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Megan C. Smith & Thomas H. Byrne

To cite this article: Megan C. Smith & Thomas H. Byrne (2021): Locked Out: The Systematic Exclusion of Poor Renters From Federally Subsidized Housing, Housing Policy Debate, DOI: [10.1080/10511482.2021.1950803](https://doi.org/10.1080/10511482.2021.1950803)

To link to this article: <https://doi.org/10.1080/10511482.2021.1950803>



Published online: 10 Aug 2021.



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# Locked Out: The Systematic Exclusion of Poor Renters From Federally Subsidized Housing

Megan C. Smith and Thomas H. Byrne

School of Social Work, Boston University, MA, USA

## ABSTRACT

Affordable housing is a critical resource with serious ramifications for a range of outcomes for low-income households. However, low-income prospective tenants are often denied subsidized housing through the U.S. Department of Housing and Urban Development (HUD) on the basis of factors directly or indirectly related to their poverty and racialized identities. This study assesses how the admissions policies of public housing authorities and Section 8 Project-Based Rental Assistance developments in Rhode Island define criteria for denial on the basis of applicants' criminal legal history, alcohol use, landlord history, and credit history. Three key findings emerge from this study that highlight the endemic nature of housing exclusion and elucidate how it is enacted. First, the plans include grounds for denial that far exceed the HUD-mandated criteria and utilize long lookback periods. Second, plans lack clarity and transparency. Third, admissions criteria vary significantly by development characteristics. Policy interventions include increased oversight and transparency and advocacy for inclusionary language.

## ARTICLE HISTORY

Received 11 February 2021  
Accepted 29 June 2021

## KEYWORDS

subsidized housing; housing denial; homelessness; collateral consequences

There is a widely recognized scarcity of affordable housing in the United States (National Low Income Housing Coalition, 2017; Joint Center for Housing Studies, 2019). With the cost of market-rate housing drastically exceeding what is affordable for minimum-wage workers or individuals receiving public benefits such as Supplemental Security Income and Temporary Assistance for Needy Families (National Low Income Housing Coalition, 2017), units subsidized by the U.S. Department of Housing and Urban Development (HUD) represent one of the only opportunities for low-income renters to pay a deeply subsidized rent typically indexed to 30% of household income. In large part because of the federal government's divestment in the creation of affordable housing since the mid-1990s (Stegman, 2002), the demand for such apartments dramatically outstrips the supply: nationally only around 25% of those households that qualify for a federal rent subsidy receive one (Center on Budget and Policy Priorities, 2017), and the waiting lists for public housing authorities (PHAs) and Section 8 Project-Based Rental Assistance (PBRA) developments (private developments receiving HUD subsidies) are often years long or are closed to new applicants entirely (National Low Income Housing Coalition, 2016).

There is clear evidence that housing—including its affordability, quality, and permanence—is a key determinant in a range of health and social outcomes at both the household and population levels (Singh et al., 2017; Hernández & Swope, 2019): it is associated with improved childhood health (Bailey et al., 2016), better management of infectious and chronic disease (Davison, Ferris, Pearson, & Shach, 2019), and improved mental health status (Stergiopoulos et al., 2019). Housing is also associated with higher educational attainment (Chassman et al., 2020), improved employment

prospects (Nguyen et al., 2016), reduced recidivism (Jacobs & Gottlieb, 2020), and both adults' and children's overall well-being (Clair, 2019; Clapham, 2010). Research focused specifically on subsidized housing shows similar results. For example, receipt of low-income housing assistance is associated with increased access to health care (Simon, Fenelon, Helms, Lloyd, & Rossen, 2017), improved physical and mental health among adults (Fenelon et al., 2017), and improved child nutrition and mental health (Fenelon, Slopen, Boudreaux, & Newman, 2018; Meyers et al., 2005). There is also evidence that residing in public housing during childhood is positively associated with long-term self-sufficiency (Newman & Harkness, 2002).

Given these outcomes, it follows that housing—and exclusion therefrom—is a mechanism by which health disparities and other forms of social inequity are propagated and deepened (Swope & Hernández, 2019). Building on the description offered by the European Observatory on Homelessness (2012), by exclusion we mean the systematized and cumulative impact of policies and practices that cause people to be unable to access housing. This includes both the structural forces that contribute to this—racism and other forms of discrimination, and the precarity emerging from the fraying of the social safety net and changes in the labor market—and their crystallization into restrictive admissions criteria such as those under study.

Although federally subsidized housing was initially conceived as an extramarket means to provide stability for broad swathes of the working and middle classes (Metcalf, 2018), even at its inception it was fundamentally entangled with societal notions of deservingness, preferencing nuclear families and intentionally dividing racialized groups across developments (Allen & Van Riper, 2020). By the 1960s, a confluence of forces including (continued) racism, poor design and administration, and localized economic decline led public housing to be associated with the racialized poor (Metcalf, 2018). When the Fair Housing Act was passed in 1968, it was meant to combat discriminatory policies and practices; however it lacked statutory clout and its implementation has consistently been mired in partisan politics (Trochmann, 2021).

Given this historical context and the centrality of housing to health outcomes and social inclusion, it is particularly concerning that affordable housing providers have broadly enacted policies and procedures that exclude more would-be renters than federal policy requires (Carey, 2004; Donovan, 2011). Federal guidelines establish only four categories that trigger an automatic denial from federally subsidized housing: if the applicant (a) has an eviction in the last 3 years from federally assisted housing for drug-related criminal activity; (b) has current engagement in illegal drug use; (c) has a pattern of illegal drug use interfering with other residents; or (d) is on the lifetime sex offender registry. However, housing providers have latitude to expand the grounds for denial included in their admissions policies—formally called Tenant Selection Plans (TSPs) or Admissions and Continued Occupancy Plans (ACOPs)—by specifying numerous other forms of criminal activity, as well as landlord- and credit history-related factors.

The ostensible intention of PHAs and PBRAs adopting admissions criteria that exceed the criteria mandated by HUD is the safety of tenants and the financial viability of the developments. In many cases, they likely represent a holdover of the philosophy of the *one strike and you're out* policy of the 1990s, which sought to improve safety in public housing by aggressively moving to evict those (allegedly) involved in violent crime and drug dealing. This policy was found to place already vulnerable groups including Black tenants (Burke, 2008), victims of domestic violence (Renzetti, 2001), and juveniles (Rodney, 2003) at disproportionate risk of eviction while failing to curb the spread of drugs (Moye, 2003). Whereas HUD has since given guidance that this policy does not need to be followed (HUD, 2015), its vestiges remain. Such exclusionary policies also represent a legal way to continue the longstanding practice described above of affordable housing providers parsing the deservingness of prospective tenants.

These policies have also influenced landlords' practices on the private market. Whereas private landlords have historically been concerned with applicants' employment, rental, and credit histories, in the last several decades they have increasingly considered criminal records as well (Schneider, 2018). This has in large part been driven by increasing liability concerns resulting from crime-free

housing ordinances and similar policies enacted by local governments that responsabilize landlords for certain tenant behavior (Thacher, 2008). In many cases, these policies are modeled on the *one strike* policies, and significantly extend their reach (Ramsey, 2018). These increased barriers to renting on the private market, in turn, further amplify the need for inclusive affordable housing.

Housing providers in both the public and private markets have also increasingly adopted an actuarial approach to assessment of applicants that utilizes tenant screening companies to render decisions on the basis of algorithms that factor in (often in ways unclear to the applicant) criminal and civil legal records and credit scores (Thacher, 2008). At the same time, previous research has also identified how affordable housing providers make broad use of their discretion in making admissions and denials decisions, creating ambiguity and inconsistency for and between applicants (Tran-Leung, 2015). Despite these recognitions, comparatively little research exists about how these policies are operationalized.

Two recent studies directly address this question. The first analyzed the admissions policies of large PHAs in 40 U.S. states, finding widespread but inconsistent bans on the basis of often vaguely defined criminal activity, thus suggesting pervasive refusal of housing for households in dire need (Curtis, Garlington, & Schottenfeld, 2013). The second examined the restrictiveness of admissions policies of 152 PHAs in large U.S. cities with respect to their consideration of applicants' criminal record. This study likewise found these policies to be both restrictive and subject to sweeping discretion and also made explicit note of the negative health consequences of these exclusionary policies and practices, including poorer mental health outcomes related to stress and stigma and exacerbation of existing health inequities (Purtle et al., 2020).

