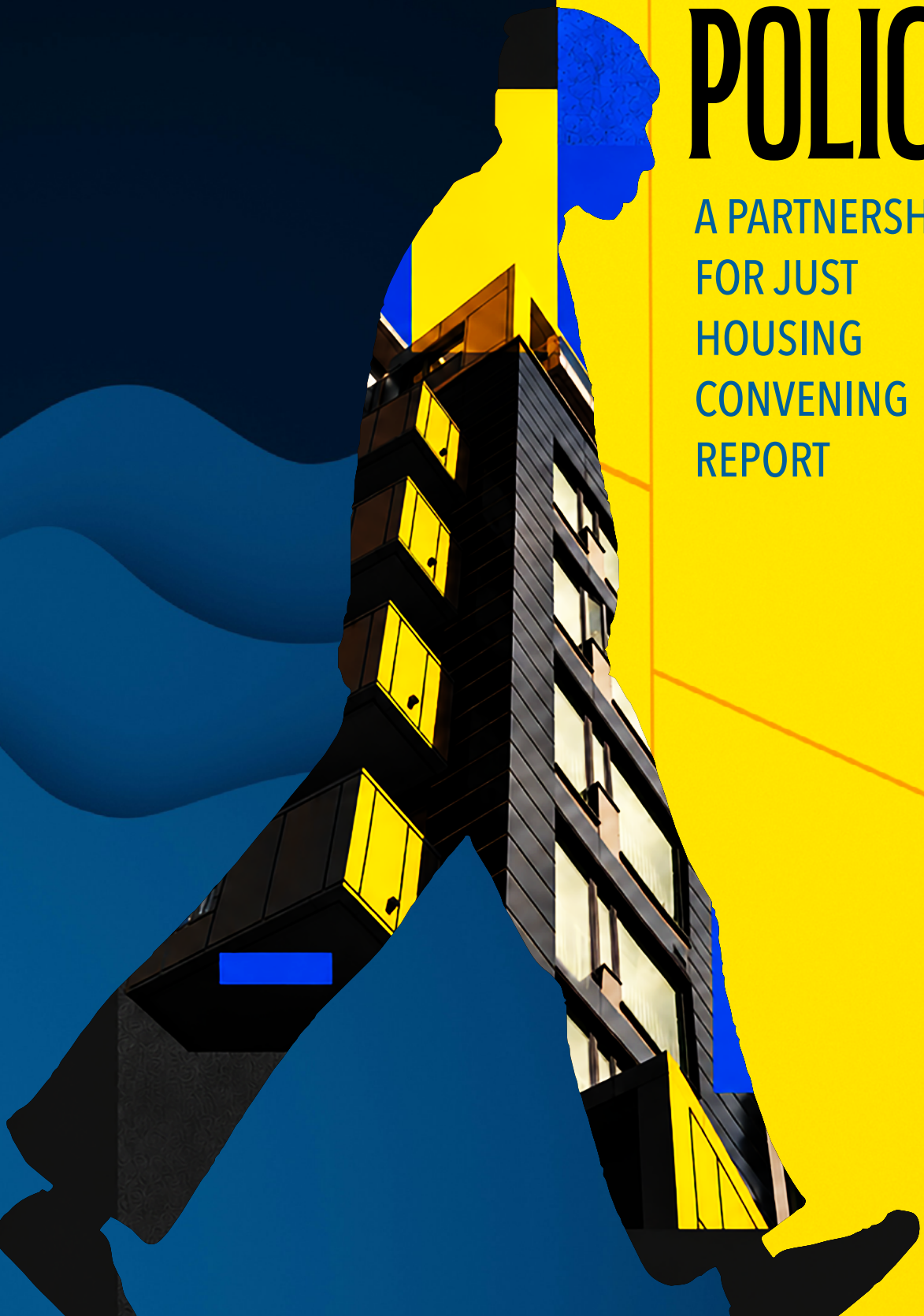
NATIONAL LOW INCOME HOUSING COALITION

THE STATE OF REENTRY HOUSING POLICY

A PARTNERSHIP FOR JUST HOUSING CONVENING REPORT



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About NLIHC

The National Low Income Housing Coalition (NLIHC) is dedicated to achieving racially and socially equitable public policy that ensures people with the lowest incomes have quality homes that are accessible and affordable in communities of their choice.

Founded in 1974 by Cushing N. Dolbeare, NLIHC educates, organizes, and advocates to ensure decent, safe, and affordable housing for everyone. NLIHC's goals are to preserve existing federally assisted homes and housing resources, expand the supply of low-income housing, and establish housing stability as the primary purpose of federal low-income housing policy.

About PJH

Convened by NLIHC, Voice of the Experienced, the Formerly Incarcerated and Convicted People and Families Movement (FICPFM), the Tenant Advocacy Clinic at the Pritzker School of Law, and the National Housing Law Project (NHLP), the Partnership for Just Housing (PJH) is a national collaborative of directly impacted leaders and other advocates working to end housing discrimination against people impacted by the criminal-legal system. Together, we work to advance economic and racial equity at the intersection of housing and the criminal-legal system. PJH centers the expertise of people with direct criminal-legal system involvement in forming and executing its agenda.

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Summary

After decades of creating barriers to housing access with punitive and destructive policies, policymakers, at the urging of criminal-legal system reform advocates, started advancing policies to remove obstacles and give people exiting incarceration and those with conviction histories a fairer opportunity to find housing. Recognizing the central role housing plays in successful reentry, in April 2024 the Department of Housing and Urban Development (HUD) released a Notice of Proposed Rulemaking (NPRM), "Reducing Barriers to HUD Assisted Housing," which proposed several meaningful changes to HUD's existing screening regulations for people with conviction histories applying to HUD-assisted housing. These changes would have helped increase access to assisted housing for formerly incarcerated and convicted people and their families, a needed step toward ending the cycle of incarceration and homelessness.

However, HUD did not finalize this rule under the Biden administration and has moved in a radically different direction under the Trump administration, including withdrawing previous guidance and encouraging assisted housing providers to adopt practices that limit access to housing opportunities for formerly incarcerated and convicted people. Similarly, under the Biden administration, the Federal Trade Commission (FTC) and Consumer Financial Protection Bureau (CFPB) introduced—and in some instances instituted—regulations, guidance, and advisory opinions addressing tenant screening practices, particularly injurious to people with records. Most of those actions were withdrawn in anticipation of or by the Trump administration, reversing over a decade of progress.

In the absence of federal action, state and local policies can provide important protections and help expand housing opportunities for formerly incarcerated people and convicted people and their families. Several states and localities around the country have enacted or proposed fair chance housing policies, which limit housing providers' discretion in conducting criminal background checks on prospective tenants, with the goal of increasing housing access for people exiting incarceration and those with conviction histories and improving the likelihood of long-term stability.

The successes and challenges of passing and implementing fair chance housing policies locally provide important insights for advocates and policymakers interested in advancing these policies in their own communities, as well as federally. To better understand the lessons learned enacting and implementing state and local fair chance housing policies, the Partnership for Just Housing (PJH) convened advocates who had successfully passed these laws in their communities, including in Berkeley and Oakland, California; Chicago, Illinois; New York City; and in the state of Maryland.

This report details key findings from these conversations and provides recommendations to local, state, and federal policymakers and advocates interested in passing similar legislation. These recommendations include:

- **Ensuring formerly incarcerated and convicted people are at the table when designing fair chance housing and other reentry housing policies.** Having people who have been impacted by the criminal-legal system at the table when drafting and advocating for fair chance housing policies is essential to creating laws that are effective at helping formerly incarcerated and convicted people find housing. Formerly incarcerated and convicted people are also vital messengers in helping build public support for fair chance housing policies.

- **Treating housing as a key part of reentry planning.** Ensuring people exiting incarceration are connected to housing as part of their pre-release planning is crucial to ending the cycle of incarceration, homelessness, and reincarceration.
- **Fostering partnerships to help expand capacity and build support.** Building coalitions with not only local housing and criminal legal system reform advocates, but with cross-sector and national partners, is key for expanding capacity, educating stakeholders and pushing policies over the finish line.
- **Including education, enforcement, and evaluation mechanisms in legislation.** Education, enforcement, and evaluation provisions help ensure the law is effective, build evidence on the impact of fair chance housing policies, and identify needed improvements.
- **Providing funding for implementation and enforcement.** Having a source of funding dedicated specifically to fair chance housing implementation and enforcement, including tenant education and outreach, legal aid, and program evaluation, helps ensure these policies are working as intended and identify gaps to strengthen protections.

