

The Long Road Home: Decreasing Barriers to Public Housing for People with Criminal Records

Human Impact Partners

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Authored By

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Human Impact Partners (HIP) is a nonprofit organization whose mission is to transform the policies and places people need to live healthy lives by increasing the consideration of health and equity in decision-making.

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Executive Summary

Housing is a fundamental necessity to effectively integrate formerly incarcerated individuals with their families and communities. Lacking stable housing negatively affects mental and physical health, employment, income, access to healthcare services, family unity, and recidivism. Research and analysis reveal that historical policies have created racial inequities in housing and health outcomes, and that public housing admissions screening policies play an important role in creating the conditions for successful reentry of those people who were incarcerated. In a survey from the 2015 Ella Baker Center for Human Rights and Forward Together report, “Who Pays? The True Cost of Incarceration on Families,” 79% of people who had been incarcerated were either ineligible or denied public housing as a result of criminal history. More than half of those released from jail or prison have unstable or nonexistent housing.

This report assesses the health and equity impacts of public housing admissions screening policies that exclude people with a criminal history from public housing, using the Oakland Housing Authority (OHA) in Oakland, California as a case study.

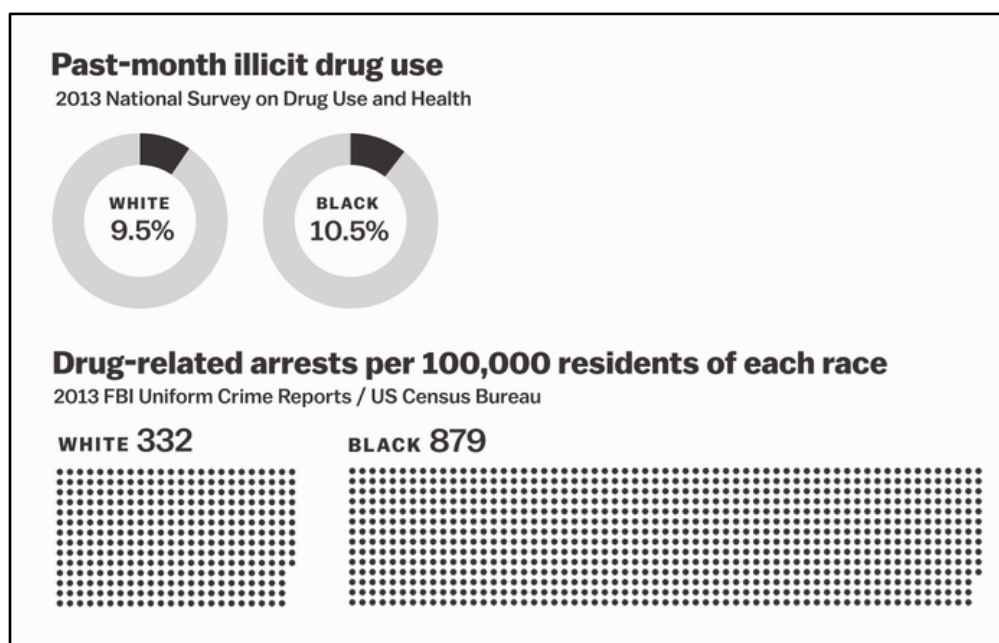
Having housing improves health directly and indirectly, decreases recidivism, improves the chance of becoming employed and having more income, and helps with family reunification. These factors, known in public health as the “social determinants of health”, create opportunities to succeed and are known to be important for health and wellbeing. For example:

- Moving often affects recidivism. The odds of recidivism increase by at least 70% for every time someone who is formerly incarcerated changes their residence.
- Six randomized control trials analyzed supported employment in public housing against other approaches to help residents find jobs, and found 58% of public housing program participants obtained employment compared to 21% in the control group.
- More than 70% of those leaving prison indicated that family is an important factor in keeping them out of prison, and up to 82% of people leaving prison or jail expect to live with or get help from their families.
- Having stable housing upon leaving jail or prison decreases a person’s chance of having their probation revoked.

The outcomes stemming from having stable and affordable housing are clear: research shows that lack of stable and affordable housing forces families to frequently move and live in unhealthy and crowded environments, increases stress and depression, and can lead to homelessness. Homelessness brings higher rates of infectious diseases; substance use and mental health disorders; exposure to violence; overexposure to cold and rain; and suicide. Studies show that between 25% - 50% of people who are homeless have a history of involvement with the criminal justice system.

Those who have been involved with the criminal justice system are disproportionately people of color, low income, and mentally ill and, due to the intersection of these factors, are at high risk for housing instability and negative health outcomes.

The United States has a history of racial discrimination and unjust treatment towards people of color, dating back to slavery, Black Codes, and Jim Crow laws. With the War on Drugs in the 1970's, 80's and 90's, this history is currently manifested in criminal justice policies that have led to vastly disproportionate outcomes by race. The 2013 National Survey on Drug Use and Health shows that 9.5% of whites and 10.5% of Blacks used illicit drugs in the last month, but drug-related arrest rates are 332 per 100,000 residents for Whites and 879 per 100,000 for Blacks.



Source: United States Sentencing Commission, 2012.

Compared to their White counterparts, Blacks are more likely to be incarcerated for the same crime and receive longer sentences.

A series of federal laws enacted in the 1990's led to decreased access to public housing for people with a criminal history. In 2002, for example, the Supreme Court unanimously upheld PHAs' authority to evict an entire household based on the criminal activity of one member or guest without specific proof that the tenant had any knowledge of the activity.

Statistics and historical policies like these have resulted in the Department of Housing and Urban Development (HUD) releasing guidance on April 4, 2016 explicitly stating

their goal of increasing access to safe, secure, and affordable housing for formerly incarcerated people. The 2016 guidance states that, due to the extreme overrepresentation of people of color in the criminal justice system, the consideration of criminal histories in screening procedures used by housing providers, including Public Housing Authorities, may lead to violations of the Fair Housing Act.

This report examines the Oakland Housing Authority as a case study. We consider OHA's screening policies and practices and specifically how they consider the presentation of "mitigating circumstances" for people with a criminal history during the application process. In Alameda County in 2014, there were almost 4,800 people returning from state prison, 3,200 people were in county jail on any give day, and 1 out of 4 people have a criminal record. We estimate that at least 20,000 people are currently at risk of residential instability because of their criminal history. Because they are vastly overrepresented in the criminal justice system, this places an inequitable burden on Blacks.

Some of the data from OHA is heartening, and some is not. OHA denials due to a criminal history in the first round of screening have decreased significantly since 2010 from up to 12% (in 2010) to as low as 0.8% (in 2012). The reason for this decline is not clear and OHA did not have plausible explanation. Of those who are "screened out" by OHA due to a criminal history, 75% request an informal hearing, and 64% of those have the decision reversed, allowing them to continue on in the application process. This is a powerful statement for the presentation of mitigating circumstances; at OHA, when people are allowed to tell their story and present supporting documentation, it often results in a reversal. Disturbingly, data on race and ethnicity is not being recorded or reported, making it impossible in OHA's case to analyze inequities in screening practices.

Nationwide, analyses of criminal history screening policies show that practices vary widely among public housing authorities (PHA) in different locations, and the discretion that PHAs and individual staff have result in different outcomes for similarly situated applicants even within the same PHA. HUD's mission is to "create strong, sustainable, inclusive communities and quality affordable homes for all," but these analyses show that is not happening with consistency for people with a criminal history.

If PHAs allowed mitigating circumstances to be presented in the initial application, we predict it would result in fewer applications denied because of a criminal history and a better-streamlined process. Considering the stark disproportionality of people of color with a criminal history, we suspect the presentation of mitigating evidence would decrease racial disparities. We also predict that presenting mitigating circumstances upfront would likely result in more people with a criminal history being housed, getting jobs, and reuniting with family, as well as decreased recidivism. Ultimately a change in this policy would lead to better physical and mental health outcomes.