Although important, these prior studies are limited in three important ways. First, they focus only on PHAs, despite the fact nearly 30% of households receiving federal subsidies—1.37 million in 2016—receive them through PBRAs (Kingsley, 2017). Second, prior studies have examined variation in such policies among large PHAs in different states. Although this is a valuable frame, from the perspective of a prospective tenant, within-state (local) variation is more relevant to their housing search. Third, these studies primarily look at policies related to criminal background, which may miss other grounds for denial, including landlord and credit history. These additional factors are important to consider both because of their potential to be similarly associated with health status and because, should they result in housing denials, they may generate the same deleterious impacts (Guzelian, Stein, & Akiskal, 2015).

The present study aims to extend this knowledge base by assessing the extent to which the admissions policies of affordable housing providers in a single state consider criminal legal history, alcohol use, landlord history, and credit history. It then examines the relationship between these policy components and the characteristics of the housing developments, including number of subsidized units, populations served, and management structure. This expands prior research in three key ways. First, it looks at the full universe of affordable housing admissions policies in a bounded geographic region: the state of Rhode Island. This is salient because many tenants have constraints that prohibit them from moving out of state, including employment and transportation accessibility concerns, probation requirements, and child custody arrangements. Second, it includes the plans of PBRAs in addition to those of PHAs. As noted, PBRAs of various project types comprise nearly one third of the total number of subsidized units, meaning that their admissions policies impact a significant portion of low-income renters. Moreover, because PBRAs set these policies themselves, their admissions criteria may differ from those of PHAs serving the same jurisdiction, and thus merit specific attention. Third, it includes a broader range of criteria in the analysis, including factors related to credit history and landlord history apart from eviction. Examining this broader range of factors is important to elucidate the extent to which these criteria compound one another to broaden and deepen exclusion.

## Materials and Methods

### *Sample*

HUD makes a complete listing of all housing developments receiving HUD subsidies and all PHAs in the United States publicly available online (HUD, 2019, n.d.a). We used this list to identify the study sample, which comprised all 293 HUD-subsidized housing providers in Rhode Island (268 PBRA and 25 PHAs). The PBRA developments were further divided by property type (HUD, 2013, n.d.b): Project Rental Assistance Contract (PRAC) 202/811 for older adults and/or persons with disabilities ( $n = 74$ ); Section 8 Loan Management serving financially troubled HUD projects serving families, older adults, and/or persons with disabilities ( $n = 48$ ); Section 8 state agencies serving families, older adults, and/or persons with disabilities ( $n = 94$ ); Section 202 projects serving older adults and/or persons with disabilities ( $n = 21$ ); and all other project types, serving families, older adults, and/or persons with disabilities ( $n = 31$ ). PHAs were coded separately as such ( $n = 25$ ).

We created a database of all 293 of these developments in which we included a number of variables from the HUD data set, such as property type (as defined above), number of subsidized units (in the case of the housing authorities, including both project-based and tenant-based vouchers), bedroom count, rent-to-fair-market-rent ratio (as a categorical variable; see [Appendix Table A1](#)), and whether HUD is the contract administrator. We then used information from the Rhode Island Housing Rental Resource Guide (Rhode Island Housing, 2019), a listing of affordable housing developments designed to help renters identify housing opportunities, to add what population(s) each development serves. This is indicated next to each property in the guide as D, E, and/or F, for disabled, elderly, and families; these were coded as separate, dichotomous variables for each development. These data were missing for the 50 developments included in the HUD data but not in the Rental Resource Guide. We then used Internet searches to obtain developments' telephone numbers and physical addresses. We also searched by the names of the property management companies referenced in the admissions policies reviewed and included the use of these companies for any named developments in the database as a dichotomous variable. Finally, we received a list of the developments for which the state's quasi-public housing agency (QPA) is the Section 8 contract administrator on behalf of HUD from that organization's general counsel; whether each development was included in this list was also coded in the spreadsheet as a dichotomous variable.

We employed several strategies to attempt to obtain admissions policies. First, members of the research team called each development and requested a copy of their housing admissions policy. The HUD Occupancy Handbook, a document with the stated purpose of "ensur[ing] that eligible applicants are selected for occupancy...and that tenants are treated fairly and consistently" (p. 1.1) unambiguously states that "when requested, the owner must make the tenant selection plan available to the public" (p. 4.10). Although the handbook does not cover all types of HUD-subsidized housing and notably excludes PHAs, it does apply to the program types included in this analysis (PRAC 202/811, Section 8 project-based assistance, and Section 202). The research team made an average of 2.25 request calls to each development between February and October 2019. Second, the state's quasi-public housing agency also included in its monthly newsletter a request to housing providers to share their plans with us. Finally, we sent the PHAs an Access to Public Records Act (APRA)/Freedom of Information Act (FOIA) request for these documents.

We ultimately received 108 plans covering 37% of total developments and 41% of the total units in the state. Although obtaining plans covering 41% of units appears to be a less than desirable response rate in raw terms, we are not aware of any prior study that has sought to obtain admissions policies from private developments, and thus it is not possible to place this response rate in the context of prior research. However, as we describe in more detail below, we believe that the response rate we achieved employing a multifaceted approach to obtaining admissions is, in and of itself, an important benchmark both in terms of its implications for future research and with respect to its practical implications for the accessibility and transparency of these plans for potential renters and other stakeholders.

We compared the developments for which plans were received with those for which they were not, looking specifically at the number of subsidized units in the development, management/oversight structure (use of a property management company; HUD as contract administrator; QPA as contract administrator), population(s) served, rent-to-fair-market-rent ratio, and bedroom count. The plans included in the analysis did not differ by the mean number of subsidized units per development, populations served, or their rent-to-fair-market-rent ratio. The plans included were more likely to utilize a property management company and/or to have the QPA as the contract administrator and were less likely to have HUD as the contract administrator. PRAC 202/811 developments were underrepresented in the analysis sample, and Section 8 state agencies were overrepresented. One-bedroom subsidized units were overrepresented. The details of this analysis are included in [Appendix Table A1](#).

## Measures

The research team comprised the authors, individuals with lived experience with homelessness, housing lawyers, and students from four universities. We used an iterative process to develop the instrument used to abstract our measures of whether and how housing admissions plans include criteria related to criminal legal history, alcohol use, landlord history, and credit history. Specifically, four members of the research team initially reviewed a subset of five plans and documented how each described factors related to criminal legal history, alcohol use, landlord history, and credit history. This is similar to the methodology used by two previous studies (Curtis et al., 2013; Purtle et al., 2020) that also extracted information about the admissions criteria in subsidized housing admissions policies: in both cases, reviewers analyzed a subset of plans and developed a coding scheme based on their content and language.

For the present research, this included the criteria considered (e.g., violent criminal activity; fraud conviction; failure to upkeep prior unit) and the language used (e.g., *arrest*, *felony conviction*). We initially created a set of questions that included dichotomous, Likert, and free text fields to document how each plan addressed policies related to prospective tenants' (a) criminal legal history, (b) alcohol use, (c) landlord history, and (d) credit history. We then tested this draft analysis tool on a different subset of five plans and made adjustments to clarify language and to include several additional factors not identified from the initial subset of plans. This version of the instrument was also reviewed by two researchers with lived experience with homelessness and two housing lawyers to further ensure its face validity.

The final instrument captured the following measures from each plan: (a) whether the plan included the HUD-mandated language regarding categorical exclusions; (b) whether it explicitly defined the length in time of criminal, landlord, and credit lookback periods; (c) whether it included specific criminal legal history and alcohol-related factors (drug-related criminal activity, violent criminal activity, other criminal activity, felony convictions, fraud convictions, use of the word *arrest*, description of mitigating factors,<sup>1</sup> and reference to alcohol use); (d) landlord history factors (rental payment history, conflict with residents and staff, unit upkeep, and eviction) and whether the development explicitly references using a third-party tenant screening company; and (e) credit history factors (credit payment history, bankruptcy, foreclosure, exemption of medical debt, and exemption of lack of credit history). The duration of criminal, landlord, and credit lookback periods was coded as a continuous variable; in the case that the plan indicated the lookback period as a range, the high end of the range was used.

Study measures were independently extracted from each plan, using the instrument, by two members of the study team. After these two initial analyses were completed, a third researcher then conducted a tiebreaker analysis for each plan, reviewing and deciding on any discrepant results. The lead author trained new members of the research team on how to conduct the analysis by reviewing the full instrument with them and asking them to analyze one plan jointly with an established research team member.