Overview

The United States is the world's largest jailer, with nearly two million people currently incarcerated[1] and 3.7 million people living under community supervision.[2] The prison population expanded throughout the 20th century, spurred by major federal policies that imposed longer, harsher sentences, especially on people convicted of drug possession. This marked the beginning of mass incarceration. As a result of these policies, the number of people incarcerated in the United States increased by almost 700% between 1972 and when incarceration levels peaked in 2009.[3]

Rates of incarceration began dropping in 2010, and by the end of 2020 the prison population had decreased 25% from its peak in 2009,[4] including a 14% drop in 2020 attributable to state and local responses to the COVID-19 pandemic. While the rate of incarceration increased 2% between 2022 and 2023 following a slight increase the year before,[5] even with these increases the number of people incarcerated is still about 13% lower than pre-pandemic levels.[6]

People are not impacted equally by the criminal-legal system

Bias in the criminal legal system is well documented. Despite being no more likely to commit crimes, people of color,[7] people with disabilities,[8,9] people with lower incomes,[10,11] and members of the LGBTQ+ community[12,13] are disproportionately likely to experience arrest, conviction, and incarceration, and typically face longer, harsher sentences;[14,15] accordingly, they are also disproportionately impacted by the collateral consequences of incarceration and conviction, including barriers to accessing safe, stable housing.[16,17]

Housing is key to successful reentry but difficult to obtain

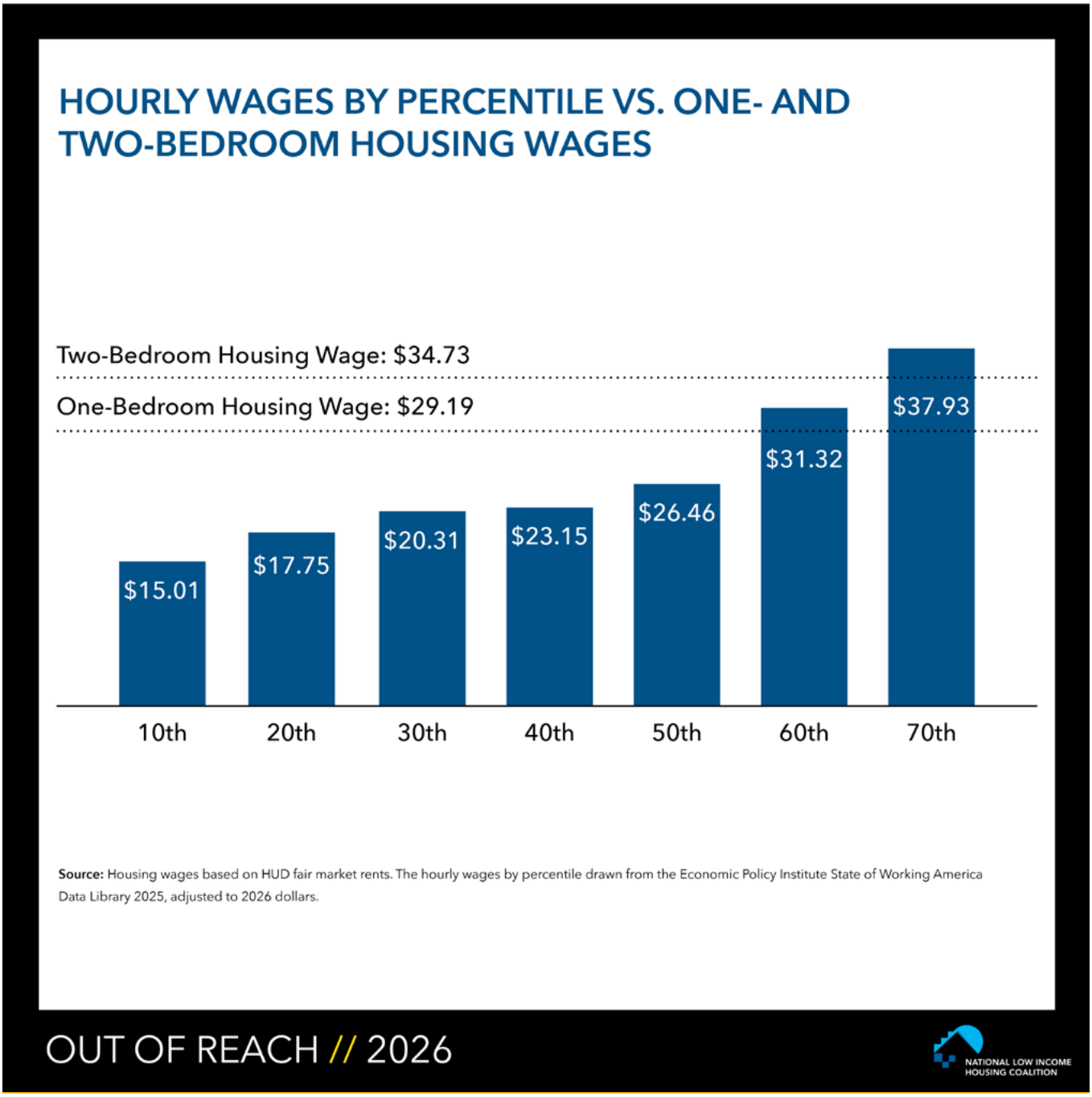
Each year, over half a million people exit prison and over 7 million people cycle in and out of state and local jails.[18] Access to a stable home plays a significant role in how they fare when they return to their communities.[19] Housing is key to finding and maintaining employment, and to reestablishing family and community ties. Housing access also plays an important role in in meeting parole or probationary requirements, and in connecting people with severe mental illness and/or substance use disorder to supportive services for long term stability.[20]

Despite the necessity of housing for successful reentry, people exiting incarceration and those with conviction histories face tremendous challenges finding a home, putting them at significant risk of homelessness, recidivism, and reincarceration.

There is a severe shortage of affordable, available homes for people with the lowest incomes

Nationally, there is a shortage of 7.2 million affordable, available rental units for extremely low-income (ELI) renters, who are paid 30% or less of area median income (AMI); only 35 affordable, available rental homes exist for every 100 households with the lowest incomes.[21] On average, in 2026 a full-time worker needs to earn an hourly wage of $34.73 per hour for a modest two-bedroom rental home at the average fair market rent of $1,806 per month, or $29.19 per hour for a modest one-bedroom rental home at $1,518 per month.[22]

Comparatively, while incarcerated, people are paid between $0.13 per hour and $0.52 per hour depending on assignment,[23] and many—disproportionately Black men incarcerated in Southern states—are not paid at all.[24] Anything earned is put toward necessities like basic hygiene supplies and communicating with non-incarcerated loved ones.[25] Incarcerated and convicted people are also charged fees, such as felony surcharges, electronic monitoring, and drug testing.[26] These expenses and no or extremely low wages make it impossible for incarcerated people to save for necessary expenses like housing upon release; moreover, families will often provide their incarcerated loved ones with needed financial support, putting additional strain on already limited family budgets and pushing households into debt.[27]



Even after serving their time, around 33% of formerly incarcerated people cannot find a job.[28] Those who can typically earn around $13,150 per year, around $6.32 per hour for a 40-hour work week, based on the most recently available data and adjusting for inflation,[29] which is less than HUD's 2025 area median income limit of $17,300 for an ELI household.[30] High joblessness and low wages make it even more difficult for formerly incarcerated and convicted people find stable housing after release. In addition, over 3.7 million people are convicted and sentenced to probation in the community instead of incarceration. These people are at risk of losing their employment, housing, and possessions during pretrial detention, and are saddled with thousands of dollars owed in fines, fees, and restitution, while also rebuilding their lives under the mark of a recent felony conviction.[31]

"Without enough deeply affordable, available homes, high rents take a disproportionate toll on people with the lowest wages—extremely low-income renters make up 68% of households spending over half of their income on the cost of rent every month."

Without enough deeply affordable, available homes, high rents take a disproportionate toll on people with the lowest wages—extremely low-income renters make up 68% of households spending over half of their income on the cost of rent every month.[32] With so much income going toward the cost of rent, these households struggle to afford other necessities and are often one missed paycheck or unexpected expense away from falling behind on rent and facing housing instability or, in worst cases, homelessness. Formerly incarcerated and convicted people are also responsible for additional financial obligations after their release, leaving them with even less for housing and other necessities; failure to meet these financial obligations also puts people at risk of reincarceration.[33]

Some communities also have residency restriction laws that bar people required to register on the sex offense and other registries from living within a certain distance of a school, playground, or daycare center, including at-home daycare centers. Rather than enhancing public safety, these laws create exclusionary zones that severely restrict housing access and force people into homelessness. Research shows that, while politically popular,[34] " there is no evidence [residency restrictions] are effective in improving public safety." Instead, "residency requirements [should] be determined by individualized risk factors, " and communities should work to develop "management and treatment programs for successful reintegration [to keep] communities and individuals safer by reducing the risk of future assaults through engaging, rather than ignoring or dehumanizing, the offender or victim."[35]

Background screenings lack transparency and provide no opportunity for review

An estimated 90% of landlords, including private market landlords, subsidized housing providers, and Public Housing Agencies (PHAs), rely on automated screening companies in the tenant selection and lease renewal process.[36] These companies create reports through largely automated searches of aggregated data that receive minimal, if any, review before being sent to a landlord or property manager. The information pulled for these reports can be incomplete or inaccurate—for example, a jurisdiction might misreport a misdemeanor as a felony or vice versa, fail to indicate when a record has been expunged or sealed, or mix up the histories of two people with the same name.[37]