Our top three recommendations are:

- PHAs, including OHA, should allow mitigating circumstances to be presented as part of the initial application for public housing. In implementing this, PHAs should:
 - Provide explicit language on the types of examples of mitigating circumstances accepted and the importance of providing supporting evidence.
 - Educate potential applicants about applicable mitigating circumstances and how to incorporate them into the application process.
- OHA should assess its implementation of policies that allow individuals with criminal history to join their family in public housing. Federal policies impose lifetime bans on admission to public housing programs for only two categories of crimes. PHAs must enforce a ban on 1) individuals who “have manufactured or produced methamphetamine on the premises of federally assisted housing and 2) sex offenders subject to a lifetime registration requirement under a State sex offender registration program.” If an OHA assessment finds that other categories of people with criminal histories are being excluded, OHA should eliminate practices of evicting existing residents from public housing for allowing a family member returning from prison or jail or denying admission if there is no valid reason for doing so.
- HUD should require that PHAs collect, track, and publicly report the race and ethnicity of applicants and those screened out due to their criminal history to examine the potential impact of PHA screening policies on people of color with a criminal history.

Introduction

This report details how the housing and criminal justice systems intersect to affect community health, how historical policies have created racial disparities in housing and health outcomes, and the important role that public housing admissions screening policies play in creating the conditions for success. For this report, we examined the Oakland Housing Authority (OHA) as a case study of one local public housing authority. We consider OHA's screening policies and practices and specifically how they consider the presentation of "mitigating circumstances" for people with a criminal history during the application process.

The housing crisis in the Bay Area is displacing long-time residents, primarily affecting low- and middle-income households. The City of Oakland, in its 2015 Analysis of Impediments to Fair Housing (AI), cites, "a severe shortage of decent housing available and affordable to low income persons" as the top impediment to fair housing. The report states that the, "tremendous increase in market demand for owner and renter-occupied units in the City, housing prices for new homeowners and existing renters has dramatically increased. The loss of naturally occurring affordable housing has also led to significant displacement and gentrification."¹ The AI notes that the Oakland Housing Element, the OHA 2016 Plan, and the 2015 Consolidated Plan all note the severe shortage of suitable housing for low-income residents in Oakland.¹

For individuals with a criminal history, finding affordable and stable housing becomes extremely difficult in an area with high cost and limited supply. Additionally, people with a criminal history face legally codified exclusion from housing, even outside of public housing. Safe and affordable housing is a fundamental basis for success in all areas of life, and without stable housing, an individual's health, employment and education opportunities, family reunification and social networks are compromised.

The high incarceration rate of low-income people of color in the United States is the direct result of targeted, punitive policies implemented in the last 40 years as well as hundreds of years of racialized policing and punishment.² Excessively punitive measures and criminalization of communities of color combined with dramatic deinstitutionalization and defunding of mental health and social services has led to a disproportionate number of Blacks, Latinos, and Native Americans in the criminal justice system. Today, deep and persistent inequities in the criminal justice system have resulted in people of color disproportionately represented at higher rates at all stages of the criminal justice system, from arrest to pretrial detention, sentencing and confinement.³ Involvement with the criminal justice system has permanent and lifetime consequences.⁴

Because of its affordability, public housing is a vital option for individuals with a criminal history. The median annual income of incarcerated people before they were incarcerated, in 2014 dollars, was \$19,185 for people between the ages of 27 – 42. In

comparison, the average income for that age group in the general population is \$32,505.⁵ Yet there are substantial barriers for this population to access public housing. The 2015 “Who Pays? The True Cost of Incarceration on Families,” report found that 79% of surveyed formerly incarcerated individuals and their family members were ineligible or denied public housing as a result of having a criminal history.⁶ Nearly 60% of participants reported currently living with their families.⁶

The U.S Department of Housing and Urban Development (HUD) issued guidance on April 4, 2016 explicitly stating HUD’s goal of increasing access to safe, secure, and affordable housing for formerly incarcerated people. “When individuals are released from prisons and jails, their ability to access safe, secure and affordable housing is critical to their successful reentry to society. Yet many formerly incarcerated individuals, as well as individuals who were convicted but not incarcerated, encounter significant barriers to securing housing, including public and other federally-subsidized housing, because of their criminal history.”⁷ In disseminating this guidance, HUD recognized that criminal screening policies might run afoul the Fair Housing Act, which prohibits housing discrimination on the basis of race and other protected class.

The magnitude of the housing crisis for people who are formerly incarcerated nationwide is challenging to quantify given the scarce data. The only number available on a national level is from a 2004 Human Rights Watch study, in which HUD reported that in 2002, almost 47,000 people were denied public housing due to having a criminal history. Because these denials are only due to the federal First Strike law (also known as “One Strike You’re Out, a policy that allowed PHAs to enforce strict screening and eviction practices to reduce drugs and crime) and are only in public housing (not Section 8 or other federal programs), they are likely a vast underrepresentation.⁸

Currently, an estimated 2.2 million people in America are behind bars and today, there are 100 million adults who have a criminal record.⁹In our case study location, Alameda County, California, we found that:

- In 2014, there were 4,788 people returning from prison to Alameda County.¹⁰
- There were 3,231 people in county jail on any given day in 2014.¹¹ A recent Bureau of Justice Statistics report estimates that in 2013, the average number of days a person spent in jail in California was 26.¹²
- There are approximately 375,000 (1 out of 4) people who have a criminal record in the county.¹³
- According to the District Attorney’s office, there were 43,545 arrests in 2015 in Alameda County. Of those, 28,985 individuals were ultimately charged (about 21,000 with misdemeanors and about 8,000 with felonies).¹¹
- The Bureau of Justice Statistics reports that the majority of those in state (52%) and federal (63%) prison report having at least one child under the age of 18.¹⁴

In Alameda County, there are almost 4,800 people returning from state prison, 3,200 people in county jail on any given day in 2014, and an estimated 375,000 people in Alameda County have a criminal record.^{11,12,14}

In reentry needs assessments and scholarly studies, housing is consistently identified as a high need. While there were no publicly available quantifications of housing need among the reentry population in Alameda County, needs assessments done in San Diego found that approximately 53% of the reentry population is at risk of “residential instability.”¹⁵ Although this estimate is likely an undercount for Alameda County and specifically for Oakland given the housing crisis due to gentrification, we use this number to conservatively estimate how many people could benefit from being able to access public housing. Depending on the website Oakland is currently listed as either the 4th or 6th most expensive housing market in the country.¹⁶ Long-time residents are leaving in large quantities; between 2000 and 2010, Oakland lost almost 34,000 African American residents, and the share of low-income blacks living in Bay Area suburbs increased more than 9 percentage points.¹⁷ As of April 2014, current median monthly rent is \$2,076.¹⁷ From November 2013 to November 2014, rents rose 9%, giving Oakland the highest apartment rent growth in the country.¹⁷

Adding the numbers of those charged after arrest and people returning from prison and jail (37,004), we calculated that 53%, or 19,612 people in Alameda County who have a recent criminal history are at risk of residential instability. We did not include the number of people who have a criminal record in their past.

In Alameda County, nearly 20,000 people are at risk of residential instability because of having a recent criminal history.

It is critical to consider how people with a criminal background, particularly if one has been incarcerated, face deep inequities in health outcomes. Those involved at some level in the criminal justice system already have risk factors for illness prior to incarceration.¹⁸ When combined with exposure to prison and jails, people leave institutions with higher rates of infectious diseases, mental health disorders, and chronic conditions.¹⁹ Residential stability directly impacts health by providing the foundation for access to healthcare and social services.²⁰ Affordable and stable housing increases odds of finding employment, accessing healthcare services, reuniting with family and children, and reducing recidivism, all of which lead to better health.^{21, 22, 23, 24}

Because of the intersection of criminal justice reform, housing, and health, Human Impact Partners and the Ella Baker Center for Human Rights (EBC) partnered to understand the current screening policies and practices of the Oakland Housing Authority (OHA) for people with a criminal history, to research the health impacts of those policies and practices, and provide recommendations for change. This study is a Health Impact Assessment (HIA), which is a research and public engagement tool used to systematically assess the impacts of policies and plans on health and equity (see Appendix A or further information on HIA). As part of the HIA process, EBC and HIP established an advisory committee made of local and national housing experts, all of which work to elevate housing access as a priority for people with criminal history and their families.

Public housing is a vital safety net and support for people with a criminal history. We hope this report will support HUD, Public Housing Authorities (PHAs), and OHA specifically, as well as system impacted individuals and their allies in making change to begin eliminating barriers to safe and stable housing.

