the blanket exclusion of people with conviction histories from housing.⁸ Rather, studies show that people with criminal records have similar rates of maintained housing stability as people without criminal records. Moreover, 22 PHAs have already adjusted their screening policies to limit the scope of records considered and have not reported any significant changes to public safety outcomes.⁹

Stable, accessible, affordable housing is vital to helping formerly incarcerated and convicted people gain employment, advance their education, reunite with family, and ultimately thrive. This NPRM represents an important step forward in HUD's work reducing barriers to housing access for formerly incarcerated and convicted people, and can help create needed clarity for PHAs, owners, and operators of HUD-assisted housing by standardizing admission and termination practices to ensure they do not violate the *Fair Housing Act* or other civil rights protections.

We thank HUD for its work so far, and we look forward to continuing to work with the department on this important goal.

Sincerely,

⁶ <https://www.prisonpolicy.org/reports/housing.html#:~:text=The%20revolving%20door%20%26%20homelessness&text=But%20people%20who%20have%20been,from%20their%20first%20prison%20term.>

⁷ <https://www.prisonfellowship.org/resources/advocacy/collateral-consequences/access-to-housing/?%22>

⁸ <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-041922.html>

⁹ <https://www.regulations.gov/document/HUD-2024-0031-0012>