Some tenant screening agencies also offer automated decision making to landlords. These tools "score" an applicant, based on retrieved records and reports, against eligibility criteria provided by the landlord or the screening agency itself. The screening company then provides a determination as to whether the landlord should accept the potential tenant.[38]

Screening agencies utilizing automated decision making typically do not provide the landlord with a copy of the screening report or the underlying records. Instead, they issue an up-or-down determination as to whether the tenant meets the designated eligibility criteria.[39] As a result, the criteria being used in screening and the report itself are often unclear to prospective tenants, making it difficult for tenants to know why their application is being denied and denying them the opportunity to dispute inaccurate information. These issues persist despite the "Fair Credit Reporting Act" (FCRA) mandate that background screeners have processes in place to reasonably ensure the accuracy of reports,[40] and despite screening companies' obligations under the "Fair Housing Act" (FHA).[41]

Federal housing assistance can provide affordable options, but current policies create barriers that lock people out of housing

Federal legislation passed in the 1980's and 1990's, like the "Anti-Drug Abuse Act" (1988), "Cranston-Gonzalez National Affordable Housing Act" (1990), "Housing Opportunity Program Extension Act" (1996), and "Quality Housing and Work Responsibility Act" (1998), included increasingly stringent crime and drug enforcement policies in public housing, creating harsh penalties for certain drug-related activities and giving broad discretion to PHAs in evaluating potential and current residents.

These laws also broadened "resident accountability" to make residents of subsidized housing accountable for the behavior of a wider range of individuals, including minors and social acquaintances, and increased the oversight of and penalties for PHAs who failed to make progress in implementing strategies to lower crime and drug use. Even the "Fair Housing Amendments Act" (1988) included a provision known as the "Thurmond Amendment," which excludes individuals with a drug distribution conviction from protections otherwise guaranteed under the FHA.[42]

Although PHAs have broad discretion in evaluating current and prospective tenants, there are several federal admissions policies that all PHAs and project owners are required to follow under federal law and regulation:

- A permanent admission ban when a household includes a person who is required to register as a sex offender for life.[43]
- A permanent admission ban or mandatory termination of tenancy when a household member has been convicted of manufacturing methamphetamine on federally assisted property.[44]

- A prohibition on admission of a household for three years after a household member has been evicted from federally assisted housing for drug-related criminal activity. PHAs have discretion to admit the household if the member successfully completed drug rehabilitation or the circumstances leading to the eviction no longer exist (for example, if the person who committed the drug-related criminal activity is no longer living with the family).[45]
- A prohibition on admission of a household if a member is currently engaged in illegal drug use or alcohol abuse.[46]
- A prohibition on admission of households where the PHA or property owner has reason to believe that a household member's former or current use of illegal drugs or alcohol "may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents."[47]

In addition to these mandatory policies, PHAs have broad discretion in adopting additional screening requirements. In 1996, HUD released "one strike" subregulatory guidance that urged PHAs and assisted housing providers to adopt the harshest possible record screening and eviction policies and giving them broad authority to do so. While guidance from the Obama and Biden administrations sought to rein in some of the most egregious screening practices, people exiting incarceration and those with conviction histories face sometimes insurmountable barriers to accessing HUD-assisted housing, including:

- **Unreasonably long lookback periods:** Federal law instructs assisted housing providers to look back in an applicant's history of criminal activity within a "reasonable time," but neither statute nor HUD explicitly define what constitutes a "reasonable time." Despite HUD's previously suggested limit on lookback periods for certain crimes (for example, three years or less from the date of a criminal offense that resulted in conviction),[48] HUD-assisted housing providers routinely look further back into a person's conviction history, sometimes as long as 20 years.
- **Unclear or unknown screening criteria:** Federally assisted housing providers may neglect to include what event marks the beginning of a lookback period (e.g., the criminal activity itself, a conviction, or release from incarceration), again making it difficult for people with conviction records to determine when they are eligible. HUD is also unclear on when a PHA has the discretion to screen for criminal activity that "would adversely affect the health, safety, or welfare of other tenants." Some PHAs and project owners use "health, safety, and welfare" as a catch-all for criminal offenses, including those with no bearing on an applicant's success as a tenant. Even without a definition, using screening criteria that is not relevant to a person's potential success as a tenant could be a potential violation of the FHA.
- **No opportunity to dispute a denial:** PHAs and HUD-assisted housing providers can—and in the case of public housing admissions, must—consider mitigating circumstances during their admissions process, including the time, nature, and extent of the applicant's conduct, including the seriousness of the offense. PHAs and HUD-assisted providers may also consider if the applicant's recent actions indicate future good conduct.[49] Too often, however, PHAs and project owners ignore or do not provide mechanisms for applicants to present mitigating evidence and explain the totality of circumstances surrounding a conviction.

- **Refusal to add a returning family member to a lease:** People leaving incarceration and attempting to reunite with their families living in HUD-assisted housing are sometimes barred from doing so or are not permitted to be added to the household's lease, even though HUD has no prohibition on adding people leaving incarceration to a lease. This refusal places people exiting incarceration who would otherwise have a home to return to at risk of housing instability and homelessness upon release and puts families at risk of eviction if their formerly incarcerated loved one is found living in the household.

As a result of these barriers, people can become trapped in a vicious cycle of incarceration, homelessness, and reincarceration. People who have been incarcerated once are seven times more likely to experience homelessness, and people experiencing homelessness are significantly more likely to interact with law enforcement.[50] The Supreme Court's June 2024 decision in *Grants Pass v. Johnson* also gave local governments broad clearance to enact laws that target people experiencing homelessness with arrests, tickets, or fines for engaging in necessary, life-sustaining activities like sleeping in public spaces,[51] leading to the proliferation of state and local policies that strengthen and reinforce the cycle between incarceration and homelessness.[52]

After Some Progress, Federal Policy is Regressing

Recognizing the vital role housing plays in successful reentry and the long-reaching consequences of severely restrictive criminal records screening policies, in 2011 the Obama administration began changing course on federal policy, moving instead to decrease barriers to housing access for formerly incarcerated and convicted people. Then-HUD Secretary Shaun Donovan issued a letter to PHA executive directors encouraging PHAs to allow people with a conviction history, when appropriate, to live with their families in public housing or in housing assisted by the Housing Choice Voucher (HCV) program. The letter also asked that PHAs "consider all relevant information, including factors which indicate a reasonable probability of favorable future conduct " when screening for criminal records. A year later, Secretary Donovan sent a similar letter to owners and agents of HUD-assisted properties.[54]

The U.S. Interagency Council on Homelessness (USICH) published a guidebook in 2013 for PHAs that included best practices and policies to increase access to housing for formerly incarcerated people,[55] underscoring the relationship between incarceration and homelessness. Like HUD, USICH encouraged PHAs to make individualized assessments when screening potential tenants with conviction records to remove barriers to housing assistance.

HUD also released guidance to PHAs and project owners in November 2015 clarifying an arrest alone could not be used as the basis for admissions denial, termination of assistance, or eviction, and that HUD does not require PHAs and project owners to adopt or enforce "one strike" policies.[56] While the clarification on "one strike" policies was an important step forward, this guidance did not prohibit PHAs and owners from implementing them; instead, it urged PHAs and owners to exercise discretion and consider all relevant factors, like seriousness of the offense and the effect on an entire household, when evaluating an applicant with a conviction record for admission or termination of assistance.

The COVID-19 pandemic accelerated decarceration and reentry efforts

In response to the COVID-19 pandemic, in March 2020 Congress passed and President Trump signed into law the "Coronavirus Aid, Relief, and Economic Security (CARES) Act," which provided states and communities with resources to respond to the coronavirus pandemic, including additional funding for housing and homelessness assistance.[57] Some state and local incarceration facilities also released individuals with underlying health conditions more vulnerable to COVID-19 complications, and individuals who were determined not to pose a threat to the health and safety of others.[58]

Recognizing the foundational link between housing and successful reentry, in April 2020 HUD issued a notice providing PHAs broad authority to waive regulatory and statutory provisions to increase access to HUD-assisted housing for formerly incarcerated and convicted people.[59]

- PHAs were given the option of waiving regulations[60] to allow current tenants of HCV- and Project-Based Voucher (PBV)-assisted housing to add individuals to the household lease even if doing so would exceed HUD's minimum standard for adequate space, expanding opportunities for people exiting incarceration to be added to a family member's lease.

- HUD also gave PHAs the option of amending and adopting changes to their Admission and Continued Occupancy Policy and Administrative Plans without formal board approval.[61,62] If adopted, PHAs could use these waivers to change their tenant screening policies and reduce barriers to accessing housing for people with a conviction record. For example, PHAs could remove criminal record screening policies for individuals released from incarceration in response to COVID-19, as these individuals had already been determined not to pose a threat to the health or safety of others.