In this report, we sought to answer the following research questions:

1. What is the intersection between the criminal justice system, race, and housing?
2. How does housing status affect health outcomes for people who have a criminal history?
3. How does having housing affect recidivism, employment status, and family unity for people who are formerly incarcerated?
4. How do public housing authorities, and specifically the Oakland Housing Authority's, screening policies for people with a criminal history impact this population's ability to get housing? Specifically we considered policies that allow individuals to present mitigating circumstances.

The Intersection between the Criminal Justice System, Race and Housing

The United States has a long history of racial discrimination and unjust treatment towards people of color. Examples of ways that United States institutions have perpetuated racist policies against Blacks in particular include: slavery; Jim Crow laws enforcing racial segregation and disenfranchisement of Blacks; and post-Civil War Black Codes that restricted Blacks' freedom and forced work in a labor economy based on low wages or debt.²⁵

Criminal Justice System and Race

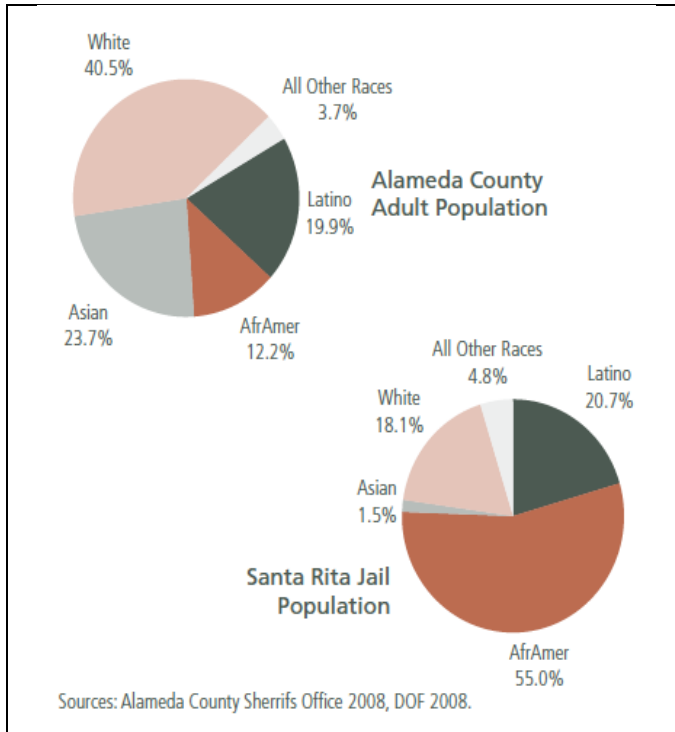
The overrepresentation of people of color and particularly Blacks in the criminal justice system has resulted in part from policies and practices that started with President Nixon's "War on Drugs" in 1971. The War on Drugs increased the number and power of policing agencies, the presence of police in primarily low-income communities of color, and other "crime control" measures.

Former Nixon's domestic policy chief John Ehrlichman demonstrated the connection between Nixon's administration drug policies and race when he stated, "We knew we couldn't make it illegal to be against the war (Vietnam) or black(s), but by getting the public to associate hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news."²⁶ While these are the words of one official, Nixon's focus on winning white voters in the post-Civil Rights South is well-known.²⁷ These drug policies intentionally associated people of color with crime to garner electoral support, instill unsubstantiated fears among whites, and distract the public from dissent (e.g. Vietnam War). Media play an integral role in widely and rapidly spreading the false myth of Black criminality, implying Blacks are innately more violent and threatening than other groups.^{25, 28}

In the 1980s and 1990s, the War on Drugs continued. Federal and state governments enacted mandatory minimum sentences, truth-in-sentencing (abolishing or curbing parole so that people in prison serve the entire period they were sentenced to), sentencing guidelines, and "3 strikes", dramatically increasing the prison population and lengths of incarceration.²⁸ Aggressive surveillance, policing, and arrests resulted in ever-widening racial disparities in criminal justice outcomes. For example, in 2006 Blacks represented 82% of crack convictions compared to 9% of whites despite the fact that only 25% of users were Black.²⁸ More recently, the 2013 National Survey on Drug Use and Health found that 9.5% of whites and 10.5% of Blacks used illicit drugs, but 332 per 100,000 drug-related arrests are of whites and 879 arrests per 100,000 are Blacks. Blacks are more likely to be incarcerated for the same crime and receive longer sentence than their white counterparts.²⁹ In Alameda County, while 12% of residents were African American in 2008, 55% of the population of the county's Santa Rita Jail was African American.³⁰

The United States' history of racial discrimination and unjust treatment towards people of color is manifested in criminal justice system policies and outcomes.

Figure I. Alameda County and Santa Rita Jail Racial/Ethnic Breakdown, 2008



Source: ACPHD. *Life and Death From Unnatural Causes*. 2008.

A 2011 report by the Global Commission on Drug Policy concluded the global war on drugs caused devastating consequences for individuals, their families and communities. Forty years after the War on Drugs began, the commission urges it's end, stating, "Political leaders...should have the courage to articulate publicly what many acknowledge privately: the evidence overwhelmingly demonstrates that repressive strategies will not solve the drug problem, and that the war on drugs has not, and cannot, be won."³¹

Criminal Justice and Public Housing

As we investigate in more detail in the next section, several federal laws passed in the 1990's allowing for eviction of public housing residents for engaging in drug use, creating time constraints on when these former residents could apply again for housing, and

allowing Public Housing Authorities to deny admission to those with certain types of criminal histories.³²

“Tough on crime” policies have established many barriers that reduce chances of successful reentry after incarceration, systematically erecting obstacles to critical resources like housing, employment, and public assistance. Instead of making the transition from incarceration to community feasible, people are burdened by excessive penalties called “collateral consequences of criminal convictions” that extend beyond the doors of the correctional facility and burdened people long after they have paid their “debt to society”.³³

Housing providers use overly restrictive screening and admission practices to exclude individuals with criminal history from accessing stable and affordable housing. These policies were put in place with the goal of creating further disincentives to committing crimes and to reduce crime in public housing.³² However, research regarding the relationship of criminal history and housing tenancy show that: 1) people with criminal histories are not poor tenants; and 2) that these policies instead lead to housing instability and therefore additional criminal activity.^{34, 35} A study with homeless participants in supportive housing (housing intervention coupled with tailored support services) concluded that criminal history does not predict whether or not a person will be able to remain housed. Another study found no statistical difference between formerly incarcerated individuals and those who have never been incarcerated in staying in supportive housing programs successfully.³⁶ In fact, there are no studies that show that criminal justice system involvement equates to being a poor tenant.³⁴ Despite having no evidence supporting the use of restrictive policies, housing providers continue to use the existing screening practices.

Recent Policies

In 2011, HUD released a letter to PHAs emphasizing the importance of providing “second chances for formerly incarcerated individuals.”³⁷ In November of 2015, HUD released guidance for PHAs and owners of federally-assisted housing on excluding the use of arrest records in housing decisions. In April 2016, HUD released guidance for all housing providers of housing (including PHAs) on Fair Housing Act standards as they apply to the use of criminal records.³⁸ The most recent guidance states that because of the disproportionate representation of people of color in the criminal justice system, restrictive housing policies based on criminal record is likely to harm people of color, while housing providers are not barred from considering criminal records, the onus is on them to prove that their policies legitimately serve to protect resident safety and/or property.

Examination of Housing Policy

Brief History of Public Housing Policies

In this section, we examine housing policies to understand the effects on local residents in Oakland who have a criminal history. We visit historical policies that were enacted in the 1990s in an effort to combat drug and criminal activities in public housing. Over the past several years, HUD has taken a few measures to provide best-practices for screening and admitting people with a criminal record into federally-assisted housing programs.

HUD's mission is to "create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination, and transform the way HUD does business."³⁹ Public Housing, the Housing Voucher Program and project-based Section 8 rental assistance are federally funded housing assistance programs that provide income-based, safe, and stable housing, primarily serving low-income families. Housing assistance programs use HUD federal guidelines to determine eligibility.