## Analysis

Analysis proceeded in two phases. First, we used descriptive statistics to examine our measures of the plans' inclusion of criteria related to criminal legal history, alcohol use, landlord history, and credit history. Second, we conducted bivariate analyses (*t*-tests and chi-square tests as appropriate) to examine the relationship between these criteria and development characteristics: program type, population served, use of a property management company, use of a tenant screening company, whether HUD is the contract administrator, and whether the QPA is the contract administrator.

## Results

This is the first study, to our knowledge, that examines a sample drawn from the full universe of affordable housing admissions policies in a bounded geographic region. Three key findings emerge from this study. First, the plans analyzed include grounds for denial that far exceed the HUD-mandated criteria and utilize long lookback periods. Second, plans lack clarity and transparency. Third, admission criteria vary significantly by development characteristics. We explore each of these findings in more detail below. Descriptive statistics are shown in [Table 1](#), and the results of the bivariate analyses of the relationships between development characteristics and our outcome measures are shown in [Tables 2–6](#).

**Table 1.** Descriptive statistics of study criteria in admissions policies (*n* = 108).

| Admissions policy criteria               | N (%); mean ( <i>SD</i> ) |
|------------------------------------------|---------------------------|
| Includes HUD-mandated exclusion criteria | 86 (79.63%)               |
| Criminal history-related language        |                           |
| Defines criminal lookback period         | 53 (49.07%)               |
| Criminal lookback period (years)         | 10.06 (6.14)              |
| Specific factors considered              |                           |
| Drug-related criminal activity           | 84 (77.78%)               |
| Violent criminal activity                | 83 (76.85%)               |
| Other specified criminal activity        | 85 (78.70%)               |
| Felony conviction                        | 45 (41.67%)               |
| Fraud conviction                         | 38 (35.19%)               |
| Use of the word <i>arrest</i>            | 26 (24.07%)               |
| Mitigating factors                       | 75 (70.09%)               |
| Alcohol-related language                 |                           |
| Considers alcohol use                    | 65 (60.19%)               |
| Landlord history-related language        |                           |
| Defines landlord lookback period         | 65 (60.15%)               |
| Landlord lookback period (years)         | 4.66 (1.09)               |
| Specific factors considered              |                           |
| Rental payment history                   | 99 (91.67%)               |
| Conflict with residents and staff        | 75 (68.52%)               |
| Unit upkeep                              | 88 (81.48%)               |
| Prior evictions                          | 63 (58.33%)               |
| Credit history-related language          |                           |
| Defines credit lookback period           | 39 (36.11%)               |
| Credit lookback period (years)           | 5.24 (1.95)               |
| Specific factors considered              |                           |
| Credit payment history                   | 76 (70.37%)               |
| Considers bankruptcy                     | 29 (26.85%)               |
| Considers foreclosure                    | 23 (21.30%)               |
| Exempts medical debt                     | 27 (25.00%)               |
| Exempts lack of credit history           | 40 (37.04%)               |

*Note.* HUD = U.S. Department of Housing and Urban Development.

**Table 2.** Inclusion of HUD-mandated language.

|                                  | Includes HUD-mandated language |
|----------------------------------|--------------------------------|
| Program type                     |                                |
| Housing authority                | 5 (62.50%)                     |
| PRAC 202/811                     | 15 (93.75%)                    |
| S8 loan management               | 17 (80.95%)                    |
| S8 State agency                  | 36 (73.47%)                    |
| Section 202                      | 6 (100%)                       |
| Other                            | 7 (8.14%)                      |
| Population served                |                                |
| Families                         | 29 (80.56%)                    |
| Elderly                          | 61 (81.33%)                    |
| Disabled                         | 51 (79.69%)                    |
| Uses property management company |                                |
| Yes                              | 42 (75.00%)                    |
| No                               | 44 (84.62%)                    |
| Uses tenant screening company    |                                |
| Yes                              | 27 (81.82%)                    |
| No                               | 59 (78.67%)                    |
| HUD is contract administrator    |                                |
| Yes                              | 17 (94.44%)                    |
| No                               | 69 (76.67%)                    |
| QPA is contract administrator    |                                |
| Yes                              | 70 (77.78%)                    |
| No                               | 16 (88.89%)                    |
| Number of units                  |                                |
| >20                              | 16 (72.73%)                    |
| 20–54                            | 20 (80.00%)                    |
| 55–99                            | 21 (91.30%)                    |
| ≥100                             | 26 (74.29%)                    |

*Note.* HUD = U.S. Department of Housing and Urban Development. PRAC = Project Rental Assistance Contract. QPA = Quasi-public Housing Agency.

### ***Breadth of Grounds for Denial and Long Lookbacks***

The plans analyzed include grounds for denial that extend well beyond the HUD-mandated criteria. It is important to remember that the only offenses for which developments are required to deny applicants are (a) an eviction in the last 3 years from federally assisted housing for drug-related criminal activity; (b) current engagement in illegal drug use; (c) a pattern of illegal drug use interfering with other residents; or (d) listing on the lifetime sex offender registry. Although the preponderance of admissions policies (80%) referenced this language either in a single passage or dispersed across multiple sections of the plan, an almost equally high percentage (78%) also included language explicitly indicating the denial of tenants with a history of drug-related criminal activity (beyond the specific context of the HUD-mandated criterion), violent criminal activity (77%), and *other* criminal activity ranging from public drinking to prostitution to terrorism (79%). Forty-two percent of plans explicitly mentioned a felony conviction as grounds for denial, whereas 35% of plans explicitly referenced a fraud conviction. Twenty-four percent used the word *arrest* to describe criminal history. Other terminology utilized in describing criminal legal history included *legal action*, *police record*, *criminal behavior*, *pending charges*, and *adjudication other than acquittal*.

In addition to dramatically expanding the scope of criminal activity considered grounds for denial, the plans also widely treated use of alcohol analogously to the HUD-mandated exclusion of people currently using illegal drugs: 81% of developments provided for the denial of applicants on the basis of alcohol use; this was often phrased as a “pattern of abuse of alcohol that interferes with...other residents,” exactly mirroring the HUD language around drug use.

The majority of plans (70%) did explicitly reference the consideration of mitigating factors related to criminal legal history. The most common mitigating factor—consistent with the emphasis on