Adopting these waivers was not mandatory and was left up to the discretion of PHAs; as a result, these policies were inconsistently implemented and sometimes not implemented at all.

In March 2021, Congress passed and then-President Biden signed into law the "American Rescue Plan Act," a $1.9 trillion coronavirus relief package with nearly $50 billion in essential housing and homelessness assistance. The bill provided $5 billion for around 70,000 emergency housing vouchers (EHVs) targeted specifically to people at risk of or experiencing homelessness and those escaping domestic violence, dating violence, sexual assault, stalking, or human trafficking.[63] A 2023 HUD notice clarified that that people exiting incarceration,[63] "who are at-risk of homelessness due to their low incomes and lack of sufficient resources or social supports," are eligible for EHVs.[64]

The CFPB issued in November 2021 an advisory opinion warning consumer reporting agencies, including tenant screening companies, that using inadequate matching procedures like name-only matching may violate the FCRA.[65] CFPB and FTC released a request for comment in February 2023 on background screening issues, including how criminal and eviction records, as well as algorithms, affect tenant screening decisions.[66] In response to comments, in October 2023 the FTC and CFPB released a "Trade Regulation Rule on Unfair or Deceptive Fees" proposed rule.[67] While the proposed rule included rental housing among the industries targeted, the rule as finalized in January 2025 did not include restrictions on the rental housing industry.[68]

In April 2022, then-HUD Secretary Marcia Fudge issued a directive instructing HUD to review and identify internal policies and procedures that may increase barriers to housing for people impacted by the criminal-legal system.[69] HUD released subsequent subregulatory guidance in response to this directive in June 2022. This guidance elaborated on the ways in which criminal background screening practices deployed in both HUD-assisted housing and in the private housing market may violate the FHA. HUD also released in October 2023 a Notice of Proposed Rulemaking (NPRM) removing a ban on people with conviction histories from serving as fair housing testers under HUD's Fair Housing Initiatives Program (FHIP) and Fair Housing Assessment Program (FHAP). The final rule, "Expanding the Fair Housing Testing Pool for FHIP and FHAP Funded Entities," was released in April 2024 and remains in place.[70]

"Reducing Barriers to HUD-Assisted Housing" NPRM

HUD released an NPRM, "Reducing Barriers to HUD-Assisted Housing," in April 2024.[71] The NPRM proposed several meaningful changes to HUD's existing screening regulations for people with conviction histories applying to HUD-assisted housing, including:

- Clarifying the types of "relevant criminal activity" for which PHAs and owners can screen.
- Limiting lookback periods in admissions decisions to no more than three years prior to an application.
- Mandating an individualized assessment of rental applicants with a conviction history in admissions decisions.

- Restricting the use of arrest records and banning the use of arrest records as the sole basis for housing denial or eviction.
- Clarifying the standard of proof for eviction and termination decisions based on criminal activity.
- Increasing regulations for third-party screening services and companies.

PJH, in collaboration with the Formerly Incarcerated and Convicted People and Families Movement (FICPFM), submitted a detailed comment with recommendations to strengthen the proposal.[72] The final rule was not released before the end of the Biden administration's term and was withdrawn shortly after the beginning of the second Trump administration in January 2025.[73]

Attempting to reverse hard-won progress

The second Trump administration has ushered in a flurry of policy changes to reverse the hard-won progress made expanding housing access for formerly incarcerated and convicted people and their families. In September 2025, HUD withdrew much of the previously noted regulatory and subregulatory guidance on the use of conviction and arrest records in background screenings and evictions, including the 2015 subregulatory guidance asserting an arrest alone could not be used as the basis for admissions denial, termination of assistance, or eviction, and clarifying that HUD does not require PHAs and project owners to adopt or enforce "one strike" policies. Guidance on the applicability of the FHA in criminal record screening practices was also withdrawn.[74]

HUD Secretary Scott Turner issued a letter[75] to PHAs and owners of HUD-assisted multifamily housing in November 2025, noting the withdrawal of previous guidance[76] and encouraging PHAs to adopt practices that instead limit access to housing opportunities for formerly incarcerated and convicted people, undermining HUD's long-held assertion that permanent admissions bans contradict federal policy. The letter:

- Rescinds previously issued HUD guidance on the use of conviction and arrest records in tenant screening.
- Cites "One Strike and You're Out' Screening and Eviction Guidelines for Public Housing Authorities"[77] and encourages PHAs and owners to return to strict "one strike" policies.
- Encourages PHAs and owners/operators to publicly post a hotline for residents to "submit allegations of fraud, waste, abuse, mismanagement, illegal aliens, crime, or whistleblower-related matters within HUD and HUD-funded programs."

In addition, in a sweeping May 2025 notice, the CFPB withdrew a slew of previously issued guidance,[78] including advisory opinions issued in January 2024 mandating credit screening companies accurately report the disposition of criminal cases and prohibiting screening companies from reporting sealed cases. In March 2026, the FTC showed renewed interest in regulating unfair and deceptive rental fees, issuing a request for comment on the topic.[79] While a seemingly positive step, the Trump administration's withdrawal of previously issued guidance and hostility toward consumer protections makes it difficult to anticipate how the FTC might seek to regulate rental markets, leaving advocates skeptical of prospective outcomes.

Importantly, while the Trump administration's sudden policy reversals undermine the department's own longstanding guidance, they do not change underlying legal requirements regarding admissions and evictions: any discretionary admissions and eviction policies remain up to PHAs and owners. Other laws' prohibitions on discrimination, including the "Fair Housing Act," the "Violence Against Women Act," and state and local ordinances, also still apply.

Congressional Action

In December 2018, Congress passed and then-President Donald Trump signed into law the bipartisan "First Step Act," which rolled back mandatory minimum sentences in certain circumstances and expanded on "good time credits" for incarcerated people looking to shorten their sentences. While advocates acknowledged the bill was not perfect, many agreed it was a modest step forward for comprehensive criminal legal system reform.

The bill also included the "Second Chance Reauthorization Act," which supports state, local, and Tribal governments and nonprofit organizations in their work to reduce recidivism and improve outcomes for people returning from incarceration. Second Chance grants support a variety of reentry services, including housing, job training, education, mentoring, and mental health treatment. The bill also expanded opportunities for community-based nonprofits to apply for grants to develop support programs, including supportive housing, and requires coordination among multiple federal agencies (including HUD), state and local governments, and service providers on federal programs and policies related to reentry.

In July 2019, Representative Alexandria Ocasio-Cortez (D-NY) and Senator Kamala Harris (D-CA) introduced the "Fair Chance at Housing Act," which would ban "one-strike" and "no-fault" eviction policies federally, demand higher standards of evidence to reject an applicant based on their criminal record, and mandate an individualized review processes that takes into account both the totality of circumstances surrounding a criminal offense and any mitigating evidence provided by a prospective tenant.[80]

An April 2023 bill from Representative Nanette Barragan (D-CA), the "Returning Home Act," would create a reentry rental assistance and housing services grant program funded through the Department of Justice at $100 million annually.[81] Representative Barragan reintroduced the "Returning Home Act" in November 2025.

Campaign to repeal the Thurmond Amendment gains traction in Congress

The Thurmond Amendment is a provision from the "Fair Housing Amendments Act" (1988) that exempts individuals with a drug distribution conviction from protections otherwise guaranteed under the FHA. Some screening companies and housing providers use the Thurmond Amendment as grounds to deny any applicant with a drug distribution conviction, regardless of how long ago the conviction may have taken place or any other mitigating circumstances or evidence of rehabilitation.[82]

A coalition to repeal the Thurmond Amendment led by a directly impacted advocate started in 2022[83] and in March 2026 facilitated the House introduction of the bipartisan "Fair Futures Act." Led by Representatives Maxwell Frost (D-FL) and Ryan Mackenzie (R-PA), the bill would repeal the Thurmond Amendment, removing a significant barrier to housing access for the over 9 million people in the country with a prior drug conviction.[84]

Applying the Fair Housing Act's disparate impact standard to criminal record screenings

> "Disparate impact" is a legal theory that states when a housing provider's facially neutral policy or practice has a discriminatory effect, the policy or practice is unlawful under the FHA if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the housing provider, or if the interest could be served by another practice that has a less discriminatory effect.

In April 2016, HUD's Office of General Counsel issued legal guidance stating that housing providers, both in the public and private housing markets, likely violate the FHA if they deny applicants housing for an arrest not resulting in conviction, or impose blanket policies refusing to rent or renew a lease based on an individual's conviction, since such policies would likely have a disparate impact on people of color.[85] The FHA prohibits housing discrimination on the basis of race, color, religion, sex, familial status, national origin, or disability; because of widespread racial disparities in the criminal legal system, under disparate impact theory, unjustified policies imposing blanket restrictions on housing access for formerly incarcerated and convicted people would be in violation of the FHA.