PHAs use federal guidelines established by HUD to enforce alcohol abuse, drug use, and criminal history restrictions. Under the federal law, there are mandatory and discretionary policies that PHAs must follow. The two mandatory policies PHAs must comply with are to exclude individuals who have manufactured or produced methamphetamine on federally assisted housing property and sex offenders subject to a lifetime registration are banned for a lifetime.³² Beyond these two policies, PHAs have discretionary power when granting admission to current users of illegal drugs, abusers of alcohol, as well as anyone who has been evicted from federal housing within the past 3 years for drug-related criminal activity.

Housing applicants are subjected to alcohol, drug, and criminal history screening. As part of the screening process, PHAs gather credit score, eviction, and criminal history information on each family member over the age of 18 years old to determine eligibility or if a person is joining a family already in public housing. Studies show PHAs' interpretation and application of HUD policies drastically differs across the country. It's impossible to conclude when having a criminal history will result in a denial. We explore PHA policies in detail in the section below to show the inconsistency in policy enforcement.

The War on Drugs influenced housing policies, establishing and expanding Public Housing Authorities' power and role in trying to reduce drugs and crimes. Prior to 1990, PHAs could evict residents who engaged in drug use or other behaviors that threatened the safety of neighbors and the community. In 1990, the National Affordable Housing Act implemented a mandatory three-year period before allowing evicted

tenants to return. In 1996, the Housing Opportunity Extension Act strengthened eviction policies and allowed local police departments to supply PHAs with criminal records.³² In 1998 the Quality Housing and Work Act granted PHAs the authority to use their discretion to deny admission to potential applicants who were deemed risky due to their criminal history. In 2002, the Supreme Court unanimously upheld PHAs' authority to evict an entire household based on the criminal activity of one member or guest without specific proof that the tenant had any knowledge of the activity.³² These policies expanded PHAs' authority to uphold strict screening policies.

Public Housing Authorities and their Role

The Office of Public and Indian Housing at HUD oversees and monitors the implementation of multiple programs to provide affordable housing for low-income families, the elderly, and persons with disabilities. Annual gross income, target population status (e.g., elderly, people with disabilities), immigration status, and criminal history are examples of information taken into consideration in the screening process.

Except the two mandatory policies excluding methamphetamine manufacturers and sex offenders, HUD gives local PHAs discretionary power in the screening and admission process. Over the years, housing advocates and HUD have expressed concern about the screening policies and recommended changes to improve housing access and stability for formerly incarcerated individuals.

Since 2011, HUD has encouraged Public Housing Authorities (PHAs) to allow individuals with criminal history to reunite with their families. Unfortunately, the 2011 letter did not include guidance to support HUD's goal to, "achieve a sensible and effective balance between allowing individuals with a criminal record to access HUD-subsidized housing and ensuring the safety of all residents of such housing."⁴⁰ In April 2016, HUD issued guidance to housing providers outlining the discriminatory effects of denying housing to individuals with criminal history. The guidance concluded intentional refusal of people with a criminal history is in direct violation of the Fair Housing Act and likely to have disproportionate impact on people of color. In addition, facially neutral screening policies could still constitute race discrimination under the Fair Housing Act. HUD said, "a policy or practice that restricts access to housing on the basis of criminal history has a disparate impact on individuals of a particular race, national origin, or other protected class, and such policy or practice is unlawful under the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the housing provider, or if such interest could be served by another practice that has a less discriminatory effect."³⁸ While this guidance offers some hope for continued change in PHA practices, if no one challenges PHA practices, they may remain the same.

HUD's guidelines have contained best-practices to modify the restrictive admission policies to be more inclusive and offer "second chances" to people with criminal history. However, studies examining PHA's screening and admission policies show guidelines

have not been effective in advancing HUD’s goals of “helping ex-offenders gain access to one of the most fundamental building blocks of a stable life – a place to live.”⁴⁰ The guidances have served as “suggested” changes, giving PHAs wide discretionary power, excepting the absolute ban on those convicted of sex offenses and manufacturing methamphetamine. Providing guidance rather than uniform mandates has resulted in inconsistent standards and low-compliance among PHAs.

A study analyzed PHA eligibility and admission policies in 40 states and found a range of bans. The “illegal drug use, abuse, possession, distribution, and trafficking” ban category is the most commonly listed ban, however 59% of PHAs do not specify the length of ban.³² Only 54% of PHAs allow the use of mitigating evidence in determining whether to enforce the ban on an applicant or not. PHAs’ interpretation of federal policies has created variance in length of bans for certain offenses and varying discretion PHA staff have in the use of mitigating evidence during the screening process.³²

The Sargent Shriver National Center on Poverty Law’s report, “When Discretion Means Denial” assessed over 300 screening and admission policies of multiple housing assistance programs (Public Housing, Housing Choice Voucher and project-based Section 8 programs) and found, “a clear disconnect between HUD’s rhetoric and the actual administration of its program.”³⁵ Some PHAs applied a more restrictive screening than necessary, some did not include time limits on the use of criminal records, and some use lifetime bans to exclude applicants with convictions. Shriver also found that PHAs did not always consider mitigating evidence, such as participation in drug treatment programs, family reunification, community service, or other reparations, as part of decision-making processes. Some PHAs failed to mention mitigating circumstances in their admission policies, leaving applicants in the dark about the possibility of presenting evidence that demonstrate that despite their criminal history, they are working to change their lives.

The varying and discretionary policies and practices of PHAs have resulted in confusion for potential applicants. A study of people who were awaiting release from prison showed that 67% either did not know or responded with an incorrect answer when asked if they could legally return to public housing.⁴¹ This confusion has a chilling effect of discouraging people from applying or appealing. People may choose not to appeal a denial because they do not think they qualify due to their criminal record.

Later in this report, we will consider how the Oakland Housing Authority (OHA) screening criteria works in practice, and after discussion of how housing can impact health and health determinants, we make predictions about how changing PHA screening policies could affect the health and well being of individuals, families, and communities.

Factors that Impact Health Outcomes

Housing Status affects Health

In public health, conditions in the environment (the place where people are born, live, learn, work, play, worship and age) impact their health and quality of life.⁴² These factors are called “social determinants of health”, or factors that create the opportunities to succeed (Figure 2).

Figure 2: Social Determinants of Health



Source: U.S. Department of Health and Human Services, 2014

Housing is intrinsically linked with health. A home provides shelter and serves as a source of unity, bringing together family, friends and community. The environment where we live, the condition of a home, its affordability, and access to goods, services, and jobs all affect the well-being of a family.²⁴ In contrast, housing instability, defined as, “having difficulty paying rent, spending more than 50% of household income on housing, having frequent moves, living in overcrowded conditions, or doubling up with friends and relatives,” is associated with poor health.⁴³ Lack of affordable housing forces families to frequently move, live in unhealthy and crowded environments, and can lead to homelessness.^{21, 44} Lack of stable housing impacts every aspect of an individual’s well being – their economic, physical and emotional health.⁴⁵

Housing instability and lack of affordability has many negative health outcomes for adults and children. Living in housing that is unaffordable is associated with poor self-rated health. One study found that high-cost housing was significantly associated with a higher likelihood of people rating themselves as having poor health generally, and specifically with hypertension, arthritis, healthcare non-adherence and prescription non-adherence.⁴⁶ Housing instability is associated with increased anxiety and depression, feeling hopeless, asthma, morbidity and developmental delay in children.⁴⁷ Family residential instability is associated with higher rates of stress that can drive people to engage in harmful coping behaviors. Children who experience housing instability tend to have poor attendance and performance in school, have limited access to medical care, higher rates of acute and chronic conditions, sexual assault and violence than children whose housing is more stable.⁴⁸ Children who move more than three times between the age of six to nine years old have a 1.6 times higher odds of dying after 25 years than children who have not experienced housing instability.⁴⁷

Homelessness, the most extreme result of housing instability, is associated with higher rates of infectious diseases (HIV, pneumonia, tuberculosis, and chronic obstructive lung disease), tobacco use and substance abuse.²⁰ Ten to thirteen percent of people who are homeless suffer from psychotic disorders and 20% to 40% from affective disorders.²⁰ These complex health needs and co-occurring diseases drive homeless individuals to use the emergency department as their primary source of care. A study reported 20% to 30% of all adult emergency department visits were by homeless patients.²⁰

Between 25% and 50% of homeless people have a history of involvement with the criminal justice system.⁴⁹ Incarceration increases an individual's risk of homelessness after release, causing the individual to live on the streets, "couch surf", or sleep in emergency shelters. People in jail are eight to eleven times more likely to experience homelessness compared to the general population.⁴⁹ In a cycle of recidivism, between 10% to 20% of people in jail and prison were homeless prior to their incarceration.⁵⁰

Between 25-50% of the homeless population has a history of involvement with the criminal justice system.⁴⁷

Having affordable housing, sometimes combined with health and social services, improves health outcomes. Affordable housing leaves families with money to pay for healthcare services, healthy foods, and reduces financial stressors. Housing located in safe and affordable neighborhood near parks and recreational spaces promotes healthy living and can increase access to health care and social services. Low-income families who receive housing subsidies are more likely to access healthy and nutritious food and to meet "well child" criteria compared to families who were on a waitlist.