**Table 3.** Prevalence of criminal history-related factors.

|                             | Criminal lookback<br>period defined | Criminal lookback<br>period (years) | Drug-related<br>criminal activity |
|-----------------------------|-------------------------------------|-------------------------------------|-----------------------------------|
| Program type                |                                     |                                     |                                   |
| Housing authority           | 4 (50.00%)                          | 7.50 (2.89)                         | 5 (62.50%)                        |
| PRAC 202/811                | 6 (37.50%)                          | 8.33 (5.46)                         | <b>9 (56.25%)*</b>                |
| S8 Loan Management          | 13 (61.90%)                         | 8.69 (2.84)                         | 16 (76.19%)                       |
| S8 State agency             | 23 (46.94%)                         | <b>12.52 (7.94)*</b>                | 41 (83.67%)                       |
| Section 202                 | 2 (33.33%)                          | 5.00 (2.83)                         | 6 (100%)                          |
| Other                       | 5 (62.50%)                          | 7.80 (2.17)                         | 7 (87.50%)                        |
| Population served           |                                     |                                     |                                   |
| Families                    | 20 (55.56%)                         | 9.25 (5.58)                         | 27 (75.00%)                       |
| Elderly                     | 34 (45.33%)                         | 10.00 (6.23)                        | 59 (78.67%)                       |
| Disabled                    | 29 (45.18%)                         | 10.10 (6.45)                        | 53 (82.81%)                       |
| Property management company |                                     |                                     |                                   |
| Yes                         | 24 (42.85%)                         | 11.21 (8.54)                        | 40 (71.43%)                       |
| No                          | 29 (55.77%)                         | 9.10 (2.82)                         | 44 (84.62%)                       |
| Tenant screening company    |                                     |                                     |                                   |
| Yes                         | 21 (63.64%)                         | <b>13.19 (7.95)**</b>               | 26 (78.79%)                       |
| No                          | 32 (42.67%)                         | 8.00 (3.37)                         | 58 (77.33%)                       |
| HUD is admin.               |                                     |                                     |                                   |
| Yes                         | 8 (44.44%)                          | 8.38 (4.69)                         | 11 (61.11%)                       |
| No                          | 45 (50.00%)                         | 10.36 (6.36)                        | 73 (81.11%)                       |
| QPA is admin.               |                                     |                                     |                                   |
| Yes                         | 46 (51.11%)                         | 10.30 (6.25)                        | 73 (81.11%)                       |
| No                          | 7 (38.89%)                          | 8.43 (5.47)                         | 11 (61.11%)                       |
| Number of units             |                                     |                                     |                                   |
| >20                         | 10 (45.45%)                         | 8.20 (2.57)                         | 14 (63.64%)                       |
| 20–54                       | 9 (36.00%)                          | 13.67 (8.03)                        | 18 (72.00%)                       |
| 55–99                       | 15 (65.22%)                         | 11.07 (6.51)                        | 20 (86.96%)                       |
| ≥100                        | 17 (48.57%)                         | 8.65 (5.94)                         | 29 (82.86%)                       |
|                             | Violent criminal activity           | Other criminal activity             | Felony conviction                 |
| Program type                |                                     |                                     |                                   |
| Housing authority           | 5 (62.50%)                          | 6 (75.00%)                          | 1 (12.50%)                        |
| PRAC 202/811                | <b>16 (100%)*</b>                   | <b>9 (56.25%)*</b>                  | 4 (25.00%)                        |
| S8 Loan Management          | 14 (66.67%)                         | 16 (76.19%)                         | 8 (38.10%)                        |
| S8 State agency             | 37 (75.51%)                         | 43 (87.76%)                         | <b>27 (55.10%)*</b>               |
| Section 202                 | 5 (83.33%)                          | 5 (83.33%)                          | 4 (66.67%)                        |
| Other                       | 6 (75.00%)                          | 6 (75.00%)                          | 1 (12.50%)                        |
| Population served           |                                     |                                     |                                   |
| Families                    | 24 (66.67%)                         | 27 (75.00%)                         | <b>8 (22.22%)*</b>                |
| Elderly                     | 60 (80.00%)                         | 61 (81.33%)                         | 32 (42.67%)                       |
| Disabled                    | 49 (76.56%)                         | <b>55 (85.94%)*</b>                 | 29 (45.31%)                       |
| Property management company |                                     |                                     |                                   |
| Yes                         | 47 (83.93%)                         | 42 (75.00%)                         | 27 (48.21%)                       |
| No                          | 36 (69.23%)                         | 43 (82.69%)                         | 18 (34.62%)                       |
| Tenant screening company    |                                     |                                     |                                   |
| Yes                         | <b>33 (100%)*</b>                   | 25 (75.76%)                         | 17 (51.52%)                       |
| No                          | 50 (66.67%)                         | 60 (80.00%)                         | 28 (37.33%)                       |
| HUD is admin.               |                                     |                                     |                                   |
| Yes                         | 16 (88.89%)                         | 11 (61.11%)                         | 4 (22.22%)                        |
| No                          | 67 (74.44%)                         | 74 (82.22%)                         | 41 (45.56%)                       |
| QPA is admin.               |                                     |                                     |                                   |
| Yes                         | 66 (73.33%)                         | 74 (82.22%)                         | <b>42 (46.67%)*</b>               |
| No                          | 17 (94.44%)                         | 11 (61.11%)                         | 3 (16.67%)                        |
| Number of units             |                                     |                                     |                                   |
| >20                         | 15 (68.18%)                         | 16 (72.73%)                         | 6 (27.27%)                        |
| 20–54                       | 19 (76.00%)                         | 18 (72.00%)                         | 12 (48.00%)                       |
| 55–99                       | 18 (78.26%)                         | 20 (86.96%)                         | 12 (52.17%)                       |
| ≥100                        | 29 (82.86%)                         | 28 (80.00%)                         | 15 (42.86%)                       |

(Continued)

**Table 3.** (Continued).

|                             | Criminal lookback<br>period defined | Criminal lookback<br>period (years) | Drug-related<br>criminal activity |
|-----------------------------|-------------------------------------|-------------------------------------|-----------------------------------|
|                             | Fraud conviction                    | Word <i>arrest</i>                  | Mitigating factors considered     |
| Program type                |                                     |                                     |                                   |
| Housing authority           | 3 (37.50%)                          | 4 (50.00%)                          | 6 (75.00%)                        |
| PRAC 202/811                | 3 (18.75%)                          | 4 (25.00%)                          | 8 (50.00%)                        |
| S8 loan management          | 6 (28.57%)                          | 3 (14.29%)                          | 16 (76.19%)                       |
| S8 State agency             | 20 (40.82%)                         | 13 (26.53%)                         | 35 (72.92%)                       |
| Section 202                 | 2 (33.33%)                          | 1 (16.67%)                          | 4 (66.67%)                        |
| Other                       | 4 (50.00%)                          | 1 (12.50%)                          | 6 (75.00%)                        |
| Population served           |                                     |                                     |                                   |
| Families                    | 12 (33.33%)                         | 9 (25.00%)                          | 28 (77.78%)                       |
| Elderly                     | 24 (32%)                            | 16 (21.33%)                         | 49 (66.22%)                       |
| Disabled                    | 21 (32.81%)                         | 14 (21.88%)                         | 44 (69.84%)                       |
| Property management company |                                     |                                     |                                   |
| Yes                         | <b>10 (17.86%)***</b>               | 16 (28.57%)                         | 40 (72.73%)                       |
| No                          | 28 (53.85%)                         | 10 (19.23%)                         | 35 (67.31%)                       |
| Tenant screening company    |                                     |                                     |                                   |
| Yes                         | <b>19 (57.58%)**</b>                | 10 (30.30%)                         | <b>14 (43.75%)***</b>             |
| No                          | 19 (25.33%)                         | 16 (21.33%)                         | 61 (81.33%)                       |
| HUD is admin.               |                                     |                                     |                                   |
| Yes                         | 5 (27.78%)                          | 4 (22.22%)                          | 10 (55.56%)                       |
| No                          | 33 (36.67%)                         | 22 (24.44%)                         | 65 (73.03%)                       |
| QPA is admin.               |                                     |                                     |                                   |
| Yes                         | 35 (38.89%)                         | 21 (23.33%)                         | 64 (71.91%)                       |
| No                          | 3 (16.67%)                          | 5 (27.78%)                          | 11 (61.11%)                       |
| Number of units             |                                     |                                     |                                   |
| >20                         | 4 (18.18%)                          | 6 (27.27%)                          | 14 (63.64%)                       |
| 20–54                       | 8 (32.00%)                          | 4 (16.00%)                          | 16 (66.67%)                       |
| 55–99                       | 12 (52.17%)                         | 6 (26.09%)                          | 17 (73.91%)                       |
| ≥100                        | 12 (34.29%)                         | 8 (22.86%)                          | 25 (71.43%)                       |

Note. HUD = U.S. Department of Housing and Urban Development. PRAC = Project Rental Assistance Contract. S8 = Section 8. QPA = Quasi-public Housing Agency. **Bold** formatting indicates a positive association between the criterion and development characteristic.

*Italics* indicate a negative association between the criterion and development characteristic.

The level of statistical significance is based on bivariate tests (*t*-tests and chi-square as appropriate) of association between development characteristic variables and admissions criteria variables.

\**p* < .05. \*\**p* < .01. \*\*\**p* < .001.

drug-related criminal offenses described above—was drug and alcohol rehabilitation, which was considered in 59% of the plans. The other factor considered in more than half of plans (54%) was the seriousness of the offense. The remaining considerations—degree of participation by the household member, the effect of the denial on the remainder of the household, and the effect on the community—were each referenced in a quarter or fewer of the plans. Other mitigating factors that the plans listed included the magnitude of the impact on the previous housing provider, the prospective tenant's age at the time of offense, the prospective tenant's conduct since the offense, and any connection of the offense with a disability.