HUD's 2016 disparate impact guidance stated, "bald assertions based on generalization or stereotype that any individual with an arrest or conviction record poses a greater risk than those without such records are not sufficient." Landlords and property managers must be able to prove through reliable evidence that blanket policies assist in protecting residents and property. The guidance also states that a housing provider with a policy that excludes people because of a prior arrest without conviction cannot satisfy its burden of showing the policy is necessary to achieve a "substantial, legitimate, nondiscriminatory interest," since an arrest alone is not a reliable basis upon which to assess an applicant's potential risk to residents or property. When evaluating an applicant or tenant with a past conviction history, housing providers must evaluate the applicant or tenant on a case-by-case basis considering the nature and severity of the conviction, what the individual has done since conviction, and how long ago the conviction took place.

In September 2020, the Trump administration proposed changes to HUD's disparate impact rule to significantly weaken disparate impact and make it more difficult to challenge a housing provider's discriminatory policies.[86] These changes were enjoined by the courts and then reversed by the Biden administration, who in March 2023 officially reinstated the prior 2013 guidelines.[87]

Under the second Trump administration, HUD has proposed removing disparate impact regulations altogether. A January 2026 NPRM proposes removing, but not replacing, current regulations, and leaving it up to courts to determine how to evaluate disparate impact liability.[88] A final disparate impact rule has not yet been published. Importantly, the U.S. Supreme Court concluded in 2015 that the disparate impact claims can be brought under the FHA, and HUD cannot overturn this precedent via a final rule.

State and Local Policies are Crucial in the Absence of Federal Leadership

In the absence of federal leadership, state and local governments can play a crucial role in expanding housing access for formerly incarcerated and convicted people and their families. Several states and localities around the country have enacted or proposed fair chance housing policies, which limit housing providers' discretion in conducting criminal background checks on prospective tenants with the goal of increasing housing access for people exiting incarceration and those with conviction histories.[88,89]

While the specifics of policies vary, generally fair chance housing policies:

- **Limit use of non-conviction criminal records, and in some cases prohibit the use of criminal records altogether in housing decisions:** Policies often prohibit the use of arrests not resulting in conviction as the basis for housing denial. In some communities, fair chance housing policies prohibit the use of criminal records altogether in the screening process, except when required by state or federal law, while also preserving housing providers' discretion in assessing criteria relevant to tenancy success, such as income, employment, and landlord referrals.
- **Limit the kinds of convictions housing providers can screen for during a background check:** Some policies explicitly ban the use of expunged, juvenile, or sealed records and restrict screenings to certain types of convictions. Others bar the use of criminal background checks altogether, except for federally- or state-mandated prohibitions.
- **Limit lookback periods:** Fair chance housing policies that allow for conviction record screenings will often establish a lookback period on how far back housing providers can look in an applicant's record. Policies vary in both the length of the lookback period and in whether the time limit starts from the date of the conviction or the date of a person's release. Previous HUD guidance recommended a lookback period of no more than three years.
- **Increase transparency in the background screening process.** Fair chance housing laws might ban housing providers from stating on advertisements that people with conviction histories will not be considered, require providers to list explicitly the kinds of convictions for which they screen, and/or detail their criminal background screening process. In the event an applicant is denied based on their conviction history, the housing provider is also usually required to provide the reason for the denial, as well as a copy of the screening report that led to the denial decision.
- **Provide people with the opportunity to refute a denial based on their conviction history.** Fair chance housing laws typically provide an applicant whose residency is denied based on their conviction history the opportunity to refute the denial, including by correcting an erroneous background check, explaining the totality of circumstances that led to the conviction, and providing mitigating evidence, like completion of a drug rehabilitation program or job training program. Some policies provide the opportunity for mitigating evidence prior to a denial, a part of an individualized assessment for any applicant whose conviction history can be considered.

Fair chance housing laws are an important way of expanding housing access for formerly incarcerated and convicted people and their families. To better understand the successes and challenges of passing and implementing these policies, PJH hosted an inaugural in-person convening on June 10 and 11, 2026 in Washington, DC. The PJH Convening brought together 30 advocates from around the country to discuss their experiences pushing for expanded housing access for formerly incarcerated and convicted people in their communities, and to build a strategy for future policy wins.

Advocates who were central to the enactment of fair chance housing policies in Cook County, Illinois; Berkeley and Oakland , California; New York City, New York; and Maryland participated in a 90-minute panel during the convening, sharing their insights and experiences and discussed what local, state, and federal policymakers can learn from their efforts.

Cook County, Illinois

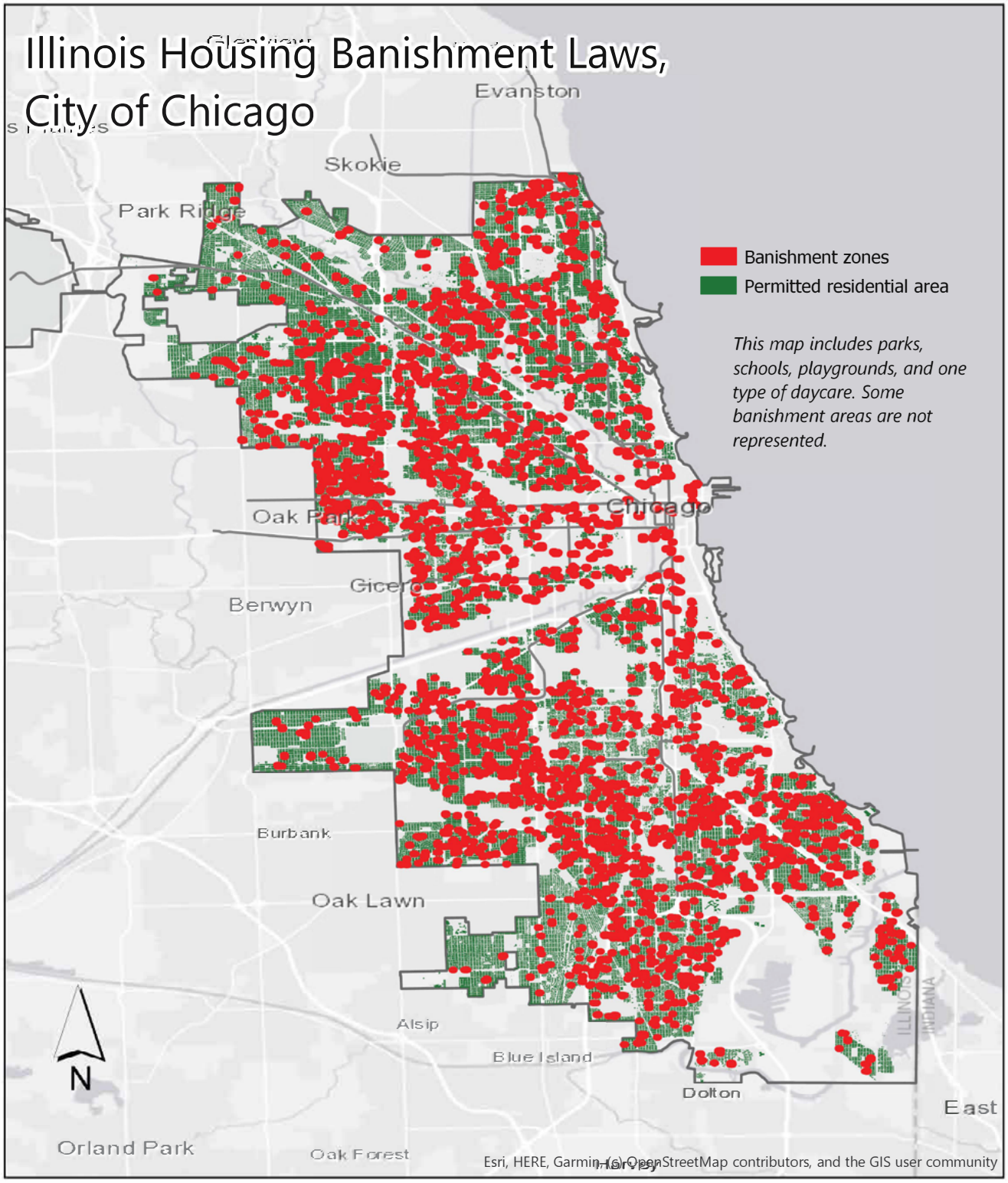
Cook County, Illinois enacted a Just Housing Amendment (JHA) to the Cook County Human Rights Ordinance in 2019.[91] The JHA prohibits both private landlords and subsidized housing providers from denying an applicant based on an arrest record and requires landlords to conduct an individualized assessment of applicants with a conviction record. The assessment includes consideration of the nature and severity of the offense, how recently it occurred, the age of the individual at the time of the offense, and evidence of rehabilitation. The law also places a three-year limit on lookback periods for convictions, starting from the date of conviction.

A housing provider can only screen for convictions after making a conditional offer of admission to an applicant. In the event an applicant is denied due to their conviction history, housing providers must provide a copy of the background check to the applicant, who then has five business days to dispute the accuracy of the background check or provide mitigating evidence for the landlord to consider. The landlord then has three business days to make a final decision on accepting or denying the application.