Many studies have looked at the effect that having stable housing has on use of health care services and on health outcomes. Most of the studies about supplying housing as an intervention to improve health outcomes have considered housing programs that were put into place to help people who are HIV positive, are mentally ill, or are homeless. People who are involved in the criminal justice system have these health conditions at higher rates than the general population, so while the studies we found did not specifically consider people with a criminal justice history and their health outcomes as a result of housing, there is clearly an overlap with the populations that were studied.

Additionally, this Health Impact Assessment is considering the health potential of decreasing a barrier to accessing housing, i.e., how having public housing would affect health. Many of the studies considered below combine housing plus additional services. While having public housing does not necessarily mean that one accesses health and social services, PHAs do in fact provide referrals or often on-site provision of some of the types of services. Our case study PHA, the Oakland Housing Authority, has a Family and Community Partnerships Department, which connects OHA families with health screenings, connections to food pantries, farmers' markets, and parent support and resources.^{51, 52, 53}

Given the potential for those in public housing to potentially access services, we felt that the research supporting the positive impacts of housing, whether it be simply providing housing or providing housing with services, was applicable.

One study found that whether or not a person has a stable home is a stronger predictor of HIV healthcare utilization and health outcomes than a person's income, race, age, gender, drug use, mental health, or other individual characteristics more commonly associated with treatment effectiveness.¹⁹ People with HIV obtaining housing through the Housing Opportunities for People with AIDS program, a federal housing voucher program, had a significant reduction in avoidable emergency room use, increased access to mental health services, and improvements in depression, perceived stress and mental health status.¹⁹ Over 80% of the housing voucher recipients were in stable housing at the end of the 18-month study period. Improving their housing conditions resulted in 35% fewer emergency visits and 57% fewer hospitalizations.¹⁹

Systematically marginalized people who are housed adhere better to medical treatment and have improved health outcomes.⁵⁴ A randomized controlled trial examined the health benefits of a program providing permanent housing and intensive case management among homeless previously hospitalized patients who were HIV positive. Of those with housing and case management, 55% were alive and had undetectable viral load one-year later compared to 34% of patients who received "usual care" in the community.⁵⁴ In researching a group of homeless people who were housed and comparing them to those not housed, the housed group had a statistically significant decrease in reported rates of hypertension, from 16% at the baseline to 12% at 18 months.⁵⁴

Permanent supportive housing (PSH) programs are an evidence-based approach to address long-term homelessness. Through PSH programs, individuals with severe mental illness and chronic health conditions are housed and provided customized services. PSH programs show that housing coupled with integrated healthcare services improves access to medical services in homeless populations, increases participation in preventative primary care services, and improves chronic disease care among individuals with mental health illness.⁵⁵

A systematic review of studies examined the association between housing status and health among people with severe and persistent mental illness. The findings from one study showed that housed participants reduced hospital stays by 28 days over a two-year period, resulting in a nearly 50% decrease in state psychiatric hospital utilization.⁵⁶ The other study found that individuals with severe and persistent mental illness who were housed had a readmission to the hospital rate of 37%, whereas those who remained homeless had a significantly higher readmission rate of 75% in 12 months.⁵⁶ Studies of housing interventions for homeless persons with mental illness demonstrate reduced hospital admissions and fewer days in the hospital. Housing is an important determinant in acquiring necessary medical care and adherence to treatment.

People who were incarcerated are a special population because of health challenges in addition to the challenges we have identified accessing stable housing. People at risk of criminal justice involvement often experience factors that put them at risk for illness, such as poverty, poor nutrition, exposure to violence, and other factors. Combined with the exposures people face in prison and jails, on a population level, people who have been in prison have higher rates of infectious disease, mental health disorders, chronic conditions, and exposure to traumatic events, which can lead to Post-Traumatic Stress Disorder.^{18, 45, 57} Thus the combination of involvement in the criminal justice system plus potential residential instability creates a great public health concern.

Stable housing also creates strong communities, a necessary ingredient to good health. Stable housing provides a base for strong social connections that act as a buffer during emotional and stressful events. Living in a neighborhood where there is residential stability cultivates social cohesion and trust.⁵⁸ Black women reported receiving more support living in neighborhoods with high level of residential stability, demonstrating the use of existing relationships and community occurs when there is strong network.⁵⁸ A study on Moving to Opportunity, a federal housing program where many public housing residents were moved out of their home to other communities, found residential instability weakened social ties, reducing community connection.⁵⁹ Ties to social networks reduce stress, lowers blood pressure and heart rate, and decreases risky behaviors and mortality risk.⁶⁰ A prospective study over a ten-year period in Alameda County found individuals having strong social connections (e.g. religious organizations, friends and relatives) is associated with positive health outcomes.⁵³

For formerly incarcerated people, housing is a critical component to prevent future contact with the criminal system, to obtain and maintain employment and to reunite with children and families.

Housing affects Recidivism

There are numerous barriers and systems formerly incarcerated people must navigate to transition back into the community. People returning to the community from prison or jail, despite having served their time and paid their debt to society, continue to face punitive barriers to acquiring stable housing, even though stable housing is necessary to the recidivism. Multiple studies show that the sooner people find stable housing after release, the less likely they are to recidivate.⁶¹

Residential mobility is a strong predictor of recidivism, even after controlling for criminal history and seriousness of offense. In a study of 2,000 people returning to the community from prison, the odds of returning to prison increased by at least 70% for every time an individual changed their residency.⁶²

High rates of housing mobility impact recidivism. The odds of recidivism increase by at least 70% for every time an individual changes their residence.⁵⁵

The emergence of Housing First programs across the country in response to high healthcare and public costs of homelessness is showing promising results for people with persistent residential instability, mental health disorders, and frequent contacts with the criminal justice system. Housing First interventions, a type of Permanent Supported Housing (PSH) program, have reduced shelter use, jail stays, hospital stays and emergency room visits, and have improved health outcomes.⁴

A three-year pilot program, a partnership with United Way San Diego County and the San Diego Housing Commission, developed a supportive housing program to triage chronic homeless people to long-term supportive housing. Findings from year one showed a 69% decrease in arrests in this population, 43% decrease in days spent in jail, a 77% decrease in emergency room visits, and a 72% decrease in in-patient medical stays. Other supportive housing studies have shown a decrease in sentencing and decrease in the likelihood people will be arrested for “crimes” of homelessness (sleeping in public, loitering).¹⁵

Housing affects Employment Opportunities

Stable housing helps to secure and maintain employment, and can improve families' economic status. Without housing, an individual's ability to obtain a job becomes challenging and the probability of job loss increases.⁶³

The literature addressing the effect of having stable housing on employment rates is scant, especially with regard to how people with a criminal history are affected. Several studies looked at the effect of public housing or supported housing on employment. Living in public housing, particularly with supportive programming, led to increases in employment and income. One researcher found that public housing residents who participated in housing-assistance programs from 1995 to 2002 increased their employment rate from 15% to 20% and average income by 34%.⁵⁶ A set of researchers studied the impact of living in public housing while still a youth on employment into adulthood. They found that every year of public housing residence between the ages of 10 and 16 improved the probability of being employed between the ages of 25 and 27 by 7 percentage points compared to those who did not live in federally assisted housing.⁶⁴ The same was true in an evaluation of 13 Family Permanent Supported Housing programs – all programs showed increases in employment for residents between 15% and 38%, small increases in income, but not enough to bring people out of poverty.⁶⁵ However, an economic study found that the effect of receiving vouchers for housing was a short-term decrease in labor force participation and earnings (in the first quarter and first year) but the decrease was not sustained over time.⁶⁶ These studies were not specifically about the population of people with criminal histories, but do provide evidence for the impact of public housing on employment.