Despite the fact that HUD does not mandate the exclusion of tenants based on landlord history or credit (except in the narrowly defined case of eviction described in the first criterion), all plans included these provisions. A full 92% of plans considered landlord payment history, and 81% considered upkeep of previous residences. Conflict with landlords and cotenants and previous evictions were also present in a majority of plans (69% and 81%, respectively). Fifty-eight percent considered previous evictions (separate from the HUD-mandated language). Other landlord history factors referenced by the plans included parasite infestation, failure to comply with the recertification process or to report changes in household composition, and unauthorized persons or pets in the unit. Seventy percent of plans considered applicants' credit in the form of payment history, 27%

**Table 4.** Prevalence of alcohol-related factors.

|                                  | Alcohol use considered |
|----------------------------------|------------------------|
| Program type                     |                        |
| Housing authority                | 5 (62.50%)             |
| PRAC 202/811                     | 15 (93.75%)            |
| S8 Loan Management               | 15 (71.43%)            |
| S8 State agency                  | 39 (79.59%)            |
| Section 202                      | 6 (100%)               |
| Other                            | 7 (87.50%)             |
| Population served                |                        |
| Families                         | 26 (72.22%)            |
| Elderly                          | 62 (82.67%)            |
| Disabled                         | 51 (79.69%)            |
| Uses property Management company |                        |
| Yes                              | 41 (73.21%)            |
| No                               | 46 (88.46%)            |
| Uses tenant screening company    |                        |
| Yes                              | 24 (72.73%)            |
| No                               | 63 (84.00%)            |
| HUD is contract administrator    |                        |
| Yes                              | 17 (94.44%)            |
| No                               | 70 (77.78%)            |
| QPA is contract administrator    |                        |
| Yes                              | 70 (77.78%)            |
| No                               | 17 (94.44%)            |
| Number of units                  |                        |
| >20                              | 20 (90.91%)            |
| 20–54                            | 21 (84.00%)            |
| 55–99                            | 17 (73.91%)            |
| ≥100                             | 26 (74.29%)            |

*Note.* HUD = U.S. Department of Housing and Urban Development. PRAC = Project Rental Assistance Contract. QPA = Quasi-public Housing Agency.

bankruptcy, and 21% foreclosure. Twenty-five percent of plans explicitly exempted medical debt from consideration, and 37% explicitly exempted a lack of credit history as grounds for denial.

In addition to the breadth of the factors considered as grounds for denial, the plans also utilized long lookback periods for considering factors related to criminal legal, landlord, and credit history. Criminal legal lookbacks averaged 10.1 years, credit lookbacks averaged 5.2 years, and landlord lookbacks averaged 4.7 years.

### ***Plans' Lack of Clarity and Transparency***

Equally important to consider are the corollary phenomena of—on one hand—the plans' lack of clarity and specificity and—on the other hand—the use of actuarial screening tools. What is absent from the plans is as instructive as what is included: a full 64% of plans did not specify the lookback period for credit history, 51% did not specify this for criminal legal history, and 40% did not specify this for landlord history. The language used is often ambiguous, including catchall categories such as *other criminal activity*, which was included in 79% of plans. The range of language used to describe criminal legal history is a further example of this: it is unlikely that there is a common understanding of the meaning of phrases like *legal action* or *criminal behavior*. Thirty-one percent of plans stated that they use a tenant screening company to assist with this decision-making, and although in one sense this makes the process clearer, for example by stating in the admissions plan a threshold screening score below which applicants are denied, it also can obscure it by not enumerating the factors included in this scoring.

**Table 5.** Landlord history factors considered.

|                             | Landlord lookback<br>period defined | Landlord lookback<br>period (years) | Rental payment<br>history |
|-----------------------------|-------------------------------------|-------------------------------------|---------------------------|
| Program type                |                                     |                                     |                           |
| Housing authority           | 3 (37.50%)                          | 4.00 (1.73)                         | 5 (62.50%)*               |
| PRAC 202/811                | 5 (31.25%)*                         | 4.20 (1.10)                         | 13 (81.25%)               |
| S8 loan management          | 13(61.90%)                          | 4.92 (1.04)                         | 21 (100%)                 |
| S8 State agency             | 36 (73.47%)*                        | 4.77 (1.06)                         | 48 (97.96%)*              |
| Section 202                 | 3(50.00%)                           | 3.67 (1.15)                         | 4 (66.67%)                |
| Other                       | 5 (62.50%)                          | 4.60 (0.89)                         | 8 (100%)                  |
| Population served           |                                     |                                     |                           |
| Families                    | 23 (63.89%)                         | 4.70 (0.82)                         | 33 (91.67%)               |
| Elderly                     | 44 (58.67%)                         | 43 (4.67)                           | 67 (89.33%)               |
| Disabled                    | 40 (62.50%)                         | 4.74 (1.21)                         | 57 (89.06%)               |
| Property management company |                                     |                                     |                           |
| Yes                         | 35 (62.50%)                         | 4.66 (0.76)                         | 56 (100%)*                |
| No                          | 30 (57.69%)                         | 4.66 (1.40)                         | 43 (82.69%)               |
| Tenant screening company    |                                     |                                     |                           |
| Yes                         | 16 (48.48%)                         | 5.00 (1.51)                         | 33 (100%)                 |
| No                          | 49 (65.33%)                         | 4.55 (0.91)                         | 66 (88.00%)               |
| HUD is admin.               |                                     |                                     |                           |
| Yes                         | 7 (38.89%)                          | 4.43 (0.98)                         | 15 (83.33%)               |
| No                          | 58 (64.44%)                         | 4.68 (1.10)                         | 84 (93.33%)               |
| QPA is admin.               |                                     |                                     |                           |
| Yes                         | 60 (66.67%)*                        | 4.66 (1.11)                         | 84 (93.33%)               |
| No                          | 5 (27.78%)                          | 4.60 (0.89)                         | 15 (83.33%)               |
| Number of units             |                                     |                                     |                           |
| >20                         | 14 (63.64%)                         | 4.71 (0.73)                         | 22 (100%)                 |
| 20–54                       | 16 (64.00%)                         | 5.00 (0.76)                         | 22 (88.00%)               |
| 55–99                       | 19 (82.61%)*                        | 4.47 (1.12)                         | 23 (100%)                 |
| ≥100                        | 15 (42.86%)*                        | 4.47 (1.55)                         | 29 (82.86%)               |
|                             | Conflict with residents or staff    | Unit upkeep                         | Eviction                  |
| Program type                |                                     |                                     |                           |
| Housing authority           | 4 (50.00%)                          | 4 (50.00%)*                         | 4 (50.00%)                |
| PRAC 202/811                | 11 (68.75%)                         | 14 (87.50%)                         | 7 (43.75%)                |
| S8 Loan Management          | 12 (57.14%)                         | 15 (71.43%)                         | 10 (47.62%)               |
| S8 State agency             | 40 (81.63%)*                        | 45 (91.84%)*                        | 37 (75.51%)*              |
| Section 202                 | 2 (33.33%)                          | 4 (66.67%)                          | 1 (16.67%)                |
| Other                       | 5 (62.50%)                          | 6 (75.00%)                          | 4 (50.00%)                |
| Population served           |                                     |                                     |                           |
| Families                    | 21 (58.33%)                         | 26 (72.22%)                         | 15 (41.67%)*              |
| Elderly                     | 54 (72.00%)                         | 62 (82.67%)                         | 46 (61.33%)               |
| Disabled                    | 47 (73.44%)                         | 52 (81.25%)                         | 40 (62.50%)               |
| Property management company |                                     |                                     |                           |
| Yes                         | 44 (78.57%)*                        | 49 (87.50%)                         | 32 (57.14%)               |
| No                          | 30 (57.69%)                         | 39 (75.00%)                         | 31 (59.62%)               |
| Tenant screening company    |                                     |                                     |                           |
| Yes                         | 22 (66.67%)                         | 28 (84.85%)                         | 21 (63.64%)               |
| No                          | 52 (69.33%)                         | 60 (80.00%)                         | 42 (56.00%)               |
| HUD is admin.               |                                     |                                     |                           |
| Yes                         | 13 (72.22%)                         | 16 (88.89%)                         | 7 (38.89%)                |
| No                          | 61 (67.78%)                         | 72 (80.00%)                         | 56 (62.22%)               |
| QPA is admin.               |                                     |                                     |                           |
| Yes                         | 60 (66.67%)                         | 72 (80.00%)                         | 55 (61.11%)               |
| No                          | 14 (77.78%)                         | 16 (88.89%)                         | 8 (44.44%)                |
| Number of units             |                                     |                                     |                           |
| >20                         | 15 (68.18%)                         | 19 (86.36%)                         | 14 (63.64%)               |
| 20–54                       | 20 (80.00%)                         | 22 (88.00%)                         | 14 (56.00%)               |
| 55–99                       | 17 (73.91%)                         | 21 (91.30%)                         | 16 (69.57%)               |
| ≥100                        | 19 (54.29%)                         | 23 (65.71%)*                        | 17 (48.57%)               |

Note. HUD = U.S. Department of Housing and Urban Development. PRAC = Project Rental Assistance Contract. QPA = Quasi-public Housing Agency.