Exceptions to this law include people required to register under the "Sex Offender Registration Act," and people convicted of a child sex offense or under residency restrictions. Federal admissions prohibitions on people on the sex offense registry and those convicted of manufacturing methamphetamine on federally assisted property still apply for housing providers that receive federal subsidies.

Residency restrictions make homelessness nearly inescapable

Cook County's JHA, like other fair chance housing laws, explicitly excludes people on the sex offense registry from protections. The state of Illinois also imposes residency restrictions on people required to register on the sex offense registry, which places strict limits on where someone can live. People subject to residency restriction laws are barred from living within 500 feet of a school, playground, or daycare center, including in-home daycare centers, which are more prevalent in lower-income communities where housing is more affordable. Housing can also become "illegal" if, for example, an in-home daycare center opens within 500 feet of where someone on the registry is already living; when this happens, the current resident has 30 days to move, even if they own the home in which they live. Residency restrictions in densely populated communities like Chicago can effectively ban people on the registry from nearly all housing opportunities.



Courtesy of the Chicago 400 Alliance. Housing banishment laws prohibit residing within 500 feet of any: school, playground, full or part-time child/day care home or center, license-exempt daycare, address holding a daycare license, facility providing programs or services exclusively for < 18. Home and license-exempt daycares are common, but the locations are not available, so they are not represented in this map. This law is enforced in a way that includes parks, although parks and park facilities are not technically included in the law.

Extensive research from the Kansas Department of Corrections on the effect of residency restrictions concludes that, while these policies are "widely supported by the public, there is no evidence they are effective in improving safety." Researchers instead recommend "laws should genuinely enhance public safety rather than provide only a false sense of security," and advise "that residency requirements be determined by individualized risk factors."[92] Instead of residency restrictions, survivor advocacy organizations like the National Sexual Violence Resource Center recommend "developing management and treatment programs for successful reintegration [to keep] communities and individuals safer by reducing the risk of future assaults through engaging, rather than ignoring or dehumanizing, the offender or victim."[93]

Rather than improving public safety, residency restrictions have significant consequences for individuals and communities, delaying release from incarceration and creating a system that keeps people out of housing and pushes them into homelessness. Over the last 15 years, around 1,400 people in Illinois have been held in prison past their release date because they were unable to find housing, not necessarily because they could not find a landlord, family member, or friend willing to provide them housing, but because they could not find housing that also conformed with state residency restriction laws. As a result of these laws, in Chicago, one in five people on the sex offense registry is homeless, and Illinois spends millions of dollars of the state budget on homelessness services and temporary or cluster housing for people on the registry who would otherwise be able to live with a loved one.[94]

While stably housed registrants must generally re-register with the police annually, people on the registry who are experiencing homelessness are required to re-register weekly and in-person with law enforcement. This severely limits job options and forces people to miss work, making it even more difficult to gain financial stability and housing; they are also at risk of facing new felony charges and reincarceration if they miss their weekly check in, misreport information, or are unable to follow convoluted reporting requirements. For example, a person can be charged with a felony for staying in a shelter within a restricted area, or for doubling up with friends or family.[95]

Takeaways

Directly impacted advocates played a central role in drafting, enacting, implementing, and evaluating Cook County's JHA. The perspectives and experiences of formerly incarcerated and convicted people were vital to understanding the complex systems and barriers people navigate trying to find housing, and to humanizing the issue for policymakers and the public.

Protections afforded to renters in both the private and subsidized housing market through the JHA are vital to ensuring renters who find their rights violated can pursue legal recourse and hold bad actors accountable. However, a lack of funding has made implementation and enforcement of Cook County's JHA challenging. An assessment of the JHA's outcomes conducted in 2025 showed that many people seeking housing were not aware of their rights under the JHA and so would not know to seek legal aid if their rights were violated.[96] Respondents also reported being denied housing without being told why and without having the opportunity to undergo an individualized assessment after a denial.

To help resource JHA implementation, as well as other reentry and related services, advocates in Chicago introduced "Home for Good," a proposed state law that would direct 25% of proceeds from sales of legal marijuana to fund reentry and other supportive services for people exiting incarceration and provide $100 million for the law's implementation, incorporating capacity building into the legislation.[97] The bill passed the House in the Illinois General Assembly and awaits a vote in the Senate. Led by the Illinois Reentry Council, "Home for Good" has been a multi-year campaign involving a coalition of over 70 organizations across 26 counties and 80 cities in the state. Through this work, advocates have also been able to identify and develop valuable partnerships, helping create a well of supporters who can mobilize when the opportunity arises.

Oakland and Berkeley, California

In 2020, the cities of Berkeley and Oakland passed similar "Fair Chance Access to Housing Ordinances,"[98] prohibiting assisted and private market landlords from inquiring about a potential tenant's criminal history; indicating in advertisements, applications, or interviews that people with conviction histories will not be considered; and conducting a criminal background check unless required by federal or state law. Housing providers may not terminate tenancy based on a resident's criminal history, demand a higher security deposit or rent, or refuse a current tenant the ability to add an immediate family member to the lease based on the family member's criminal history. Landlords are still allowed to check lifetime sex offender registries and must still comply with federal laws that bar people convicted of certain drug or sex offenses form receiving federal housing assistance. These policies also exempt owner-occupied properties between 1-3 units, and units occupied by existing tenants who are looking to sublet or find a roommate. People on the lifetime sex offense registry are also exempted from the law's protections.

Takeaways

In drafting fair chance housing ordinances for Berkeley and Oakland, advocates looked to lessons learned from *Yim v. Seattle*, a 2018 legal challenge to a fair chance housing law passed in Seattle, Washington, that found prohibiting landlords from asking or inquiring about an applicant's conviction history violates landlords' constitutional right to free speech.[99]

To circumvent a similar legal challenge, advocates helping to draft Berkeley's ordinance actively involved landlords and housing providers in conversations while writing the ordinance. Advocates invited housing providers and potential opponents to participate in roundtable discussions. This not only helped humanize the issue for opponents but also gave advocates and housing poviders the opportunity to build consensus to help stave off legal challenges.

Advocates also underscored the importance of ensuring people with conviction histories "lead the charge on changing policy," and that they—along with people charged with implementing the law, including landlords and housing providers—are at the table when policies are being written. Directly impacted advocates led the process of creating policies and were crucial voices during public hearings to help humanize the issue and increase support for the proposals.

An impact evaluation study of the fair chance housing laws in Oakland and Berkeley conducted by UC Berkeley researchers found that the ability of formerly incarcerated people to secure rental housing—whether assisted or on the private market—in Berkeley and Oakland increased by 94% after the fair chance housing laws were enacted, with nearly 80% compliance from landlords. In addition, housing access increased for formerly incarcerated people across race, gender, age, income, and employment status, and concerns that the laws would increase racial profiling among housing providers were not borne out in available data.[100]

New York City, New York

New York City (NYC) passed a "Fair Chance Housing Act" (FCHA)[101] in December 2023 that became effective January 2025. FCHA prohibits most private housing providers, unless they are for some reason covered by another local, state, or federal law or regulations (which they must then disclose), from automatically denying an applicant the right to rent or purchase housing based on their conviction record and only permits conducting a background check after assessing general eligibility, making a conditional offer, and obtaining the applicant's permission to conduct a background check. The law also forbids housing providers from considering misdemeanors older than three years from the date of release from incarceration or, in cases where someone is not incarcerated, the date of sentencing, and felonies older than five years; pending cases and certain other specified matters may not be considered at all. Convictions for which someone is required to register on the sex offense registry can be considered regardless of the time since conviction or release; however, people with these convictions are still entitled to the individualized review described below.

If a housing provider wishes to deny someone housing based on an allowable conviction, they must conduct a Fair Chance process while holding the unit off the market under conditional offer.[102] The Fair Chance process mandates a housing provider give the applicant their background check, as well as their Fair Chance Housing notice of rights. The applicant then has a minimum of five days to correct any errors in the report or submit mitigating information to support their tenancy. After this information is submitted, a housing provider must conduct an individualized assessment of the applicant's conviction history, considering any supplemental information provided by the applicant. If after considering the information provided, the housing provider still wishes to reject the applicant, the provider must give the applicant a written statement explaining why the applicant has been rejected, and how their conviction history poses a threat to the legitimate business interest of the provider.

Maintaining eligibility for supportive housing

NYC also passed Local Law 132, "Jail Is Not a Home," in 2025 to ensure time spent in jail or prison counts toward any minimum time requirement for city-funded supportive housing.[103] Under previous law and consistent HUD's definition of "chronic homelessness," if someone experiencing homelessness was incarcerated for more than 90 days, their time incarcerated was considered a "break" in homelessness and did not count toward their eligibility for city-funded supportive housing. As a result, after being released from incarceration and returning to homelessness that person's eligibility "clock" for supportive housing and services starts over, delaying delivery of needed assistance. Continuing to count time incarcerated toward eligibility for supportive housing helps people experiencing homelessness, especially those living with substance use disorder and/or severe mental illness, get connected more quickly to the resources they need for long-term stability, breaking the cycle between homelessness and incarceration.