The Connection Between Housing and Family Reunification

Family members of formerly incarcerated individuals serve as the “front line” of reentry. The majority of people leaving jail or prison expect to live with their family and rely on family for housing, economic and social support. Spouses, parents, siblings, grandparents, and other loved ones often supply the immediate needs for shelter, food, clothing, job leads, and the like, and the emotional support that is vital for a person returning from prison and jail. Strong family connection acts as a protective factor to reduce recidivism.⁶² Studies show that reuniting with families after incarceration improves employment status, substance abuse avoidance, and decreases post-release depression.⁶² For example, 70% of participants interviewed between four to eight months post release reported that family was the primary reason preventing them from going back to prison.²³

The Council of State Governments reported that 71% of people who were leaving prison or jail in Maryland expected to live with their families, and the majority of the family members were living in public housing, Section 8 or other housing operated by PHAs.⁶⁷ Forty-one percent of families in one Chicago public housing neighborhood expected to have a family member from prison join them within two years.⁶⁰ A study in

New York tracked 49 people who were released from prisons and jails in New York State over one-month period. Two-days post-release, 82% reported living with relatives, spouses, or partners.⁶⁸

The Ella Baker Center, in partnership with Forward Together, conducted a survey in 14 states with 712 formerly incarcerated people and 388 family members of formerly incarcerated people in 2015. Findings showed that 58% of participants were living with family members and 9% in were living in transitional housing, or housing that was not intended to be permanent.⁶ This study confirms the importance of family members to a returning person's housing stability.

Oakland Housing Authority's Screening and Admission Process

Having stable and affordable housing can substantially affect the health of those who are already at risk for poor health outcomes, namely those with a criminal history. This case study considers (OHA's) screening practices for admission and its relationship to potential health and equity impacts that OHA could have. Human Impact Partners requested data and met with OHA representatives in April of 2016. Below are the results of document review, data supplied by OHA, and an in-person meeting.

Established in 1938, the OHA supplies over 16,000 families with subsidized housing in the City of Oakland.⁶⁹ OHA aims to, "Assure the availability of quality housing for low-income persons, promote the civic involvement and economic self-sufficiency of residents, and further the expansion of affordable housing within Oakland."⁶⁹ Under the Admissions and Continued Occupancy Policy (ACOP), updated in April 2016, OHA's responsibilities include:⁷⁰

- "Establish local policies about screening and admissions."
- "Review applications to determine whether applicants are eligible for the program."
- "Screen families who apply for tenancy to determine if they will be good renters."
- "Maintain properties to the standard of decent, safe, sanitary, and in good repair."
- "Collect rent due from the assisted family."
- "Comply with and enforce provisions of the lease."
- "Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, and other applicable federal, state and local laws."
- "Provide families with prompt and professional service."

The ACOP outlines a detailed description of events that prompt a denial of application. Any household member who is currently engaged or has a previous history (within the past five years) of drug-related criminal activities, violence and/or who threatens the safety of residents will be denied. Potential residents will be denied admission should there be evidence of:⁷⁰

1. "Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug."
2. "Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage."
3. "Criminal activity that may threaten the health, safety, or peaceful enjoyment of the premises by other residents."
4. "Criminal activity that may threaten the health or safety of OHA staff, contractors, subcontractors, or agents."

These four criteria from reviewed admission policies mirror federal law.

Human Impact Partners' in-person meeting with OHA's Chief Operating Officer and Director of Planning, Implementation, and Compliance in April 2016 helped us understand the admission process. When there are housing openings, OHA pulls potential applicant(s) from the waiting list and processes their application to determine eligibility. As noted above, as part of the screening process OHA evaluates household annual income, household composition, and criminal background. Applicants who fail the screening process are sent a letter (Appendix B) explaining the reasons for denial with information about requesting an informal review. OHA gives applicants ten days to challenge the decision of their application.

There was no evidence in OHA documents, data, or in the interview to support that OHA as a matter of course evicts residents for having a family member living with them or does not allow family members with a criminal history to join current residents. However, housing advocates shared several anecdotes of this practice happening. We were not able to systematically collect the community data, so any conclusions on this practice need further study.

Upon HIP's request (Appendix C), OHA provided a portion of data to answer the following questions:

- What is the policy for screening and admitting individuals with a criminal history?
- How many people [by race and ethnicity] with criminal history applied for public housing in Oakland between 2006 and 2016?
- How many people [by race and ethnicity] with criminal history who applied between 2006 and 2016 were accepted into public housing? How many people were denied?
- How many people [by race and ethnicity] with a criminal history presented mitigating circumstances between 2006 and 2016?

OHA's data showed the number of total applicants who are screened and the total number of applicants who did not pass the criminal background screening each year from 2006 through 2016. Table 1 shows that between 2012 and 2015, the number of applicants who failed the background check dramatically decreased. OHA believes that due to the affordable housing crisis in Oakland, people are remaining in their public housing units, leaving a limited number of available housing units and vouchers available for potential new applicants. However, a similar number of people were screened – the decrease was in the percentage of people who failed, not the number of people who applied. From 2006 through 2011, between 6% and 12% failed the background screening. Between 2012 and 2015, between 0.8% and 2.4% failed. Alternative hypotheses are that 1) there may have been a decrease in the number of applicants who had a criminal justice history; 2) there may have been a change in OHA screening practices, or both. Notably, Public Safety Realignment (AB 109, part of a larger reform mandated by the Supreme Court to reduce overcrowding of state prisons in California) was passed and

implemented in 2011, drastically increasing the number of Alameda County residents who served time in county jail instead of state prison. Also in 2011, HUD Secretary Donovan released the letter encouraging PHAs to offer “Second Chances” for those with a criminal history.

Table 1: Oakland Housing Authority: Number of Applicants Screened and Number of Applicants who failed the Criminal Background Screening

Year	Total Number of Applicants Screened	Total Number of Applicants that Failed Criminal Background Screening	Percent of Applicants who Failed Background Screening
2006	5113	323	6.3%
2007	1988	132	6.6%
2008	2976	174	5.8%
2009	1780	154	8.7%
2010	4138	505	12.2%
2011	3972	347	8.7%
2012	2363	19	0.8%
2013	3714	54	1.5%
2014	2515	37	1.5%
2015	2090	51	2.4%
2016*	390	6	1.5%
Total	31,039	1,802	5.8%

* 2016 is partial data, including only a few months in the beginning of the year.
 Source: Oakland Housing Authority, 2016.

With the current way OHA tracks data, it was not possible to extract the total number of applicants with criminal history who were screened each year. The current screening process requires OHA to document the status of the criminal background check, but only track applicants who did not pass.

The race and ethnicity of the applicants was also unavailable. While applicants are asked about their race and ethnicity on the original application, OHA did not maintain that data for the 31,039 people who were screened between 2006 through 2016.

Race/ethnicity and denials due to criminal history are essential data to collect. Without this information, OHA will not be able to determine the effects of their screening policies on individuals of color with a criminal history. OHA should document data on race, ethnicity and denials due to criminal history. Right now, the Fair Housing 2016 guidance puts the burden of getting data on plaintiffs, who are applicants.

Out of the 1,802 applicants who failed the background check, 75% (1,369) requested an informal review. Of 1,369 applicants who failed eligibility and requested a review, 64% (884) were able to overturn the decision by presenting mitigating circumstance at an informal hearing. OHA describes informal hearings as an opportunity for potential applicants, “to dispute a determination of ineligibility for admission to a project...provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.”⁷⁰

Examples of mitigating circumstances presented by applicants include but are not limited to:

- Drug Screen reports
- Job Performance references
- Parole or Probation Officer’s recommendations
- Faith Based recommendations
- Certification of completions of rehabilitation courses
- Family references
- College or trade school records recommendations

At OHA, applicants present their case at an informal hearing in front of a hearing officer. The hearing officer reviews the evidence and makes a decision about whether the applicant is granted admission or denied from moving forward.

The use of informal reviews to dispute OHA’s decision and the presentation of mitigating circumstances resulted in the majority of the denials being overturned and the ability to continue with the eligibility process. This data demonstrates the use of mitigating circumstance(s) was beneficial in allowing applicants to present their circumstance and ensure an individualized assessment is applied to make decisions.