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

**Table 6.** Credit history factors considered.

|                             | Credit lookback<br>period defined | Credit lookback<br>period (years) | Credit payment<br>history | Bankruptcy           |
|-----------------------------|-----------------------------------|-----------------------------------|---------------------------|----------------------|
| Program type                |                                   |                                   |                           |                      |
| Housing authority           | 1 (12.50%)                        | 2 (N/A)                           | <b>3 (37.50%)*</b>        | 0 (0%)               |
| PRAC 202/811                | <b>2 (12.50%)*</b>                | 3.50 (2.12)                       | 13 (81.25%)               | 1 (6.25%)            |
| S8 Loan Management          | 7 (33.33%)                        | 6.14 (1.57)                       | 11 (52.38%)               | 1 (4.76%)            |
| S8 State agency             | <b>23 (46.94%)*</b>               | 5.35 (1.77)                       | 36 (73.47%)               | <b>20 (40.82%)**</b> |
| Section 202                 | 2 (33.33%)                        | <b>1.75 (0.35)**</b>              | 5 (83.33%)                | 3 (50.00%)           |
| Other                       | 4 (50.00%)                        | 6.50 (1.00)                       | 8 (100%)                  | 4 (50.00%)           |
| Population served           |                                   |                                   |                           |                      |
| Families                    | 12 (33.33%)                       | 5.92 (1.56)                       | <b>18 (50.00%)**</b>      | 5 (13.89%)           |
| Elderly                     | 29 (38.67%)                       | <b>4.91 (2.03)**</b>              | 55 (73.33%)               | 22 (29.33%)          |
| Disabled                    | 26 (40.63%)                       | 5.13 (1.97)                       | 46 (71.88%)               | 20 (31.25%)          |
| Property management company |                                   |                                   |                           |                      |
| Yes                         | <b>15 (26.79%)*</b>               | 4.77 (1.76)                       | 37 (66.07%)               | 16 (28.57%)          |
| No                          | 24 (46.15%)                       | 5.54 (2.04)                       | 39 (75.00%)               | 13 (25.00%)          |
| Tenant screening company    |                                   |                                   |                           |                      |
| Yes                         | <b>17 (51.52%)*</b>               | <b>4.21 (2.17)**</b>              | <b>33 (100%)*</b>         | <b>18 (54.55%)*</b>  |
| No                          | 22 (29.33%)                       | 6.05 (1.33)                       | 43 (57.33%)               | 11 (14.67%)          |
| HUD is admin.               |                                   |                                   |                           |                      |
| Yes                         | 4 (22.22%)                        | 5.25 (2.36)                       | 15 (83.33%)               | <b>1 (5.56%)*</b>    |
| No                          | 35 (38.89%)                       | 5.24 (1.94)                       | 61 (67.78%)               | 28 (31.11%)          |
| QPA is admin.               |                                   |                                   |                           |                      |
| Yes                         | <b>38 (42.22%)*</b>               | 5.25 (1.98)                       | 62 (68.89%)               | <b>29 (32.22%)*</b>  |
| No                          | 1 (5.56%)                         | 5.00 (N/A)                        | 14 (77.78%)               | 0 (0%)               |
| Number of units             |                                   |                                   |                           |                      |
| >20                         | 5 (22.73%)                        | 5.40 (1.67)                       | 16 (72.73%)               | 5 (22.73%)           |
| 20–54                       | 11 (44.00%)                       | 5.18 (1.66)                       | 15 (60.00%)               | 5 (20.00%)           |
| 55–99                       | 11 (47.83%)                       | 5.82 (1.83)                       | 17 (73.91%)               | 10 (43.48%)          |
| ≥100                        | 12 (34.29%)                       | 4.71 (2.44)                       | 26 (74.29%)               | 9 (25.71%)           |
|                             | Foreclosure                       | Medical debt exempted             | Lack of credit exempted   |                      |
| Program type                |                                   |                                   |                           |                      |
| Housing authority           | 0 (0%)                            | 0 (0%)                            | 1 (12.50%)                |                      |
| PRAC 202/811                | 1 (6.25%)                         | 1 (6.25%)                         | <b>2 (12.50%)*</b>        |                      |
| S8 Loan Management          | <b>1 (4.76%)*</b>                 | 7 (33.33%)                        | 8 (38.10%)                |                      |
| S8 State agency             | <b>16 (32.65%)*</b>               | 14 (28.57%)                       | 20 (40.82%)               |                      |
| Section 202                 | 2 (33.33%)                        | 3 (50.00%)                        | 4 (66.67%)                |                      |
| Other                       | 3 (37.50%)                        | 2 (25.00%)                        | 5 (62.50%)                |                      |
| Population served           |                                   |                                   |                           |                      |
| Families                    | 4 (11.11%)                        | 6 (16.67%)                        | 14 (38.89%)               |                      |
| Elderly                     | 16 (21.33%)                       | 22 (29.33%)                       | 28 (37.33%)               |                      |
| Disabled                    | 14 (21.88%)                       | 20 (31.25%)                       | 26 (40.65%)               |                      |
| Property management company | 14 (25.00%)                       | 11 (19.64%)                       | <b>13 (23.21%)*</b>       |                      |
| Yes                         | 9 (17.31%)                        | 16 (30.77%)                       | 27 (51.92%)               |                      |
| No                          |                                   |                                   |                           |                      |
| Tenant screening company    | <b>18 (54.55%)*</b>               | <b>17 (51.52%)*</b>               | <b>18 (54.55%)*</b>       |                      |
| Yes                         | 5 (6.67%)                         | 10 (13.33%)                       | 22 (29.33%)               |                      |
| No                          |                                   |                                   |                           |                      |
| HUD is admin.               | 1 (5.56%)                         | <b>1 (5.56%)*</b>                 | 4 (22.22%)                |                      |
| Yes                         | 22 (24.44%)                       | 26 (28.89%)                       | 36 (40.00%)               |                      |
| No                          |                                   |                                   |                           |                      |
| QPA is admin.               |                                   |                                   |                           |                      |
| Yes                         | <b>23 (25.56%)*</b>               | <b>27 (30.00%)*</b>               | <b>38 (42.22%)*</b>       |                      |
| No                          | 0 (0%)                            | 0 (0%)                            | 2 (11.11%)                |                      |
| Number of units             |                                   |                                   |                           |                      |
| >20                         | 2 (9.09%)                         | 4 (18.18%)                        | 7 (31.82%)                |                      |
| 20–54                       | 4 (16.00%)                        | 4 (16.00%)                        | 9 (36.00%)                |                      |
| 55–99                       | 9 (39.13%)                        | 8 (34.78%)                        | 14 (60.87%)               |                      |
| ≥100                        | 8 (22.86%)                        | 11 (31.43%)                       | 9 (25.71%)                |                      |

Note. HUD = U.S. Department of Housing and Urban Development. PRAC = Project Rental Assistance Contract. QPA = Quasi-public Housing Agency.

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

### ***Influence of Development Characteristics***

The association of development characteristics—populations served, property type, use of a property management company and/or tenant screening company, having HUD as the contract administrator, and having the QPA as the contract administrator—with the factors under study generally trended uniformly toward either more or less restrictive language. Although several development characteristics were associated with both more and less restrictive factors, this did not carry through into a clear pattern of more restrictive factors in the criminal legal history domain and less restrictive factors in one or more of the other domains.

In looking at populations served, developments serving families had less restrictive provisions across the criminal legal, landlord history, and credit history domains: they were less likely to reference felony convictions, prior evictions, and credit payment history. Those serving older adults had shorter credit lookback periods, whereas those serving persons with disabilities were more likely to explicitly reference other criminal activity. This first finding might reflect a societal notion that children—in the context of family households—deserve opportunities, including stable housing. The latter findings may reflect recognition of the changing financial circumstances of older adults and a heightened sense of needing to protect people with disabilities.

With respect to program type, where statistically significant differences existed, PHAs—and to a lesser extent Section 202 and Section 8 Loan Management programs—had less restrictive provisions. PHAs were less likely to explicitly mention rental and credit payment history and unit upkeep. Section 202 programs had shorter credit lookback periods, whereas Section 8 Loan Management programs were less likely to reference foreclosure. In contrast, Section 8 state agencies were more restrictive on multiple factors: they had longer criminal lookback periods and were more likely to reference felony convictions, all landlord history-related factors (payment history, conflict with management and cotenants, unit upkeep, and eviction history), and bankruptcy and foreclosure. PRAC 202/811 developments were mixed: they were more likely to include violent criminal activity but less likely to explicitly reference drug-related criminal activity or other criminal activity. They were also less likely to explicitly exempt lack of credit history. With respect to specificity, PRAC recipients were less likely to define landlord and credit lookback periods, whereas Section 8 state agencies were more likely to define these. These findings may reflect a variable sense of mission/role among types of housing providers, as well as a wide range of self-defined capacity and willingness to manage various kinds of potential tenancy challenges related to finances and resident behavior.