Takeaways

Enacting NYC's FCHA involved mobilizing hundreds of supporters for years. Directly impacted advocates co-led the work drafting, identifying champions for, and navigating opposition against the proposal. At different points in time, some officials and opponents pushed for people with certain convictions to be fully exempted from FCHA protections; directly impacted advocates humanized the issue, and the campaign shared relevant research that was vital to curbing opposition and building support among lawmakers and the public for the ordinance. Advocates also highlighted how denying people access to housing is not only a human rights issue, but a threat to public safety.

Passing the FCHA created needed protections for renters and purchasers, and advocates are now working to implement and enforce the law's provisions. The NYC Commission on Human Rights (CCHR), charged with implementing the FCHA, has been underfunded for years. When the FCHA came up for a vote, CCHR estimated $1.4 million would be needed to successfully implement the law, including hiring additional attorneys and conducting public education. The FCHA Coalition members helped fill in gaps by conducting public education campaigns and helping people navigate the process of reporting potential violations to CCHR. Unfortunately, the FCHA Coalition does not have the staffing or funding required to meet the level of need, and only CCHR can enforce the law.

NYC's 2027 preliminary budget proposed further cuts to the already deeply underfunded CCHR.[104] The FCHA Coalition and the NYC Human Rights Law Working Group were able to help get this funding restored, in part by highlighting the public health aspect of reentry housing and homelessness. Using a public health framework, they were able to explain how housing is a key determinate of both individual and community health outcomes. People experiencing homelessness report significantly more physical and mental health conditions and have lower life expectancies than lower-income people with stable housing.[105] Conversely, housing access improves health outcomes, including by helping people with mental health and/or substance use disorders get connected to treatment and other needed support. Stable housing also reduces emergency room visits and Medicaid expenditures, saving communities money.[106] This messaging helped engage the public in new ways and educate people on the cross-sector benefits of the FCHA.

Maryland

Maryland enacted a statewide FCHA in May 2026,[107] with an effective date of October 1, 2026. Maryland's FCHA allows landlords to conduct a record screening after making an applicant a conditional offer of acceptance and limits the kind of records for which housing providers can screen, as well as limiting the length of the lookback period to five years for felony convictions before the rental application is submitted. Mandatory prohibitions on federally assisted housing providers still apply. Prior to a formal criminal background check and conditional offer, landlords can ask about certain conviction types, which may be used as the basis for a denial, but not before an individualized assessment is conducted. Landlords are also banned from advertising they will not consider prospective tenants with conviction histories.

In the event a prospective tenant is denied based on a conviction, the landlord must provide the applicant with a written statement detailing why they are being denied and alerting them to their right to request an individualized assessment of their application, including identifying inaccuracies, providing evidence of rehabilitation, and sharing any other mitigating factors that should be considered in their application to support their tenancy.

In May 2026, Maryland also codified disparate impact regulations into law.[108] As an established tool for determining whether a policy or practice has a discriminatory effect, disparate impact plays a vital role in identifying potentially discriminatory policies and in holding housing providers who violate the law accountable. The state's decision to codify disparate impact regulations significantly strengthens Maryland's housing protections and reinforces disparate impact as a viable enforcement mechanism for the FHCA. Such state-level protections are of particular importance given the Trump administration's continued attacks on federal disparate impact and fair housing.

Takeaways

In 2024, the Maryland Department of Housing and Community Development (DHCD) implemented changes at the agency level to increase housing access for people with conviction histories for DHCD-supported housing. This change helped lay the foundation for the FCHA and facilitated the development of a relationship between advocates and DHCD, which would later be the agency charged with developing regulations for implementation of the FCHA. More targeted changes—for example, with housing finance agencies—helped lay the groundwork for broader changes in the state.

What became Maryland's FCHA started as a one-page proposal in 2024 that revised the lookback period for reusable background check reports. Advocates viewed the proposal as a good faith attempt to address housing barriers for people with records, and developed a coalition led by formerly incarcerated and convicted people to work closely with lawmakers to expand and strengthen the bill's provisions. State and local advocates partnered with the Vera Institute for Justice to help expand capacity and provide technical assistance, while Baltimoreans United in Leadership Development (BUILD) organized their base to support the bill. Maryland Legal Aid, NAACP Legal Defense Fund (LDF), and the Public Justice Center provided legal expertise and were key contributors in advancing the FCHA. In addition to enacting the FCHA, Maryland's disparate impact bill helps ensure people experiencing housing discrimination—including people with conviction histories—have a means of seeking legal recourse, even in the absence of federal protections.

Recommendations for Advocates and Policymakers

Formerly incarcerated and convicted people must be at the table designing fair chance housing policies

Having people who have been impacted by the criminal-legal system at the table when drafting and advocating for fair chance housing policies is essential to creating laws that are effective. Local, state, and federal governments should also seek out directly impacted people for employment opportunities and leadership positions to help guide the creation and implementation of fair chance housing and other criminal-legal system reform policies. For example, the Bureau of Justice Assistance's Second Chance Fellows program brings directly impacted advocates into federal agencies so that formerly incarcerated and convicted peoples' "professional expertise and lived experience from direct involvement with the criminal justice system" are included in reform efforts.

In Maryland, what became the state's FCHA began as a one-page proposal drafted by lawmakers changing the lookback period for reusable background check reports; directly impacted advocates worked with lawmakers to create a much more expansive law that will help decrease a multitude of barriers people with conviction histories face when trying to find housing, rather than a single, narrowly focused reform. Including the experiences, perspectives, and opinions of people who have navigated the process of reentry is essential to creating policies that address their needs.

Similarly, formerly incarcerated and convicted people are vital messengers in helping build public support for fair chance housing policies. Enacting laws in California, Maryland, NYC, and Chicago, and congressional movement on the "Fair Futures Act," all depended on directly impacted people showing up to community hearings, providing testimony, and humanizing the issue for lawmakers, the public, and opponents.[109] Federal, state, and local policymakers and others looking to enact fair chance housing legislation should work directly with and follow the lead of organizations led by formerly incarcerated and convicted people to create effective policies and build public support. Moreover, these partnerships can help provide organizations led by directly impacted people with access and support, for example by providing advocates with training on the legislative or regulatory process and bringing directly impacted advocates into conversations with policymakers.

Formerly incarcerated and other directly impacted people can serve as ambassadors to other jurisdictions as they consider fair chance housing laws, using their experiences navigating new rental processes in other localities to help assuage concerns from lawmakers and landlords. For example, in Maryland, being able to share how the Fair Chance process worked for formerly incarcerated applicants in Washington, D.C.—another jurisdiction with a fair chance housing law—helped educate stakeholders and demonstrate that the law helped people get housed, did not add unreasonable administrative burdens on landlords, and had no adverse impact on public safety.[110]

Policies must address the housing needs of people on the registry

People on the sex offense registry are consistently excluded from fair chance housing protections, in part due to the mandatory federal prohibition on PHAs and HUD-assisted housing providers from renting to people on the registry. In addition, some states and localities have enacted residency restriction laws, creating an additional barrier to housing access. While these laws are politically popular, there is no evidence they increase public safety or decrease recidivism; rather, these laws push people on the registry "into riskier situations and may increase risk to the community by interfering with protective factors like housing and employment."[111]

Housing is vital to successful reentry, regardless of someone's conviction history, and to public safety. Rather than enacting residency restrictions and other blanket bans on housing access that push people on the registry into homelessness, communities should create treatment and supportive programs "geared toward the unique risk factors, protective factors, and needs of each individual"[112] reentering their community. Federal lawmakers may also reconsider mandatory prohibitions on people on the registry from living in HUD-assisted housing and instead provide all applicants with conviction histories the opportunity for an individualized assessment.

Housing should be treated as a key part of reentry planning

Ensuring people exiting incarceration are connected to housing as part of their pre-release planning is crucial to ending the cycle of incarceration, homelessness, and reincarceration. While limits on background checks and lookback periods are key aspects of effective reentry laws, people exiting incarceration are most at-risk of homelessness in the period immediately after their release;[113] people with severe mental illness or substance use disorder are especially at risk.[114] Even a brief period of incarceration—as little as four days—has been shown to put people at risk of housing loss.[115]

Connecting people to housing *before* exiting incarceration, and incorporating voluntary supportive services like rental assistance, housing navigation, and behavioral or mental health services have been found to improve long-term outcomes for people returning to their communities.[116] NYC's 2025 ordinance ensuring people who were experiencing homelessness before incarceration remain eligible for supportive housing after their release is a great example of how communities can make small changes to help people get connected to needed resources; moreover, it provides an important reference point for other policymakers, including at the state and federal level, who should consider similar changes to ensure time incarcerated is still counted toward eligibility for supportive housing for people experiencing homelessness.