Analysis and conclusions about OHA's screening process

- The number of people screened out due to having a criminal history has drastically decreased since 2012. It is unclear to the reasons why there was a decrease.
- However, the numbers of people who are screened out for admission to public housing are quite small.
- OHA does not maintain data on the race and ethnicity of applicants who have been denied because of their criminal history, which undermines its ability to assess the effects of its screening policies on racial and ethnic minorities.
- 75% of those who were screened out due to having a criminal history requested an informal hearing.
- Of those who requested an informal hearing, 64% had their eligibility decision overturned and were able to continue on in the admissions process.
- Data on how many people ultimately were able to move into public housing was not supplied.
- Further assessment is needed into the practice of allowing family members with a criminal history to join current public housing and voucher residents, as well as eviction practices in these circumstances.

HUD's guidelines from April 2016 show the use of individualized assessment is "likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into account."³⁸ By allowing the use of mitigating circumstances, PHAs prioritize the individual's ability to become a good tenant over their criminal history. In addition to conducting individualized assessments, PHAs should prioritize mitigating evidence as part of the application process by providing a description of mitigating circumstances and allowing applicants to submit their evidence along with the initial application.

An example of where this is taking place is in New Orleans. The Housing Authority of New Orleans (HANO) in 2016 adopted a new policy to be more inclusive of individuals with a criminal records. HANO states, "No applicant for HANO-assisted housing will be automatically barred from receiving housing because of his or her criminal background, except as mandated by federal law."³⁵ Guided by the new policy, HANO is transforming their existing guideline to allow applicants with criminal history to submit mitigating evidence in advance before a screening decision is made. Instead of waiting to get evidence at post-denial hearing, HANO will be encouraging the submission of documents earlier. Changing their approach, HANO will guarantee an individualized assessment is conducted, taking a holistic method to determine eligibility.

Conclusion and Predictions

Housing is a fundamental necessity to effectively integrate formerly incarcerated individuals with their families and communities. Lacking stable housing negatively affects the health of individuals, one’s ability to obtain employment, access healthcare services, reunite with family, and recidivism. Our health impact assessment findings gives us the ability to make predictions on the changes we expect to observe as result of modifying the existing OHA’s screening and admission policies.

The following table outlines the positive changes in screening practices, health, employment, recidivism and family reunification we anticipate individuals, families and communities will benefit from if OHA were to change its practices and allow mitigating circumstances to be presented with the initial public housing application instead of only on appeal.

Health Impact Assessment Predictions

Allowing mitigating circumstances to be presented with the initial public housing application will:

Category	Prediction
<i>Application processing</i>	<ul style="list-style-type: none"> • Fewer applicants would be denied because of their criminal history • Prioritize an individual’s financial and other qualifications over their criminal history as a primary driver for determining suitability • Remove the need to appeal and request an informal review • Reduce unnecessary two-step processes and associated staff time and cost to coordinate follow up with applicants • Remove barriers (transportation, childcare, personal circumstances, etc.) that keep potential applicants from attending the informal interview • It is unclear if this policy will reduce racial disparities due to the lack of data on race and ethnicity.

It should be noted the expected changes below are for individuals who pass the OHA screening process and able to obtain public housing.

<i>Health</i>	<ul style="list-style-type: none"> • Improve physical and mental health outcomes for those individuals • Improve use of primary and preventative care and decrease use of emergency room, hospitalization, and the need for more intensive and costly treatment for people with mental illness • Decrease depression and stress • Improve the health of children
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	<ul style="list-style-type: none"> • Decrease infectious disease (HIV), tobacco use and substance abuse.
<i>Employment/ Income</i>	<ul style="list-style-type: none"> • Increase opportunities to gain employment • Increase a person's ability to maintain employment
<i>Recidivism</i>	<ul style="list-style-type: none"> • Decrease re-arrest, re-incarceration and number of days in jail
<i>Family Reunification</i>	<ul style="list-style-type: none"> • Increase family reunification and strengthen connections

Recommendations and Monitoring

The following recommendations stem from the findings and predictions of this Health Impact Assessment, and have been prioritized by the Advisory Committee.

Recommendation	Agency responsible	Due Date
<p>1</p> <p>Allow mitigating circumstances to be presented as part of the initial application for public housing. In implementing this:</p> <ul style="list-style-type: none"> a. Provide explicit language on the types of examples of mitigating circumstances accepted, factors that OHA will consider and the importance of providing supporting evidence. b. Educate potential applicants about applicable mitigating circumstance and how to incorporate them into the application process. 	<p>PHAs & OHA</p> <p>HUD, PHAs & OHA</p> <p>PHAs, OHA, & Non-profit housing organizations</p>	<p>Dec 1, 2016</p>
<p>2</p> <p>OHA should assess its implementation of policies that allow individuals with criminal history to join their family in public housing. Federal policies impose lifetime bans on admission to public housing programs for only two categories of crimes. PHAs must enforce a ban on 1) individuals who “have manufactured or produced methamphetamine on the premises of federally assisted housing and 2) sex offenders subject to a lifetime registration requirement under a State sex offender registration program.” If an OHA assessment finds that other categories of people with criminal histories are being excluded, OHA should eliminate practices of evicting existing residents from public housing for allowing a family member returning from prison or jail or denying admission if there is no valid reason for doing so.</p>	<p>PHAs & OHA</p>	<p>Sept 1, 2016</p>
<p>3</p> <p>Collect, track, and make report publicly accessible on race and ethnicity of applicants to examine the potential impact of OHA’s housing policies on people of color. In addition, collect and report the number of people with a criminal history who apply</p>	<p>PHAs & OHA</p>	<p>Sept 1, 2016</p>

	for housing and who are screened out.		
4	Document and share publicly how HUD and PHAs are implementing HUD's April 4, 2016 guidance on enforcing the Fair Housing Act. HUD should require annual reporting of data on admissions and denials by race and by criminal record.	HUD PHAs OHA	July 1, 2017
5	Engage the most impacted communities in making changes to the application process by conducting surveys to garner feedback on the screening and admission procedure.	PHAs OHA	Sept 1, 2016
7	Publish an annual Impediments to Fair Housing analysis specifically for OHA (separate from the City of Oakland's analysis) that analyzes impediments, including having a criminal record, and OHA's and other strategies to overcome those impediments.	OHA	July 1, 2017, or at the same time as the OHA Annual Report

Advisory Committee members and technical experts will monitor implementation of the recommendations through existing and future interactions with HUD, PHAs, and OHA. Human Impact Partners will track progress biannually.

Appendices

- A. HIA Process
- B. OHA Denial Letter
- C. HIA Data Request Letter

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Appendix A: HIA Process

HIA is a flexible process that involves six steps:

1. Screening – determining if an HIA is warranted and would add value to the decision-making process.

HIAs are traditionally conducted on policy proposals that are part of an active decision-making process. While there was no change proposed at the onset of this HIA, the Shriver Center had been working on a suite of US Housing and Urban Development (HUD) and local Public Housing Authority (PHA) screening policy and practice changes, and the HIA Advisory Committee focused on one of these – PHAs’ incorporation of the ability to present mitigating circumstances as part of the original application process – as the basis for this HIA.

The HIA Advisory Committee (the Ella Baker Center for Human Rights, the Sargent Shriver National Center on Poverty Law, East Bay Housing Organization, Oakland Community Organizations, and Assemblymember Rob Bonta’s office) elevated this particular policy, and in the course of conducting this HIA, HUD’s April 2016 guidance on Fair Housing Policies constituted an administrative shift on which to focus this HIA.

The Advisory Committee felt that this issue was not being considered from the point of view of the health impacts that PHA screening practices have. Partners were willing to collaborate, and felt that the HIA would add value in Oakland, could be used nationally with local PHAs, and with HUD.

2. Scoping – collaboratively determining which health impacts to research, the methods for analysis, and the workplan for completing the assessment.