Developments utilizing property management companies were more likely to consider both monetary and nonmonetary landlord history factors (rental payment history and interpersonal conflict), and were less likely to explicitly exempt lack of credit history. However, they were also less likely to reference fraud convictions. Developments utilizing tenant screening companies were generally more restrictive, but with some mixed findings. They had longer criminal lookback periods but shorter credit lookback periods, more frequent references to fraud convictions, and more frequent references to all credit-related factors (payment history, bankruptcy, and foreclosure). They were also less likely to consider mitigating factors. However, they were also more likely to explicitly exempt medical debt and lack of credit history. Developments for which the QPA is the contract administrator were more likely to include the credit history factors bankruptcy and foreclosure, but also to explicitly exempt medical debt and lack of credit history. By contrast, HUD-administrated developments were less likely to reference bankruptcy, but also less likely to explicitly exempt medical debt. Relating to specificity, developments utilizing property management companies were less likely to define credit lookback periods, whereas those using tenant screening companies and those for whom the QPA is the contract administrator were more likely to define them. There was no consistent pattern of associations between the number of subsidized units in a development and the array of admissions criteria variables considered. As with the differences observed among program type, these differences may reflect differences in philosophical alignment, as well as particular competencies: for example, it

follows that developments utilizing property management companies—the ostensible goal of which is to protect these developments’ physical infrastructure and financial viability—would have more restrictive admissions criteria around tenancy-related factors.

These findings show that development characteristics are associated with admissions criteria in variable and nuanced ways. Although some of these findings appear to have a more readily observable rationale, such as less restrictive provisions for households with children and stricter tenancy-related admissions criteria for developments utilizing property management companies, the context for many of these associations is less apparent and bears further study. These findings suggest that modifying the population(s) served, project type, and/or management and oversight structure has the potential to support the development of either more or less restrictive plans.

## Discussion

Collectively, the three themes described above—broad grounds for denial and long lookback periods, a lack of clarity and transparency, and significant variability by development characteristics—underscore the endemic nature of exclusionary policies in subsidized housing and highlight the barriers faced by prospective tenants. The use of an expansive range of denial criteria is consistent with what Curtis et al. (2013) and Purtle et al. (2020) found in their studies, lending credence to the argument that the use of restrictive admissions policies is a widespread phenomenon across U.S. states and also demonstrating that it is not unique to the large PHAs captured in those analyses. The extensive lookback periods (ranging from an average of 4.7 years for landlord history to 10.1 years for criminal legal history) are striking, given that HUD highlighted as best practice the use of 1-year lookback periods for drug-related criminal activity and 2-year lookback periods for violent and other criminal activity posing a risk to other tenants (HUD, 2015).

These restrictive provisions are coupled with a lack of clarity: it is unclear whether the absence of specific language signifies that a factor will not be considered, or whether this falls to the discretion of the development’s staff. Although our study did not investigate the consequences of this lack of consistency and transparency directly, it is likely that it leaves prospective tenants without sufficient information to guide their housing search, and also leads to widely variable experiences both among different households in similar circumstances applying for the same development and for the same household applying at different developments whose admissions policies appear facially similar. Investigating the extent to which this is the case is an important goal for future research.

Although the mechanization and resultant removal of discretion that comes with the use of tenant screening companies may seem at first glance to be an answer to the lack of clear standards, developments’ use of these tools also obfuscates the process because the scoring algorithms upon which the admissions decisions are based are not available for tenants’ or advocates’ scrutiny (Dunn & Grabchuk, 2010). This is particularly salient given that the nearly one third of plans that used these companies had largely more restrictive policies: they had longer criminal lookback periods, more frequent references to fraud convictions, and more frequent consideration of all credit factors. Unsurprisingly given the actuarial nature of these companies, they were less likely to consider mitigating factors, which are more contextual and thus harder to quantify.

It is also important to note how the plans’ facets interrelate. The finding that, in general, plans with more exclusionary criminal legal history provisions also have more exclusionary landlord- and credit-related provisions suggests a uniaxial aspect to the plans’ construction: the restrictiveness of one domain maps onto the restrictiveness of the others. This both mirrors and amplifies the intersectional nature of these factors in applicants’ lives: challenges related to criminal, credit, and landlord history are often correlated (Graffy, McKinnon, Lee, & Remington, 2019). Furthermore, because these provisions tend to trend together, even if an applicant were able to avoid one negative outcome—for example, leaving an apartment voluntarily to avoid eviction following a job loss—she may well still be denied on the basis of resultant poor credit. Finally, specificity

and restrictiveness are themselves intertwined concepts: as described, the ambiguity around discretion means that it is not clear whether the inclusion of certain language (for example, *other criminal activity*) speaks more to the specific types of criminal behavior to be considered, or the overall restrictiveness of the plan in its consideration of criminal legal history.

Taken together, these mechanisms represent a continuation of the historic pattern of federally subsidized housing policy parsing deservingness in keeping with the mores of the era, and in compliance with current law. These policies reflect the actuarialism of present-day neoliberalism: individuals are segmented—segregated—on the basis of their perceived criminal and/or financial risk. The experiences that constitute grounds for denial are associated with poverty and membership in racialized and other marginalized groups: a person who is Black and poor is more likely to become entangled in the criminal legal system (Schneider, 2018) and also to have poor credit (Rice & Swesnik, 2013). The Supreme Court seemed to recognize this association in 2015 when it ruled that housing providers could be prosecuted for actions causing discriminatory effect, even absent intent (Trochmann, 2021).

### Study Limitations

This study has two key limitations. First, it only includes admissions policies covering 37% of the developments (41% of the units) in the state, and thus our findings may not be generalizable to the full universe of developments in Rhode Island. As noted above, the biggest differences in the characteristics of developments included in our analysis and those for which we were unable to obtain admissions policies were in their respective management structures and program types. In our analysis, the management structures and program types that were overrepresented tended to be associated with more restrictive and less clearly articulated admissions criteria, although this relationship was far from consistent across all domains. Thus, whereas our results may be biased toward overestimating the restrictiveness of admissions policies, there is some ambiguity about the nature and size of this bias. That these findings, where directly comparable, are generally consistent with prior research suggests that this impact is minimal: for example, where we found that 78% of plans consider drug-related criminal offenses, Curtis, Garlington, and Schottenfeld found this rate to be 93%. Whereas we found 70% of plans to consider mitigating circumstances, Purtle et al. (2020) found that 86% of plans considered these. Furthermore, taking the extreme case that for the 59% of units not included in this analysis, the rate of consideration of drug-related criminal activity was half that found in this study (i.e., 39% as opposed to the 78% we observed), the overall consideration of this criterion in admissions decisions statewide would still be 55%, meaning that more than half of all units would be inaccessible to individuals with a history of drug-related criminal activity. Additionally, whereas this study includes both PHAs and TBRAs, it does not account for the additional barriers that Housing Choice Voucher holders may face in finding a unit with which to use their subsidy.

Second, these data represent findings in one small Northeastern state: without further research conducted elsewhere it is impossible to know how these findings relate to housing policy in other states. Rhode Island has several local factors that are likely relevant to this research. First, the state lags dramatically behind its neighbors with respect to per capita state spending on housing: in 2018, it spent \$21.90 per capita compared with Connecticut's \$95.78 and Massachusetts' \$100.88 (Asinof, 2020). Second, Rhode Island has a strikingly high probation rate, more than double that of Massachusetts (Wagner, 2015). Lastly, the state has higher rates of alcohol use disorder and (other) substance use disorders than the national average (Kaiser Family Foundation, 2020). With this said, the rates of criteria related to criminal legal involvement were similar to those found in prior studies, providing some tentative evidence that Rhode Island is likely not an outlier with respect to its affordable housing admissions policies.