Partnerships help expand capacity and build support

Building coalitions not only with local housing and criminal legal system reform advocates, but also with cross-sector and national partners, is key to educating stakeholders and expanding capacity. In Maryland, partnerships with local and national organizations helped expand capacity, including providing technical assistance and legal expertise in drafting legislation. Additionally, partnerships with housing providers who have had positive experiences renting to formerly incarcerated and convicted people helped to foster support. Advocates in NYC developed cross-sector partnerships to help craft effective messaging and build support for the city's fair chance housing ordinance, noting the particular importance of a public health messaging framework in advocating for resources. Emphasizing the link between stable housing for people exiting incarceration and individual and community health outcomes was a key way to build support for resourcing enforcement of NYC's fair chance housing policy.

Collaborating with cross-sector partners helps build the case for needed policy changes and housing investments. Advocates should consider the impact of housing on other public priorities—including public health,[117,118] racial equity,[119] food security,[120] educational attainment,[121] and economic mobility[122]—in messaging and recruiting unlikely allies to build support for fair chance housing laws.

Policies should include education, enforcement, and evaluation

To be effective and evidence the impact of fair chance housing policies, legislation must include education, enforcement, and evaluation. Partnerships with local nonprofits, legal aid, universities, and research institutes can help expand capacity for educating the public on fair chance housing laws, holding bad actors accountable, and evaluating the impact of policies. In California, the University of California, Berkeley's (UC Berkeley) Just Cities Institute helped educate people on Oakland and Berkeley's fair chance housing ordinances, including through partnerships with directly impacted advocates in Oakland's Fair Chance Housing Coalition. UC Berkeley is also helping track the impact of Berkeley's and Oakland's fair chance housing ordinances, with a recent study showing the laws helped increase housing access for formerly incarcerated and convicted people by as much as 94% compared to pre-enactment levels.[123]

Equally as important, these partnerships help identify the ways in which policies can be strengthened. For example, an evaluation of Chicago's JHA conducted by the Cook County Commission on Human Rights and Roosevelt University revealed many residents were unaware of the law and therefore did not know about the protections afforded them under the JHA. The evaluation showed some housing providers were not abiding by the provisions of the JHA; for example, failing to provide applicants denied housing the opportunity for an individualized assessment. While this is a less-than-ideal finding, the study also provides important evidence of the benefit of enacting Illinois' state bill "Home for Good," which would help fund implementation of the JHA. Policymakers and advocates at all levels should consider including policies around education, enforcement, and evaluation in any fair chance housing legislation.

Funding is needed for successful implementation and enforcement

Funding is vital for the successful implementation and enforcement of fair chance housing laws. While partnerships between state and local governments, nonprofit entities, universities, and other collaborators are undoubtedly important for expanding capacity, too often these entities are already overstretched and under-resourced. Having a source of funding dedicated specifically to fair chance housing implementation and enforcement, including tenant education and outreach, legal aid, and program evaluation, would help ensure these policies are expanding housing access for formerly incarcerated and convicted people.

People charged with enforcing fair chance housing policies should also be at the drafting table to ensure enforcement is actionable and effective. Ideally, a funding mechanism for implementation and enforcement of a fair chance housing policy would be baked into the legislation. In Berkeley, the City Council's Rent Board, funded through the city's budget, is charged with administering the fair chance housing ordinance, including processing complaints and counseling landlords and tenants.[124] Similarly, the CCHR is responsible for implementation of NYC's fair chance housing ordinance but is chronically underfunded, putting at risk the successful implementation of the law.

Advocates can also look for creative ways to fund implementation efforts. For example, Illinois' "Home for Good" initiative would direct proceeds from legal marijuana sales to fund reentry and other supportive services for people exiting incarceration, including expanding administrative capacity. Given the significant role marijuana prohibition has played in saddling people—disproportionately Black and Latino people—with arrest and conviction records, connecting tax revenues from the legal sale of marijuana to the implementation of restorative policies like fair chance housing may point to a socially and politically viable strategy to reliably fund reentry services. Federally, advocates and lawmakers might consider looking to not only HUD, but to other, better-resourced entities like the Departments of Justice or Health and Human Services to help fund reentry housing efforts.

Conclusion

Work at the state and local levels to expand access to housing for formerly incarcerated and convicted people provides important insights for other advocates and policymakers looking to advance fair chance housing and other reentry policies in the future. Directly impacted people have a unique and important role to play in designing, building support for, and implementing these policies; collaboration between impacted people and those implementing fair chance housing policies, including government entities, lawmakers, and housing providers, is similarly essential to effective policymaking.

Expanding access to housing for formerly incarcerated and convicted people at the state and local levels is of particular importance at a time of retrenching federal policy. However, state and local governments alone cannot meet the needs of the millions of people with conviction histories in need of housing throughout the United States. Federal policy, whether through administrative rulemaking or congressional action, is required to create a uniform standard that ensures people exiting incarceration and those with conviction histories have a fair chance at finding a safe, decent, affordable home.

"Work at the state and local levels to expand access to housing for formerly incarcerated and convicted people provides important insights for other advocates and policymakers looking to advance fair chance housing and other reentry policies in the future."

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The federal housing policy landscape continues to evolve, with policy shifts, budget cuts, and administrative changes affecting federally funded housing programs and resources. These developments may also impact the functionality of some websites referenced in this report. If you encounter inactive links, we recommend using an internet archive tool such as https://archive.org to access previously available content.

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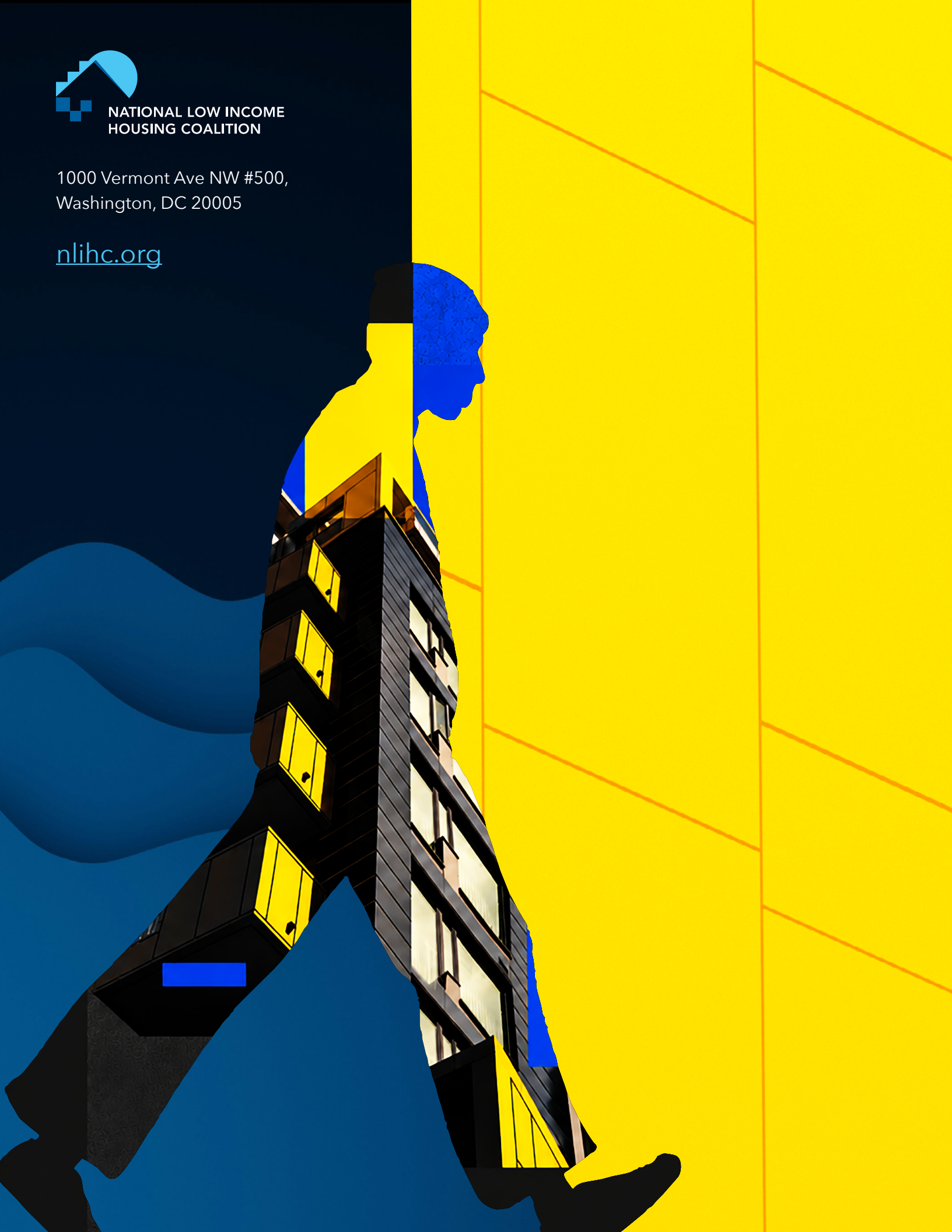
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