To decide on the priority research questions for this HIA, Human Impact Partners (HIP) created a visual pathway diagram to guide prioritization of how changing screening policies might impact health. Based on this diagram, the Advisory Committee, with technical expertise provided by the Alameda County Public Health Department, decided to focus the research on the following questions:

- a. What is the intersection between the criminal justice system, race, and housing?
- b. How does housing status affect health outcomes for people who have a criminal history?
- c. How does having housing affect recidivism, employment status, and family unity for people who are formerly incarcerated?
- d. How do Public Housing Authorities, and specifically the Oakland Housing Authority’s, screening policies for people with a criminal history impact this

population's ability to get housing? Specifically we considered policies that allow residents to present mitigating circumstances.

3. Assessment – gathering existing conditions data and predicting future health impacts using qualitative and quantitative methods.

The following assessment methods were used:

- a. Literature review – report authors researched the connections between criminal justice and housing, housing and health, housing and family unity, criminal justice involvement and family unity, housing and recidivism, housing and employment, and criminal justice involvement and employment. Search terms for all topics included public housing and health interventions. Sources used included peer-reviewed literature, and government, advocacy, and academic reports.
- b. Secondary data – HIP made a request to OHA for data regarding numbers of people screened out due to having a criminal history by race and ethnicity, from 2006 through 2016. We also requested numbers of appeals, informal reviews, and number of people ultimately able to gain housing after being screened out.
- c. Interview – HIP, OHA's Chief Operating Officer, and OHA's Director of Planning, Implementation, and Compliance met. OHA provided valuable insight into the screening criteria and informal review process, as well as explaining the data they provided.

Qualitative predictions were based on findings in the literature, OHA data and interview.

4. Recommendations – developing strategies to mitigate negative and elevate positive health outcomes of the proposal.

Recommendations were developed based on the outcomes predicted, the data provided by OHA, and suggestions from the Advisory Committee after hearing the findings and drawing on their own expertise. The recommendations were prioritized by the Advisory Committee and shared with the Alameda County Public Health Department and the Oakland Housing Authority to assess feasibility.

5. Reporting – creating a report and disseminating the findings and recommendations.

The findings and recommendations from this report will be disseminated primarily by the Advisory Committee.

6. Monitoring and evaluation – tracking the effect the HIA recommendations had on policies and practices as well as on determinants of health.

As part of the discussion about the Recommendations, Advisory Committee members volunteered to monitor any OHA, PHA, and HUD policies and practice changes that align with advocacy efforts they are currently participating in and will be embarking upon.

Stakeholder engagement

Stakeholder engagement, including participation of community members who are directly impacted by practices and policies, is a vital part of HIA. We engaged stakeholders primarily through participation in the Advisory Committee and data collection and content guidance.

Because this HIA was a “limited scope” HIA, we did not collect data with communities. Our Advisory Committee was able to represent the experience of people living in (or attempting to live in) public housing while having a criminal history. Post-HIA plans include sharing the HIA findings and recommendations with impacted community members to further validate the findings with lived experience and activate any community members interested in becoming further involved in this issue.

Appendix B: OHA Denial Letter



**Notice of Proposed Denial of Admission
And Provision of Criminal Record**

April 26, 2016

Name
Address
City CA Zipcode

Applicant / Client #

Dear Applicant:

Your application for federally assisted housing is being proposed for denial because you have failed the Criminal Background Screening due to the following information set forth in the enclosed redacted Criminal Record(s):

_____	_____
_____	_____
_____	_____
_____	_____

Informal Review Procedures

Before the Oakland Housing Authority (OHA) makes a final determination of your eligibility, we are providing you an opportunity to present any additional information and/or documentation at an Informal Review.

You have ten (10) business days from the date of this letter to request an Informal Review. You may submit your written request for an Informal Review to our office at 1540 Webster St, Oakland, CA 94612 or via fax (510) 587-2169, Attn: Informal Review

If you do not submit a written request for an Informal Review within ten (10) business days of the date of this letter, the OHA will consider you to have waived this opportunity for an Informal Review and will determine your eligibility based on the information already in your file. If, after examining all relevant documentation, OHA still determines you are ineligible, OHA will proceed with issuing you a Notice of Denial of Admission.

If you do submit a written request for an Informal Review, the Oakland Housing Authority will notify you of the date of your scheduled Informal Review within ten (10) business days of receiving your request.

At the Informal Review, you may present information and/or documentation to dispute the accuracy and relevance of the conviction(s) listed above.

You have the right to bring counsel to the Informal Review. If you need a referral for legal services, you can call the Eden Information & Referral line at “211” or 1 (888) 886-9660. The Oakland Housing Authority also has legal service resource listings on its website at www.oakha.org and in the lobby of its offices.

If you believe this proposed denial of admission is related to problems you or your family member experienced as a victim of domestic violence, dating violence, stalking, or sexual assault, you may have protections under the law called Violence Against Women Act 2013. Please see HUD form 50066 that accompanies this notice.

If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the OHA 504/ADA Coordinator, Darryl Moore, at (510) 587-2116 or (510) 587-2100.

Language translation services are available in 151 languages at all offices at no cost.

所有辦公地點都會免費提供 151 種的外語翻譯服務。

Los servicios de traducción en 151 idiomas están disponibles en todas las oficinas sin ningún costo.

Trung chình thông dịch đây đủ cho tới 151 tiếng nói miêng phí cho quý vị đang có tay nhiều vãng phòng gần đây.



Sincerely,

Enclosure: Redacted Criminal Records
HUD Form 50066

1619 Harrison St. • Oakland, CA 94612 • (510) 587-2100 • TTD (510) 832-0633

Appendix C: HIA Data Request Letter



February 29, 2016

Re: Request for Data

Dear Oakland Housing Authority,

Human Impact Partners (HIP) is a national non-profit working to transform the policies and places people need to live healthy lives by increasing the consideration of health and equity in decision-making. HIP is collaborating with Ella Baker Center for Human Rights on a health impact assessment study looking at the health and equity implications of modifying the screening process of the Oakland Housing Authority's for individuals with criminal history who are seeking public housing.

We are advised in this effort by the National Sargent Shriver Center on Poverty Law, California State Assembly member Rob Bonta's office, Oakland Community Organizations and East Bay Housing Organizations. Our advisors will guide HIP in prioritizing the research questions and the findings that can help OHA consider changes in practice that will have the most beneficial health and equity impacts for people seeking public housing.

Health impact assessments are a data and evidence-driven public health tool to engender conversation about systemic change that will improve health and equity. Around the country, health departments and community organizations are using HIAs in collaboration with institutions that have power over decisions, like housing, that greatly impact health inequities.

The HIA has two aims:

- Analyze the individual, family and community health and equity effects of the current Oakland Housing Authority's policies for individuals with a criminal history
- Work with the Oakland Housing Authority to develop specific strategies to increase housing accessibility for individuals who have criminal history with the goal of improving individual and community health outcomes

The barriers people with a criminal history face in accessing public housing has been elevated because of national research that indicates that having stable housing is one the main barrier that people experience to their well-being and successful reentry. However, we are missing the Oakland Housing Authority's perspective and data to inform the HIA analysis about how this plays out on a local level. We believe with your partnership and knowledge regarding the screening and application process, we will be able to produce a rigorous assessment that can aid OHA.

We have outlined the specific data we are interested in gathering from your office.

1. What is the policy for screening and admitting individuals with a criminal history?
2. How many people with criminal history applied for public housing in Oakland between 2006 and 2016?
 - By race and ethnicity
3. How many people with criminal history who applied between 2006 and 2016 were accepted into public housing? How many people were denied?
 - By race and ethnicity
4. How many people with a criminal history presented mitigating circumstances between 2006 and 2016?
 - By race and ethnicity
 - What type of mitigating evidence were presented by applicants
 - Of those who presented mitigating evidence, how many were granted approval for housing?
 - Of those who were denied, what were the reasons they were not approved?

Our timeline for collecting data from your office requires working together to meet our quick timeline. We are hoping to finish data collection by March 25th. In the meantime, we would like to coordinate an in-person meeting to discuss the request in detail, offer our assistance to support your staff with data collection, and begin a conversation about the challenges OHA faces with screening criteria for this population that will enable us to create feasible recommendations from the HIA findings.

Please contact me at your convenience at (510) 452-9442 ext. 112 or afomeia@humanimpact.org to coordinate a meeting before March 11th. Thank you for partnership and we look forward to working together on this health impact assessment.

Thanks,

Afomeia Tesfai
Human Impact Partners' Health and Equity Fellow 2015-2016

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Health Equity Fellow
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