Bearing these limitations in mind, it is worth noting that the difficulty we had in acquiring admissions policies has implications for future research and more practical consequences for those seeking subsidized housing. From a research perspective, the less than desirable response rate we achieved despite using a multipronged approach, that included filing public records requests to obtain what are ostensibly public documents, suggests that future research

will need to apply more aggressive and resource-intensive strategies—including litigation—to obtain plans from private developments. From a more practical perspective, that a well-resourced research team with consistent access to phones, email, fax machines, and vehicles were only able to acquire plans covering 37% of the state's federally subsidized developments highlights how difficult it likely is for prospective tenants to gain access to the information necessary to make informed decisions about their housing. That plans for the developments for which the QPA is the contract administrator were overrepresented in the analysis sample suggests that oversight and concomitant mechanisms for accountability have the potential to improve developments' responsiveness and transparency. However, the nonresponsiveness of PHAs to the public records requests sent to them underscores the systematic lack of compliance with legal and policy mandates in this area. Relatedly, the difficulty faced in finding all needed data speaks to the very lack of clarity and completeness described above.

### ***Areas for Further Study and Policy Implications***

One key area for additional research is examining the admissions and denials data of affordable housing providers to better understand how these policies impact case-level admissions decisions: the present study does not tell us how these criteria are considered in practice, nor how lack of information or misinformation about their content may discourage would-be applicants. Other topics include looking at relationships between criteria for denial and municipal characteristics including sociodemographics and rurality—which could further elucidate how these criteria shape housing choice geographically—and the impact of privatization, professionalization, and actualization of housing provision on accessibility for would-be renters. Furthermore, as states—including Rhode Island—explore partnerships between HUD-sponsored programs and property management companies to expand housing opportunities for people experiencing homelessness, implementation research to analyze the impact of these policies on placement and retention in housing is needed.

Policy implications of this research include advocating for increased oversight of housing providers to ensure the accessibility of admissions policies, admissions and denials data, and other relevant information for prospective tenants and their advocates. Making continued funding contingent upon the publication of these documents is one means of accomplishing this. Increased oversight could also ensure that housing providers make appropriate and consistent use of their discretion and that tenant screening companies are not used to the detriment of applicants. Secondly, these findings indicate that plans should be rewritten with more clear and inclusive language, narrowing and specifying exclusion criteria to align with HUD's required language, shortening lookback periods, and clearly articulating mitigating factors and other elements to be considered in the admissions process. The impact of tenant screening companies and the algorithms they use should also be closely monitored.

### ***Conclusion***

Housing is the bedrock of health and stability. However, despite this widespread recognition, it remains out of reach for the majority of households that so desperately need it. The central reason for this is that the demand for affordable housing dramatically outstrips the supply, with three households needing a subsidy for every one receiving it: it is thus paramount that the absolute number of units be increased (Center on Budget and Policy Priorities, 2017). Secondary to this, barriers to accessing what units do exist must be reduced. This study demonstrates how the housing admissions policies of affordable housing providers in one state make exclusion endemic through their treatment of prospective tenants' criminal legal, alcohol use, landlord, and credit histories. The use of these criteria impacts the same populations that have historically been deemed unworthy of housing and social inclusion more broadly, including the very poor, people of color, and people with disabilities, particularly those relating to substance use. This study also suggests points of intervention: increasing oversight and transparency and revising plans to have more

clear and inclusive language. Given what is known about the social and health impacts of housing and the intersecting forms of oppression faced by those excluded from it, these reforms stand to improve the wellness of the prospective/actual tenants impacted, as well as move toward a more equitable housing landscape locally and nationally.

## Note

1. Consideration of *any* mitigating factors; explicit reference to (a) drug and alcohol rehabilitation, (b) seriousness of the offense, (c) degree of participation in offending activity by household member/extent to which household has taken responsibility, (d) effect of denial on nonoffending household members, (e) effect of denial on the community.

## Disclosure Statement

No potential conflict of interest was reported by the authors.

## Funding

This research was funded through a grant from the Boston University Initiative on Cities.

## Notes on Contributors

**Megan C. Smith** is a social worker who has worked with the homeless community in Rhode Island for 12 years, primarily as an outreach worker with adults experiencing street homelessness. Her research interests emerge from her outreach work and include affordable housing policy, the criminalization of homelessness and poverty, issues of healthcare access, and models for community-based interdisciplinary education. She is active in community organizing and policy advocacy work with a number of grassroots and nonprofit groups in Rhode Island, and has taught at the Rhode Island College School of Social Work and the Alpert Medical School of Brown University.

**Thomas H. Byrne** is an assistant professor at the Boston University School of Social Work and an investigator at the U.S. Department of Veterans Affairs Center for Healthcare Outcomes and Implementation Research (CHOIR) and National Center on Homelessness among Veterans. His research focuses broadly on the causes and consequences of, and policy solutions to, homelessness and housing insecurity. He is also active in a number of initiatives to prevent and end homelessness in Massachusetts and serves on the board of directors at Hearth, Inc., a Boston-based organization dedicated to eliminating homelessness among the elderly through prevention, placement, and housing programs.

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## Appendix

**Table A1.** Characteristics of plans included in the analysis.

|                                                 | Included in analysis<br>(plan received) | Not included in analysis<br>(plan not received) | <i>p</i> value |
|-------------------------------------------------|-----------------------------------------|-------------------------------------------------|----------------|
| Total plans included                            | 108 (36.86%)                            | 185 (63.14%)                                    |                |
| Mean number of subsidized units per development | 98 (253)                                | 81 (126)                                        | .5309          |
| Management/oversight structure                  |                                         |                                                 |                |
| Uses property management company                | 56 (51.85%)                             | 68 (36.76%)                                     | .0116*         |
| HUD is contract administrator                   | 18 (16.67%)                             | 65 (35.14%)                                     | .0007**        |
| QPA is contact administrator                    | 90 (83.33%)                             | 99 (53.51%)                                     | <.001***       |
| Program type                                    |                                         |                                                 |                |
| Housing authority                               | 8 (7.41%)                               | 17 (9.19%)                                      | .5984          |
| PRAC 202/811                                    | 16 (14.81%)                             | 58 (31.35%)                                     | .0017**        |
| S8 loan management                              | 21 (19.44%)                             | 27 (14.59%)                                     | .2792          |
| S8 State agency                                 | 49 (45.37%)                             | 45 (24.32%)                                     | .0002***       |
| Section 202                                     | 6 (5.56%)                               | 15 (8.11%)                                      | .4138          |
| Other                                           | 8 (7.41%)                               | 23 (12.43%)                                     | .1773          |
| Population served                               |                                         |                                                 |                |
| Families                                        | 36 (36.36%)                             | 59 (40.97%)                                     | .4694          |
| Elderly                                         | 75 (75.75%)                             | 98 (68.06%)                                     | .1927          |
| Disabled                                        | 64 (64.65%)                             | 98 (68.06%)                                     | .5796          |
| Rent to fair market rent ratio <sup>1</sup>     |                                         |                                                 |                |
| Below 80% FMR                                   | 5 (5.10%)                               | 7 (4.24%)                                       | .7497          |
| 80–100% FMR                                     | 9 (9.18%)                               | 28 (16.97%)                                     | .0785          |
| 101–120% FMR                                    | 15 (15.31%)                             | 34 (20.61%)                                     | .2833          |
| 121–130% FMR                                    | 19 (19.39%)                             | 27 (16.36%)                                     | .5386          |
| 131–140% FMR                                    | 21 (21.43%)                             | 28 (16.97%)                                     | .3747          |
| 141–160% FMR                                    | 22 (22.45%)                             | 34 (20.61%)                                     | .7315          |
| Over 160% FMR                                   | 7 (7.14%)                               | 7 (4.24%)                                       | .3134          |
| Bedroom counts <sup>2</sup>                     |                                         |                                                 |                |
| Studio                                          | 289 (3.42%)                             | 456 (5.04%)                                     | .9000          |
| One bedroom                                     | 6520 (77.21%)                           | 6225 (68.78%)                                   | <.0001***      |
| Two bedroom                                     | 1317 (15.60%)                           | 1707 (18.86%)                                   | .1452          |
| Three bedroom                                   | 309 (3.66%)                             | 596 (6.58%)                                     | .7142          |
| Four bedroom                                    | 9 (0.11%)                               | 67 (0.74%)                                      | .0868          |

HUD = U.S. Department of Housing and Urban Development. QPA = quasi-public agency. PRAC = Project Rental Assistance Contract. S8 = Section 8. FMR = fair market rent.

<sup>1</sup>These data do not include the public housing authorities.

\**p* < .05. \*\**p* < .01. \*\*\**p* < .001.